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Bensenville, IL 60106

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VILLAGE BOARD

May 11, 2021

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Mr. Robert Plichta  
4215 Campus Drive  
Aurora, Illinois 60504

Re: May 4, 2021 FOIA Request

Dear Mr. Plichta:

I am pleased to help you with your May 4, 2021 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on May 4, 2021. You requested copies of the items indicated below:

*"I am looking for a copy of the Bensenville Village Code adopted in 1997 and/or 1998."*

After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Ordinance No. 36-91 entitled *"Amending the Comprehensive Zoning Ordinance"*. (183 pgs.)
- 2) Village of Bensenville Ordinance No. 28-98 entitled *"An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Grand Avenue Redevelopment Project Area"*. (76 pgs.)

These are all the records found responsive to your request.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

  
Corey Williamsen  
Freedom of Information Officer  
Village of Bensenville

VILLAGE OF BENSENVILLE

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ORDINANCE NO. 36-91

AMENDING THE COMPREHENSIVE ZONING ORDINANCE

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ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 17TH DAY OF DECEMBER, 1991

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Published in pamphlet form by authority of the  
President and Board of Trustees of the Village of  
Bensenville, DuPage County, Illinois this 19th day  
of December, 1991.

STATE OF ILLINOIS      )  
                            )  
                            )      SS  
COUNTIES OF COOK      )  
AND DUPAGE              )

CERTIFICATE

I, Elvira L. Johnson, certify that I am the duly elected and acting municipal clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

I further certify that on December 17, 1991, the Corporate Authorities of such municipality passed and approved Ordinance No. 36-91, entitled Amending the Comprehensive Zoning Ordinance which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 36-91, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on December 19, 1991, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Bensenville, Illinois, this 19th day of December, 1991.

SEAL

*Elvira L. Johnson CMC*  
Elvira L. Johnson, CMC  
Village Clerk

ORDINANCE # 36 -91

AMENDING THE COMPREHENSIVE ZONING ORDINANCE

BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

SECTION ONE: That the ordinance known as the Comprehensive Amendment to the Zoning Ordinance and Map of the Village of Bensenville, Illinois, prepared October 28, 1991 shall replace in its entirety by substitution the Bensenville Zoning Ordinance adopted August, 1964 and approved by the President and Board of Trustees of the Village of Bensenville, Illinois on the 29th day of September 1964, and amended May, 1976, in its entirety.

ARTICLE I

TITLE

This ordinance shall be known as the Zoning Ordinance of 1991, cited and referred to as the Bensenville Zoning Ordinance.

ARTICLE II

INTENT AND PURPOSE

- A. This ordinance is adopted for the purpose of:
  1. promoting and protecting the public health, safety, comfort, morals, convenience and general welfare;
  2. securing adequate natural light, pure air, and safety from fire and other dangers;
  3. conserving the taxable value of land and structures; and
  4. enhancing aesthetic values generally throughout the Village of Bensenville.
- B. To these ends this ordinance is intended to accomplish certain standards and objectives by:
  1. dividing the entire Village of Bensenville into districts and restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land, whether for residential, business, manufacturing, or other specified uses;

AMENDING THE COMPREHENSIVE ZONING ORDINANCE

2. avoiding or lessening congestion in the public streets;
3. preventing the overcrowding of land through regulating and limiting the height and bulk of buildings hereafter erected as related to land area;
4. establishing, regulating, and limiting the building or setback lines on or along streets, alleys, or property lines;
5. regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding such buildings;
6. establishing standards to which structures therein shall conform;
7. prohibiting uses or structures incompatible with the character of the residence, business, or manufacturing districts;
8. preventing additions to, and alterations or remodeling of, existing structures in such a way as to avoid the restrictions and limitations hereunder imposed;
9. providing for the termination, as hereinafter provided, of those uses and structures which are incompatible with the character of the districts in which they are located, by:
  - a. elimination of such non-conforming uses of unimproved lands or lots when the existing rights of the persons in possession thereof are terminated, or when the uses to which they are devoted have ceased by discontinuance or abandonment;
  - b. elimination of non-conforming structures, when the uses to which they are devoted have ceased by discontinuance or abandonment; and
  - c. elimination of non-conforming structures when they are destroyed or damaged in major part.
10. defining and limiting the powers and duties of the administrative officers and bodies as hereinafter provided; and

AMENDING THE COMPREHENSIVE ZONING ORDINANCE

11. prescribing penalties for the violation of the provisions of this ordinance, or any amendment thereto.

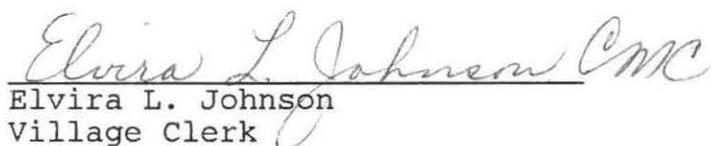
SECTION TWO: All ordinances in conflict herewith are repealed to the extent of said conflict.

This ordinance is in full force and effect from and after passage and publication according to law.

PASSED AND APPROVED by the President and Board of Trustees at the Village of Bensenville, this 17th day of December, 1991.

  
John C. Geils  
Village President

ATTEST:

  
Elvira L. Johnson CMC  
Elvira L. Johnson  
Village Clerk

AYES: Krass, Reimer, Strandt, Walberg, Wanzung, Weber

NAYS: None

ABSENT: None

Published in Pamphlet Form

# VILLAGE OF BENSENVILLE

## ZONING

## ORDINANCE

Ordinance No. 36-91  
Adopted December 17, 1991  
Effective February 1, 1992

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### Village of Bensenville

700 West Irving Park Road Bensenville, Illinois 60106

John C. Geils, Village President

Michael S. Allison, Village Manager

Lawrence A. Bazaar, Director of Building and Zoning

(708) 350-3409

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Prepared by  
**GANN ASSOCIATES**

551 Roosevelt Road Suite 190 Glen Ellyn, Illinois 60137 (800) 762-GANN

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Parties interested in the zoning regulations of the Village should also consult:

Ordinance No. 9-88 Development in Special Flood Hazard Areas

Ordinance No. 10-88 Storm Water Management

Ordinance No. 4-89 Bensenville Sign Ordinance

Ordinance No. 29-87 Architectural Design

Ordinance No. 6-86 Bensenville Subdivision Regulations Ordinance

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*Chapter 1*  
**General Provisions**

**1.01 Establishment and Applicability**

**(a) Title**

This Ordinance shall be known, cited, and referred to as: The Village of Bensenville Zoning Ordinance.

**(b) Purpose**

**(1) Objectives**

This Ordinance is adopted for the purpose of improving and protecting the public health, safety, and welfare of residents of the Village. To this end the Ordinance seeks:

- A. To further the implementation of the objectives of the adopted General Development Plan for the Village of Bensenville in such a manner as any changed conditions since its adoption may require
- B. To zone all land in the Village with a view to conserving property values and encouraging the most appropriate use of land throughout the Village
- C. To protect all areas of the Village from harmful effects of incompatible uses
- D. To establish adequate standards for the provision of light, air, and open spaces
- E. To prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration
- F. To lessen congestion in the streets
- G. To facilitate provision of adequate public services and facilities such as transportation, water, sewerage, and parks

H. To provide for adequate drainage, control of erosion, reduction of flood damage, and destruction of sensitive or valuable environmental resources

I. To foster a desirable pattern of relationships among residential, commercial, industrial, and other uses for the mutual benefit of all types of development

J. To isolate and control the location of unavoidable nuisance-producing uses.

**(2) Means**

To accomplish the above objectives, this Ordinance further seeks:

- A. To establish reasonable standards to which buildings, structures, and other uses of land shall conform
- B. To prevent new construction or alteration or expansion of existing construction that does not comply with the restrictions herein
- C. To provide for the elimination in appropriate situations of existing uses that are incompatible with the character of the districts in which they are located
- D. To define the powers and duties of the officers and bodies charged with the enforcement of this Ordinance
- E. To prescribe penalties for any violation of the provisions hereof.

**(c) Repeal**

Upon adoption of this Ordinance, there are hereby repealed the Comprehensive Amendment to the Zoning Ordinance of the Village of Bensenville, adopted April 22, 1976; the Bensenville Fence Ordinance; the Bensenville Satellite Dish Ordinance; the Bensenville Single-Family Driveway Ordinance; and all subsequent amendments thereto. No other ordinance, regulation, pre-annexation agree-

## General Provisions

## *Bensenville Zoning Ordinance*

ment, or private agreement, covenant, or easement is intended to be repealed or abrogated by this Ordinance.

### **(d) Effective Date**

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

### **(e) Applicability**

No building, structure, land, body of water, or premises shall hereafter be constructed, altered, converted, enlarged, moved, used, or occupied except in conformity with the provisions herein.

### **(f) Separability**

If any court of competent jurisdiction shall adjudge invalid any provision of this Ordinance, such judgment shall not affect any other provision hereof not specifically included in said judgment.

Further, if such court shall adjudge invalid the application of any provision hereof to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

### **(g) Allowable Uses**

Only the following uses of land, water areas, buildings, or structures are allowed in the Village:

#### **(1) Existing Lawful Uses**

Uses lawfully established as of the effective date of this Ordinance.

#### **(2) New Uses With Existing Permits**

Uses which:

A. had a Building Permit lawfully issued prior to the effective date of this Ordinance, and

B. began construction within six months of such date and diligently prosecuted such construction to completion, and

C. are constructed and occupied in conformance with the plans that were the basis for the issuance of the Permit.

### **(3) Permitted Uses**

Permitted Uses in the applicable zoning district, subject to the conditions and requirements herein.

### **(4) Conditional Uses**

Conditional Uses in the applicable zoning district, subject to the approval of a Conditional Use Permit and other conditions and requirements herein.

### **(5) Temporary Uses**

Temporary Uses, subject to the provisions in the Special Development Approvals chapter herein.

### **(h) Minimum Requirements**

The provisions herein shall, in their interpretation and application, be held to be minimum requirements.

### **(i) More Restrictive Regulation or Covenant Applies**

If this Ordinance establishes a requirement that is either more or less restrictive than that established by any other law, regulation, pre-annexation agreement, or private agreement, covenant, or easement applying within the Village, then the requirement that is the more restrictive or that imposes the higher standard shall govern.

### **(j) Unlawful Existing Uses Not Made Lawful**

No building, structure, or use not lawfully existing at the time of adoption of this Ordinance shall be made lawful solely by the

adoption thereof. Such structure or use shall remain unlawful hereunder to the extent that it is in conflict with the provisions of this Ordinance.

## 1.02 Zoning Districts

### (a) Establishment of Districts

To accomplish the purposes of this Ordinance, the Village of Bensenville is hereby divided and classified into zoning districts as provided in the District Regulations chapter herein and on the Zoning District Map.

### (b) District Regulations

Regulations for individual zoning districts shall be as provided in the District Regulations and Allowable Uses chapters of this Ordinance.

### (c) Zoning District Map

The zoning classification of all land in the Village shall be shown on the map designated as the Village of Bensenville Zoning District Map, dated and signed by the Village Clerk upon adoption.

The Zoning District Map, everything shown thereon, and all amendments thereto shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Village Clerk. The Map shall be available for public inspection in the Department of Building and Zoning. Any amendments to the Map shall be dated, filed, and made available for public reference.

### (d) Single District Classification

No single area of land or water shall at the same time be classified in more than one zoning district, except that land may be classified both in an overlay district and in a district that is not an overlay district.

### (e) Lots Split by District Lines

Where a district boundary divides a lot in single ownership, the district governing any portion of the lot may, at the owner's discretion, be considered to extend to the entire lot if such extension is not more than 25 feet beyond the district boundary on the Zoning District Map.

### (f) Interpretation of Boundaries

Boundary lines of districts on the Zoning District Map shall, unless clearly indicated otherwise, be on:

- (1) the boundary lines of the Village, or
- (2) sections or divisions of sections, or
- (3) tract or lot lines, or
- (4) the center lines of streets, railroads, alleys, easements, rivers, and other water bodies, or
- (5) the extension of such lines.

District boundary lines approximately following such lines shall be interpreted as located on those lines. Distances not specifically indicated on the map shall be established using the scale of the map.

### (g) Zoning of Annexed Land

Except as may be provided for by a pre-annexation agreement or by simultaneous or subsequent amendment to this Ordinance, any parcel of land hereafter annexed to the Village shall upon annexation be classified in the RS-1 Single-Family Residential District.

## 1.03 Other General Provisions

### (a) Regulation of Floodplain Lands

The use of land located within special flood hazard areas shall be regulated by the existing Village Floodplain Ordinance.

### (b) One Building Per Lot

No more than one principal building or use shall be permitted on any lot in any zoning district unless either a Planned Unit Development Final Plan or site plan governing all building has been approved by the Village Board.

Structures or portions thereof shall be considered as separate principal buildings if they are completely separated only by open space and /or by an open or enclosed corridor or passageway.

### (c) Open Storage and Operations

All business, service, storage, merchandise display, and, where permitted, repair and processing in all districts shall be conducted wholly within enclosed buildings except for:

- (1) off-street parking
- (2) off-street loading
- (3) sale of fuel, lubricants, and related fluids at service stations
- (4) open sales lots or outside storage in districts where these uses are permitted, subject to the requirements in the Landscaping and Screening chapter
- (5) vending machines, pay telephones, automatic teller machines, and the like
- (6) drive-in facilities, as defined herein
- (7) other accessory uses customarily associated with a Permitted or Conditional Use
- (8) construction operations and construction materials and equipment at construction sites during and not more than 7 days before and after the period of construction activity
- (9) customary open residential activities and storage, such as repairs to residences and household vehicles and storage of

household vehicles, but not to include storage for more than 48 hours in any consecutive 30-day period of junked, damaged, or immobilized motor vehicles awaiting repair or appliances, fixtures, or similar materials

(10) uses permitted in yards, as provided in the Accessory Uses, Yards, and Fences chapter herein

(11) Temporary Uses, as regulated in the Special Development Approvals chapter

(12) other uses and operations that are commonly and characteristically conducted in the open.

Uses other than the foregoing that are allowed in Industrial Districts may be conducted outside of enclosed buildings within those districts as a Conditional Use.

### (d) Airport Area Height Limits

No structure shall exceed applicable height limits established by the State of Illinois Airport Approach Plan for O'Hare International Airport, a copy of which shall be available as a public record in the Department of Building and Zoning.

### (e) Exceptions to Arterial Lot Dimensions

The following lots are exempt from the special required minimum lot dimensions along streets designated as Principal or Minor Arterials in the Thoroughfare Plan of the Bensenville General Development Plan that are provided in the regulations for individual zoning districts in the District Regulations chapter herein:

#### (1) Existing Lots

Existing lots of record as of the effective date of this Ordinance.

#### (2) New Lots With Controlled Access

Lots subdivided after the effective date of this Ordinance that meet any of the following

conditions:

A. Access from Intersecting Street

The only permanent access to the lot is or is to be from one or more public streets or public access drives that are not arterials and are either already in existence or have been planned and approved by the Village.

B. Shared Curb Cut

The only permanent access to the lot is from one or more curb cuts provided jointly with one or more other lots that together with the subject lot have a combined frontage on the arterial of 150 feet or more.

C. Frontage Road

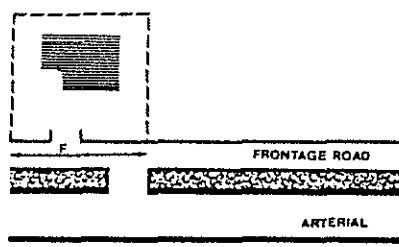
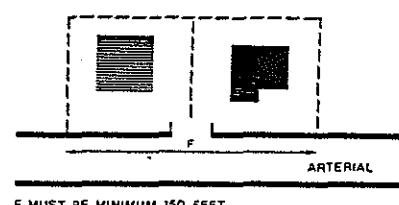
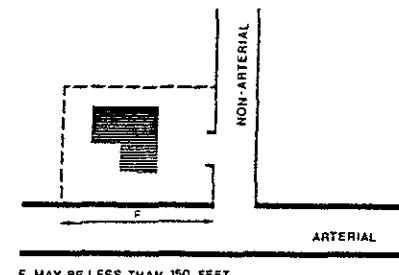
The only permanent access to the lot is or is to be provided from a frontage road planned and approved by the Illinois Department of Transportation, DuPage County, or the Village as provided by law.

D. Other Arrangements

Other arrangements recommended by the Director of Building and Zoning and approved by the Village Board:

1. establish a minimum distance, measured along the street line, of 150 feet between each curb cut on the lot and every other curb cut on the lot or any adjacent lot, or
2. appropriately control left turns in and out of curb cuts by driveway channelization or signage, or
3. otherwise in the judgment of the Board effectively reduce the harmful impact of closely-spaced curb cuts on traffic movement and safety.

**Arterial Lot Dimensions**



*Chapter 2*  
**Filing Procedures**

**2.01 General Provisions**

**(a) Applicability**

Except as otherwise provided herein, the requirements of this chapter shall apply to all applications for Special Development Approvals submitted under Chapter 6 and for Planned Unit Developments under Chapter 9 of this Ordinance.

**(b) Definitions**

The Advisory Action Body and Final Action Body shall be as provided in Table 2A. The Review Body shall be the applicable Advisory Action or Final Action Body. The Hearing Body shall be as provided in Table 2B.

**(c) Financial Sureties**

**(1) Form**

When financial sureties are required hereunder to guarantee future compliance with this Ordinance or with any conditions to which any approval hereunder has been made subject, such sureties shall:

A. take the form of a performance bond, clean irrevocable letter of credit, certified check, trust account, or certificate of deposit payable to the Village or other form approved by the Village Attorney, and

B. be in the amount of 110 percent of the cost of all materials and labor required to achieve such compliance as has not yet been completed and accepted by the Village, based on a cost estimate filed by the applicant and approved by the Director of Building and Zoning, and

C. be approved by the Village Attorney.

The Director of Building and Zoning may use such sureties to contract for performance of any actions required for compliance not completed by the applicant within the applicable time period. He or she shall return any funds not used for this purpose after inspecting and approving the completed work.

**(2) When Required**

Financial sureties for Planned Unit Developments shall be required as provided in the Planned Unit Development chapter herein. Financial sureties for other Special Development Approvals shall be as required by the applicable Final Action Body specified in Table 2A or as provided elsewhere in this Ordinance.

**(d) Disclosure of Interest**

The party signing the application shall be considered the applicant.

An applicant must be the fee owner or trustee of record, trust beneficiary, lessee, contract purchaser, or option holder of the subject property or his or her agent or nominee.

**(1) Applicant Is Not Fee Owner**

If the applicant is not the fee owner of record of the subject property, the application shall disclose the legal capacity of the applicant and the full names, addresses, and telephone numbers of all owners.

In addition, an affidavit of the fee owner or owners shall be filed with the application stating that the applicant has authority from the owner to make the application.

**(2) Applicant or Fee Owner Is Corporation or Partnership**

If the applicant, fee owner, contract purchaser, option holder, or any beneficiary of a trust is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, and registered agents, or the

partnership's general partners and those shareholders or limited partners owning in excess of five percent of the outstanding stock or interest in the corporation or interest shared by the limited partners.

### (3) Applicant or Owner Is a Trust

If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be disclosed in the application.

Disclosure of present ownership shall be accompanied by a statement of the name, address, and phone number of the prospective purchaser, if any.

In the event of a change in ownership between the time the application is filed and the time of the meeting or public hearing, such change shall be disclosed by affidavit no later than the time of the meeting.

## (e) Public Hearing

### (1) Applicability

The provisions herein shall apply to any action that requires a public hearing as provided in Table 2B.

### (2) Hearing Conduct

Applicants shall have the right to have subpoenas issued by the Village for persons or documents, to present witnesses, and to cross-examine all witnesses testifying at the public hearing.

The Chairman may compel the attendance of witnesses. All testimony by witnesses shall be given under oath administered by the Chairman.

All parties wishing to be heard shall be heard at least once at the hearing or a continuation thereof. Such parties may testify themselves or, at their option, be represented by an attorney, engineer, or other professional advisor or agent.

## (f) Public Notice

### (1) Applicability

Except as otherwise provided herein, public notice of a hearing shall be provided for any action that requires a public hearing under Table 2B.

### (2) Forms of Notice

The required notice shall consist of the following actions:

#### A. Sign Notice (15 days)

Except in the case of comprehensive amendments of the Ordinance initiated by the Village to rezone more than 10 lots, the Director of Building and Zoning shall post a sign on the subject property,

The sign shall:

1. face and be visible from a public street, and
2. be no further than 20 feet from the right-of-way line, and
3. be erected no more than 30 nor less than 15 days prior to the date of the scheduled hearing, and
4. remain continuously in place until the hearing is concluded but no more than 10 days thereafter.

No posted sign shall be removed, tampered with, or destroyed before the conclusion of the hearing except by action of the Village.

#### B. Written Notice (15 days)

##### 1. Applicability

Except in the case of comprehensive amendments of the Ordinance initiated by the Village to rezone more than 10 lots, the applicant shall also provide written notice of a required public hearing to:

A. the owners of record of each parcel of real estate included:

1. within the property, and

2. within 250 feet in all directions from the boundaries thereof, and

B. neighborhood and village-wide organizations that have filed with the Director of Building and Zoning written requests to be notified of applications of specified types within a geographic area that includes the subject property and that have renewed such request when asked to do so from time to time by the Director.

The owners of record shall be considered those appearing on the records of DuPage County or those who paid property taxes for the most recent year according to the County records.

## 2. Delivery

The written notice shall be delivered by hand or sent by registered or certified mail, with a signature or return receipt requested, using first class or faster service not less than 15 nor more than 30 days prior to the scheduled date of the public hearing.

## C. Published Notice (15 days)

The Director of Building and Zoning shall cause to be published a notice of the hearing once in a newspaper of general circulation in Bensenville not less than 15 days nor more than 30 days before the scheduled date thereof.

This requirement shall apply to all Amendments, including comprehensive Amendments initiated by the Village.

## (3) Content of Notice

A written or published notice shall contain:

A. the name and address of the legal and beneficial owner of the subject property and the applicant, if different from the owner

B. the street address and a description of the location of the subject property that will enable the ordinary reader to accurately locate it, and

C. the nature of the zoning action requested, and

D. the date, time, and location of the hearing, and

E. the location where the application may be examined by the public, and

F. information on when and how the recipient of the notice may provide verbal bearing testimony or written comments.

A sign notice shall state that a zoning action has been requested and provide the telephone number of the Department of Building and Zoning to call for information. It shall conform to such requirements as to copy, size of lettering, and other items as may be established by the Village Board.

## (4) Evidence of Notification

No later than the time of the hearing, the applicant shall file with the body conducting the hearing an affidavit stating that the requirements for Public Notice herein have been fully complied with.

## 2.02 Approval Process

### (a) Applicability

Except as otherwise provided herein, the Approval Process herein shall apply to Planned

Unit Developments under Chapter 9 and to all applications for Special Development Approvals authorized in Chapter 6 except:

1. Temporary Uses
2. Interpretations
3. Unlisted Uses Similar to Listed Uses

The approval process for the excepted applications shall be as provided in the Special Development Approvals chapter of this Ordinance.

### (b) Need for Approval

Upon receipt of an application for a Building Permit, Certificate of Occupancy, or other permit or certificate, the Director of Building and Zoning shall determine whether any Special Development Approval is required as a prerequisite to such permit or certificate.

### (c) Pre-Filing Conference

Prior to filing an application, an applicant may request a Pre-Filing Conference with the Director of Building and Zoning or the Plan Commission.

At the Conference the applicant may outline his proposal and submit preliminary information such as a concept plan. The Director or Commission shall advise the applicant concerning in what respects his or her proposal appears to conform or not conform to applicable Village plans and ordinances, applicable Approval Criteria herein, and desired standards of design.

### (d) Application Filing

#### (1) Who May Petition

The petitioner for any Special Development Approval may be the Village Board or any member thereof; any other board, commission, or agency of the Village government; or any party with a property interest in the parcel or area, or a portion thereof, for which the approval is requested.

#### (2) Contents of Application

Except in the case of a zoning action proposed by the Village Board or other board or commission of the Village, any party requesting any action to which this chapter applies shall file an application on a form provided therefor by the Director of Building and Zoning. Every such application shall include the applicable items provided in Tables 2C and 2D.

Each application form shall include as an attachment a copy of the Approval Criteria established in this Ordinance applicable to the approval sought.

The Director of Building and Zoning may waive any item required by Table 2C or 2D if he or she determines the item would not be necessary to determine conformance with applicable Approval Criteria or would impose unreasonable expense or delay in relation to the nature of the action proposed.

#### (3) Multiple Approvals

An applicant requiring more than one type of Special Development Approval as provided in paragraph 6.01(a)—such as a Variance and an Amendment—may apply concurrently for all Approvals needed.

#### (4) Acceptance of Application

The Director of Building and Zoning may refuse to accept an application upon determining that it is incomplete, inaccurate, or is for a Special Development Approval that the Review Body being petitioned is not authorized hereunder to hear.

Such determination shall be made within 5 business days of its filing. The Director shall promptly notify the applicant upon determining that the application cannot be accepted and specify the basis for non-acceptance.

#### (5) Filing Fee

All applications shall be accompanied by the

applicable Filing Fee in an amount as determined from time to time by the Village Board. A schedule of current fees shall be available in the Department of Building and Zoning.

The fee shall cover the costs of any services necessary for the review and processing of the application--such as engineering, planning, legal, or court reporter services---except in cases where the Village Board determines otherwise.

#### (6) Docketing

Upon acceptance of an application, the Director of Building and Zoning shall, with the approval of the Chair of the Zoning Board or Plan Commission, as applicable, docket the application for a hearing or meeting of the Review Body scheduled no later than 60 days after acceptance.

He or she shall notify the applicant in writing of the time, date, and location thereof. Such notice shall be sent no later than the period required for written notice in the provisions for Public Notice herein or, if no hearing is required, no less than 5 days before the meeting.

The Director shall transmit the application to the Zoning Board of Appeals or Plan Commission, as applicable.

This paragraph shall not apply to applications for which the Director of Building and Zoning is the Final Action Body under Table 2A.

#### (e) Staff Review and Assistance

##### (1) Staff Review

Except in the case of a Notice of Appeal, the Director of Building and Zoning may, together with other departments, consultants, and officials of the Village, prepare a written review of any application.

Such review shall be made available to any interested party at the offices of the Director of Building and Zoning no later than 5 days before

the scheduled date of the meeting at which the application is to be considered.

##### (2) Staff Assistance

The Director of Building and Zoning may advise and assist the applicant in meeting Ordinance requirements and securing approval but, unless otherwise specifically provided herein, shall have no power to approve or disapprove any filing or in any way restrict the applicant's right to seek formal approval thereof.

#### (f) Action on Application

##### (1) Written Comments

The Director of Building and Zoning shall transmit to the Zoning Board of Appeals or Plan Commission, as applicable, all written comments received from the public on the application before the vote on action thereupon. Such comments shall become part of the written record.

##### (2) Advisory Action

Before taking action, the Advisory Action Body shall, no later than 60 days after the Director of Building and Zoning has accepted the application, hold a hearing if so provided in Table 2B.

Within 10 days after taking advisory action, and prior to the meeting at which the application is scheduled for final action, the Advisory Action Body shall make its report available to:

- a. the Final Action Body, and
- b. the applicant, and
- c. any objectors or other interested parties at their request, and
- d. the Director of Building and Zoning.

The report shall consist of written Findings of Fact pertaining to the Approval Criteria provided herein for the applicable zoning action together with a recommendation for final action and any conditions to which such action is to be subject. The report shall include the roll call

vote on the action.

In the case of an application for a Variance or a Planned Unit Development, the action may include any modification of normal requirements that is authorized by this Ordinance.

### (3) Final Action on Variances and Amendments

A vote of two-thirds of the membership of the Village Board shall be required to approve:

- A. a Variance not approved by advisory action of the Zoning Board of Appeals, or
- B. an Amendment against which a written protest has been filed with the Village Clerk signed or acknowledged by the owners of 20 percent of:
  1. the frontage to be altered by the Amendment, or
  2. the frontage immediately adjoining, across an alley, or directly opposite such frontage.

### (4) Final Action

The Final Action Body shall not take final action upon an application requiring action by an Advisory Action Body until either:

- A. it has received a report thereupon from the Advisory Action Body, or
- B. 90 days have elapsed from the date of the conclusion of the hearing or meeting thereupon.

Except in the case of an Amendment, the Final Action Body may make its approval subject to any conditions or restrictions it finds necessary to conform to applicable Approval Criteria herein. It may also set time limits within which such conditions or restrictions must be complied with.

### (5) Voting By Absent Members

A member who was absent from a public hearing held on an application but who certifies that he or she has read the transcript thereof, may vote on the application.

### (6) Withdrawal

Prior to the vote on advisory or final action, an application may be withdrawn. Such application may be resubmitted at any time.

### (7) Basis for Action

An Advisory Action Body shall not recommend, nor shall a Final Action Body grant, approval or conditional approval to an application except on the basis of Findings of Fact that applicable Approval Criteria have been met or will be met if conditions to which the approval is made subject are complied with.

An Advisory Action Body shall not recommend, nor shall a Final Action Body grant, disapproval to an application except on the basis of Findings of Fact that at least one of the applicable Approval Criteria has not been met and cannot be met by the imposition of acceptable conditions.

### (g) Post-Action Procedures

#### (1) Mailing of Report

The Director of Building and Zoning shall—within 10 days of the date of final action—send a copy of the report of the Final Action Body to:

- a. the applicant, and
- b. objectors or other interested parties at their request, and
- c. the applicable Advisory Action Body, if any, and
- d. any Review Body currently scheduled to review an application for any other Special Development Approval on the same property.

Such report shall include a statement of all conditions to which any approval was made subject.

#### (2) Appeal

A final action by the Director of Building and Zoning may be appealed to the Zoning Board of Appeals within the 45-day time period and in accordance with the other regulations on Appeals specified in the Special Development Approvals chapter herein.

Except as otherwise provided herein, actions not appealable under such provisions and actions for which an Appeal is not sustained shall be subject only to judicial review.

#### (3) Submission of Financial Sureties

Before issuance of any permit or certificate, any financial sureties required by this Ordinance or by action hereunder of any Final Action Body shall be filed with and accepted by the Village in accordance with the provisions on Financial Sureties herein.

#### (4) Site Plan Review

An applicant for a Building Permit shall submit a Site Plan unless exempted from this requirement by the Director of Building and Zoning. Before issuing a Permit, the Director shall determine that the Site Plan is in conformance with this and other applicable Village codes and ordinances. The contents of the Site Plan shall be as provided in Table 2D. The Director may waive the requirement for a Site Plan in cases in which such a Plan is not required to determine compliance with applicable Village regulations.

#### (5) Issuance of Permit

Unless the approving body directs otherwise, the Director of Building and Zoning shall issue a permit or certificate approved by the Final Action Body within 5 business days after receipt of notification of approval or conditional approval thereof.

The permit or certificate shall specify any conditions or restrictions to which such body has made its approval subject.

#### (6) Revocation

The Director of Building and Zoning may at any time revoke any permit or certificate issued hereunder:

- A. if the action taken after issuance is not consistent with plans and information submitted as part of the application therefor and given final approval, or
- B. if any applicable provisions of this Ordinance or any conditions to which an approval hereunder was made subject are not complied with, or
- C. if after they are initially complied with, compliance with such conditions is not maintained at any time, or
- D. in the case of a Conditional Use Permit, if the use is not established, or any required Building Permit is not obtained and building started, within 1 year of the date of issuance, or
- E. in the case of a Planned Unit Development, if construction is not completed within the time specified in the approved construction schedule or any extension granted by the Village Board.

The Director of Building and Zoning shall give the permittee or Certificate holder 15 business days notice of any intended revocation and the reasons therefor and an opportunity within that period to answer any charges of noncompliance or to propose measures to bring the permitted action into compliance within a reasonable time.

#### (7) Rehearing

Except as otherwise provided herein, no application that has been finally disapproved by the Zoning Board of Appeals or Village Board shall be resubmitted within one year of the date of

disapproval except on the grounds of new factual evidence or a change in conditions found valid by the Director of Building and Zoning.

Revision of an application that modifies items on which its disapproval was based may be considered such a change in conditions.

### (8) Codification of Text Amendments

#### A. Preparation

After adoption of an Amendment to the text of this Ordinance, the Village Clerk shall prepare replacement page sheets incorporating the Amendment to be substituted for affected pages of the Ordinance. Such sheets shall indicate:

1. at the end of each paragraph amended, the ordinance number and effective date of the Amendment and of all other Amendments since the last comprehensive revision of the Ordinance, and
2. at the bottom of each page, the effective date of the most recent Amendment included on the sheet.

#### B. Distribution

Within 10 days of the effective date of the Amendment, the Village Clerk shall distribute the replacement page sheets to:

1. the Village President, and
2. the Village Manager, and
3. the Director of Building and Zoning, and
4. each member of the Village Board, Zoning Board of Appeals, and Plan Commission, and
5. each person on the Village staff having a copy of the Zoning Ordinance.

He or she shall similarly include such sheets with every copy of the Zoning Ordinance distributed to the general public.

Table 2A: Action on Special Approvals

|   | Advisory Action Body | Final Action Body |
|---|----------------------|-------------------|
| <u>A. Amendments</u>                            |                      |                   |
| 1. Text Amendments                              | ZBA                  | Board             |
| 2. Map Amendments                               | ZBA                  | Board             |
| <u>B. Zoning Adjustments</u>                    |                      |                   |
| 1. Variances                                    | ZBA                  | Board             |
| 2. Conditional Uses                             | ZBA                  | Board             |
| 3. Appeals                                      | --                   | ZBA               |
| 4. Changes to Properties With Nonconformities * | ZBA                  | Board             |
| <u>C. Minor Zoning Approvals</u>                |                      |                   |
| 1. Temporary Uses                               | --                   | DBZ               |
| 2. Interpretation of Ordinance or Map           | --                   | DBZ               |
| 3. Unlisted Uses                                | --                   | DBZ               |
| <u>D. Planned Unit Development</u>              |                      |                   |
|   | PC                   | Board             |

Board: Village Board of Trustees  
 DBZ: Director of Building and Zoning  
 PC: Village Plan Commission  
 ZBA: Zoning Board of Appeals

\* Only those changes requiring special discretionary approval under the Nonconformities chapter herein.

Table 2B: Public Hearing Requirements

|  | Hearing Body |
|--|--------------|
| 1. Amendment   | ZBA          |
| 2. Variance  | ZBA          |
| 3. Conditional Use   | ZBA          |
| 4. Appeal  | --           |
| 5. Change to Property With Nonconformity                             | ZBA          |
| 6. Temporary Use   | --           |
| 7. Interpretation  | --           |
| 8. Unlisted Uses Similar to Listed Uses                              | --           |
| 9. Planned Unit Development:<br>a. Preliminary Plan<br>b. Final Plan | PC<br>--     |

No entry means no public hearing is required.

PC: Village Plan Commission  
 ZBA: Zoning Board of Appeals

Table 2C: Required Contents of Application Filings

|                        | Map<br>Amend-<br>ment<br>(Rezone) | Condi-<br>tional<br>Use | Vari-<br>ance | Site<br>Plan *<br>Review | PUD<br>Plan | Temp-<br>orary<br>Use | Change to<br>Property<br>With<br>Non-<br>con-<br>formity |
|------------------------|-----------------------------------|-------------------------|---------------|--------------------------|-------------|-----------------------|--|
| 1. Names & addresses   | x                                 | x                       | x             | x                        | x           | x                     | x  |
| 2. Name of project     | x                                 | x                       | x             | x                        | x           | -                     | -  |
| 3. Legal description   | x                                 | x                       | x             | x                        | x           | -                     | x  |
| 4. Location            | x                                 | x                       | x             | x                        | x           | x                     | x  |
| 5. Action requested    | x                                 | x                       | x             | -                        | x           | x                     | x  |
| 6. Filing fee          | x                                 | x                       | x             | -                        | x           | x                     | x  |
| 7. Interest disclosure | x                                 | x                       | x             | -                        | x           | -                     | x  |
| 8. Notification list   | x                                 | x                       | x             | -                        | x           | -                     | x  |
| 9. Authorization       | x                                 | x                       | x             | -                        | x           | x                     | x  |
| 10. Use                | x                                 | x                       | x             | x                        | x           | x                     | x  |
| 11. Zoning             | x                                 | x                       | x             | -                        | x           | x                     | x  |
| 12. Structure heights  | -                                 | x                       | x             | -                        | -           | -                     | -  |
| 13. Dwelling units     | D                                 | x                       | x             | x                        | x           | -                     | D  |
| 14. Floor area         | D                                 | x                       | x             | x                        | x           | x                     | D  |
| 15. No. of employees   | D                                 | x                       | x             | x                        | x           | x                     | D  |
| 16. Lot coverage       | D                                 | x                       | x             | x                        | x           | -                     | D  |
| 17. Use dates          | -                                 | -                       | -             | -                        | -           | x                     | -  |
| 18. Perf Standards     | -                                 | I                       | -             | -                        | -           | -                     | -  |
| 19. Criteria statement | x                                 | x                       | x             | -                        | x           | x                     | x  |

|                         | Map<br>Amend-<br>ment<br>(Rezone) | Condi-<br>tional<br>Use | Vari-<br>ance | Site<br>Plan *<br>Review | PUD<br>Plan | Temp-<br>orary<br>Use | Change to<br>Property<br>With<br>Non-<br>con-<br>formity |
|-------------------------|-----------------------------------|-------------------------|---------------|--------------------------|-------------|-----------------------|--|
| 20. Plat of Survey      | D                                 | D                       | D             | x                        | x           | -                     | D  |
| 21. Site Plan           | D                                 | D                       | D             | x                        | x           | -                     | D  |
| 22. Renderings          | -                                 | D                       | D             | -                        | x           | -                     | D  |
| 23. Phasing             | -                                 | -                       | -             | -                        | x           | -                     | -  |
| 24. Assns./Covenants    | -                                 | -                       | -             | -                        | x           | -                     | -  |
| 25. Traffic analysis    | D                                 | D                       | -             | -                        | -           | -                     | D  |
| 26. School capacity     | D                                 | D                       | -             | -                        | -           | -                     | D  |
| 27. Utility capacity    | D                                 | D                       | -             | -                        | x           | -                     | D  |
| 28. Final Plat          | -                                 | -                       | -             | -                        | x           | -                     | -  |
| 29. Deeds               | -                                 | -                       | -             | -                        | x           | -                     | -  |
| 30. Financial sureties  | -                                 | -                       | -             | -                        | x           | -                     | -  |
| 31. Hazardous materials | D                                 | D                       | -             | -                        | -           | -                     | D  |
| 32. Other information   | x                                 | x                       | x             | x                        | x           | x                     | x  |

See footnote numbers corresponding to item numbers in table for details on filing requirements.

x: Required

- : Not required

\* : Site Plan review as provided under paragraph 2.02(g)(4).

D : Discretionary: required only if considered necessary for review of the application by the Director of Building and Zoning or applicable Review Body.

I : Required for industrial uses only. See Performance Standards chapter.

## Notes for Table 2C:

### 1. NAMES & ADDRESSES

The name, address, and weekday daytime phone number of:

- the applicant, and
- his or her attorney or agent, if any, and
- any developer, site planner, architect, or engineer involved in project plans.

### 3. LEGAL DESCRIPTION

Legal descriptions, using metes and bounds or subdivision block and lot number, of the subject property as a whole and of each phase of the proposed development thereof.

### 4. LOCATION

The street address and block and lot number of the subject property.

### 5. ACTION REQUESTED

A description of the action requested.

### 6. FILING FEE

The applicable fee as determined by the Village Board.

### 7. INTEREST DISCLOSURE

A Disclosure of Interest as provided in paragraph 201(d) herein.

### 8. NOTIFICATION LIST

A typewritten list of addresses of all parties required to receive written notification under the provisions on Public Notice in paragraph 201(f).

### 9. AUTHORIZATION

Written authorization by the ownership or management of the property, if different from the applicant, for the filing. Authorization by a manager shall be accompanied by evidence satisfactory to the Director of Building and Zoning of his or her authority to act on behalf of the owner.

### 10. USE

Descriptions of present and proposed uses of the subject property.

### 11. ZONING

Zoning districts of the subject property and all properties within 200 feet thereof.

### 12. STRUCTURE HEIGHTS

Heights of proposed structures and existing structures to be retained.

### 13. DWELLING UNITS

Numbers of dwelling units in proposed buildings, and existing buildings proposed to be retained, by development phase, by number of bedrooms, and by any special populations to which occupancy is to be restricted (e.g., elderly, students, or low-income households).

### 14. FLOOR AREA

Gross & net floor area of proposed buildings, & existing buildings to be retained, by type of use for each development phase.

### 15. NUMBER OF EMPLOYEES

Proposed number of permanent employees to be accommodated on the property, including existing employment proposed to be retained, by shift and by full- or part-time status. Hours of shifts or other working hours.

### 17. USE DATES

Proposed starting and ending dates of the use.

### 18. PERFORMANCE STANDARDS

#### CERTIFICATION

Certification by an engineer or scientific laboratory that applicable Performance Standards can be met by the proposed use.

### 19. CRITERIA STATEMENT

Statement of reasons applicant believes action requested conforms to applicable Approval Criteria and is of benefit to the community.

### 20. PLAT OF SURVEY

A current plat of survey, as defined herein.

### 21. SITE PLAN

A Site Plan, in a number of copies specified by the Director of Building and Zoning, meeting the requirements of Table 2D. No site plan shall

be required for rezonings initiated by the Village.

**22. RENDERINGS**

Architectural renderings showing substantial design intent for proposed structures but not necessarily final design detail.

**23. PHASING**

Chronological schedule of expected beginning and ending dates for proposed stages of construction and improvement of all structures; common or public areas; circulation ways; parking, loading, and service areas; and utilities, showing the interim use and maintenance of areas not under construction in each phase.

**24. ASSOCIATIONS/COVENANTS**

Organizational details of all proposed property owners' or condominium associations. Proposed protective covenants or deed restrictions to govern land use, open space, or other concerns. Documents governing maintenance of open space and other common areas. Draft documents are required for Preliminary Plan and final documents for Final Plan.

**25. TRAFFIC ANALYSIS**

A professional analysis of estimated traffic generated by each phase of the completed development per day and during AM and PM peak hours, the impact on existing traffic loads in the area, and road construction or traffic control measures needed to accommodate the new traffic.

**26. SCHOOL CAPACITY**

Evidence concerning the capacity of all affected public school districts to handle the enrollment likely to be generated by the development.

**27. UTILITY CAPACITY**

Evidence concerning the ability of available treatment and distribution capacities of sewer and water supply systems to handle the loads likely to be generated by the development.

**28. FINAL PLAT**

A Final Plat of Subdivision and final engineering plans and specifications as required by the

Bensenville Subdivision Regulations Ordinance. For PUD's, required only with Final Plan.

**29. DEEDS**

Deeds or easement agreements conveying ownership interests in any parcel required or proposed to be conveyed to any public body. For PUD's, required only with Final Plan.

**30. FINANCIAL SURETIES**

Financial sureties as provided in paragraph 2.01(c) to guarantee installation of all public or common area improvements provided on the approved Plan. For PUD's, required only with Final Plan.

**31. HAZARDOUS MATERIALS**

Descriptions of any known hazardous materials contamination of the site, including buried storage tanks. Description of any hazardous wastes to be generated by the proposed project and of plans for disposal thereof.

**32. OTHER INFORMATION**

Any other information required elsewhere in this Ordinance or that is reasonably required to determine conformance with the applicable Approval Criteria and other regulations herein.

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Contents of applications for Appeals shall be as provided under Appeals in the Special Development Approvals chapter of this Ordinance.

No formal application shall be required for Interpretations and approval of Unlisted Uses Similar to Listed Uses.

Table 2D: Required Contents of Site Plans

|  | Site Plan [a]<br>Review | Uses<br>Parking* | Map<br>With Amend-<br>ment | Map<br>Vari-<br>ance | Uses<br>With Strip** | Condi-<br>tional<br>Uses | PUD<br>Plan*** |
|--|-------------------------|------------------|----------------------------|----------------------|----------------------|--------------------------|----------------|
| 1. Scale                                     |                         | x                | x                          | x                    | x                    | x                        | x              |
| 2. Borders                                   |                         | x                | x                          | x                    | x                    | x                        | x              |
| 3. Dimensions                                |                         | x                | x                          | x                    | x                    | x                        | x              |
| 4. Easements                                 |                         | x                | x                          | x                    | x                    | x                        | x              |
| 5. Land Usage                                |                         | x                | -                          | x                    | x                    | -                        | x              |
| 6. Drainage                                  |                         | x                | x                          | D                    | D                    | -                        | D              |
| 7. Landscaping<br>a. existing<br>b. proposed |                         | -                | -                          | -                    | D                    | x                        | -              |
|  |                         | x                | x                          | -                    | D                    | x                        | x              |
| 8. Structures                                |                         | x                | x                          | D                    | x                    | -                        | x              |
| 9. Parking                                   |                         | x                | x                          | D                    | x                    | -                        | x              |
| 10. Topography                               |                         | x                | -                          | -                    | -                    | -                        | x              |
| 11. Boundaries                               |                         | x                | -                          | -                    | -                    | -                        | x              |
| 12. Circulation                              |                         | x                | x                          | x                    | -                    | -                        | x              |
| 13. Common areas                             |                         | -                | -                          | -                    | -                    | -                        | x              |
| 14. Water areas                              |                         | -                | -                          | -                    | -                    | -                        | x              |
| 15. Subsurface data                          |                         | D                | D                          | -                    | -                    | -                        | D              |
| 16. Utilities                                |                         | x                | D                          | -                    | -                    | -                        | x              |
| 17. Open Space                               |                         | -                | -                          | -                    | -                    | -                        | x              |
| 18. Plat of Survey                           |                         | x                | x                          | D                    | D                    | D                        | x              |
| 19. Other                                    |                         | x                | x                          | x                    | x                    | x                        | x              |

Notes for Table 2D

Items in this table are required only when a Site Plan is required under item 21 of Table 2C or other provision of this Ordinance.

[a] Site Plan Review as provided under paragraph 2.02(g)(4).

x: Required

-: Not required

D : Discretionary: required only if considered necessary for review of the application by the applicable Review Body or Director of Building and Zoning.

\* Required for Certificates of Zoning Compliance and applications specified in Table 2C for uses providing over 4 parking spaces.

\*\* Required for Certificates of Zoning Compliance and applications specified in Table 2C for uses required to provide any landscaping in the Landscaping and Screening chapter herein.

\*\*\* PUD Preliminary Plan may contain generalized, estimated, or approximate information for proposed development features required by this table except where the Plan Commission requires more specific or firm information.

PUD Final Plan shall be final version of Preliminary Plan approved by Village Board and shall include specific, firm information and final engineering plans and specifications. The Final Plan shall conform to all requirements for a Final Plat in the Village Subdivision Regulations Ordinance even if no subdivision of land is involved in the PUD.

1. SCALE

Numeric & graphic scales, north arrow, and date of preparation. Scale used shall be such as the Director of Building and Zoning may require.

2. BORDERS

Boundaries of the development and of each phase thereof.

3. DIMENSIONS

Lot lines and dimensions and areas of lots.

4. EASEMENTS

Easements and encroachments on the subject property.

5. LAND USAGE

Data indicating for each development phase:

- net site area, as defined herein
- number of lots proposed
- land area devoted to streets, off-street parking, off-street loading, recreation space and each housing and land use type.

6. DRAINAGE

Existing and proposed drainage patterns and appurtenances for collecting storm water.

7. LANDSCAPINGa. Existing

Existing wooded areas and isolated trees 4 inches or more in diameter at 1 foot above natural grade at the base of the tree.

b. Proposed

- Location, quantity, diameter, installation height, maturity height, caliper at 1 foot above proposed grade, botanic name, and common name, of all proposed living and non-living landscaping materials and existing materials to be preserved

- Types & boundaries of proposed ground cover and identification of grass areas to be sodded, plugged or sprigged, and seeded

- Location and contours at 1-foot intervals of all proposed berthing

- Dimensions and descriptions, renderings, elevations, or photographs indicating the external appearance, including materials and colors, of all sides

of proposed fences, walls, ornamental lighting, and other landscaping and screening treatments

5. Measures to be taken to protect new and preserved existing trees during construction.

## 8. STRUCTURES

Location, type, shape, dimensions, gross and net floor area as defined herein, orientation, height in feet, finished grade elevations at all entrances and corners, and number of stories of all existing and proposed structures, including buildings, sign structures, fences, walls, retaining walls, screening, street furniture, bridges, culverts, exterior lighting fixtures, and entrance features.

## 9. PARKING

Location, shape, dimensions, surface type, and area of off-street parking and loading spaces and areas, outside storage, and refuse disposal and service areas, including aisles, curbing, wheel stops, islands, guard rails, driveways, and curb cuts. Number and locations of spaces open to the public, restricted to tenants or customers, and reserved spaces. Number and locations of spaces that are free, available for hourly or daily rental, or leased long-term.

## 10. TOPOGRAPHY

Map showing existing contours at 2-foot intervals & proposed grading and contours.

Description of amounts and methods of any excavation, dredging, or filling proposed, including use of blasting and pile driving and of potential for ground movement and settlement during excavation and impact on adjacent buildings and utility lines.

## 11. BOUNDARIES

Current school district and municipal boundary lines on or adjacent to site.

## 12. CIRCULATION

Existing and proposed number, location, alignment, dimensions, design, and construction standards of all public and private

thoroughfares, sidewalks, pedestrian and bicycle paths, fire lanes, railroad rights-of-way, curb cuts, and driveways, and distance of property lines to nearest existing intersections. Adjacent streets, shown to the street center line.

## 13. COMMON AREAS

The number, location, acreage, dimensions, proposed ownership, and provisions for maintenance of any proposed recreational and non-recreational common open spaces.

## 14. WATER AREAS

Dimensions and locations of existing and proposed natural or artificial bodies of water, flood plains, marsh areas, drainage ditches, wet or dry stormwater detention or retention areas, and any proposed modifications to existing water courses or water bodies, including impact on ground water levels.

## 15. SUBSURFACE DATA

Data on subsurface soil, rock, and groundwater conditions

## 16. UTILITIES

Size, purpose, and location of existing and proposed public and private utilities, utility easements, and drainage facilities and proposed connections thereto on or within 100 feet of the property. Locations of existing and proposed hydrants, catch basins, manholes, and valves.

## 17. OPEN SPACE

A written statement of the advantages proposed common or public open space at each location offers for such use and ways such spaces might be used.

## 18. PLAT OF SURVEY

A current plat of survey, as defined herein.

## 19. OTHER INFORMATION

Any other information required elsewhere in this Ordinance or that is reasonably required to determine whether the application conforms to the applicable Approval Criteria and other requirements of this Ordinance.

*Chapter 3*  
**District Regulations**

### 3.01 Single-Family Districts

#### (a) Purpose

Single-Family Residential Districts are intended to recognize, preserve, and protect the present character of existing single-family residential neighborhoods and to provide for the development of new neighborhoods and infill housing in accordance with contemporary residential development standards.

#### (b) Regulations

Regulations for Single-Family Residential Districts shall be as provided in Table 3A.

#### (c) Districts

##### (1) RS-1 Low-Density Single-Family Residential District

This district is intended to provide in existing and newly developing outlying areas for a single-family detached residential environment characterized by large lots and densities not exceeding 2.7 dwelling units per acre.

##### (2) RS-2 Medium-Low-Density Single-Family Residential District

This district is intended to provide in existing and newly developing areas for a single-family detached residential environment characterized by medium-large sized lots and densities not exceeding 4.0 dwelling units per acre.

##### (3) RS-3 Medium-Density Single-Family Residential District

This district is intended to provide in existing and newly developing areas for a single-family detached residential environment characterized by medium sized lots and densities not exceeding 4.7 dwelling units per acre.

##### (4) RS-4 Medium-High-Density Single-Family Residential District

This district is intended to provide in existing and newly developing areas for a single-family detached residential environment characterized by small sized lots and densities not exceeding 5.8 dwelling units per acre.

##### (5) RS-5 High-Density Single-Family Residential District

This district is intended to provide for the appropriate zoning of existing single-family detached residential neighborhoods developed years ago under less stringent development standards with densities not exceeding 7.3 dwelling units per acre..

##### (6) RA-1 Single-Family Attached Residential District

This district is intended to:

A. provide for intermediate housing types and densities between single-family detached and apartment development in order to further a balanced distribution of non-single-family detached housing

B. to provide for intermediate-density residential use in locations where apartment buildings would not be compatible.

C. to provide in a flexible manner for numbers and sizes of dwelling units that will produce approximate population densities of up to 26 persons per acre in such dispersed locations as will produce minimal conflict with single-family areas.

### 3.02 Multi-Family Districts

#### (a) Purpose

Multi-Family Residential Districts are intended to provide for a variety of housing types suited to the differing age groups and lifestyles of

present and future Village residents in a way that most effectively controls the impacts on the environment and public services created by high population densities.

### (b) Regulations

Regulations for Multi-Family Residential Districts shall be as provided in Tables 3A and 3B.

### (c) Districts

#### (1) RM-1 Low-Density Multi-Family Residential District

This district is intended to provide in a flexible manner for numbers and sizes of dwelling units that will produce approximate population densities of up to 33 persons per acre in locations where such densities are compatible.

#### (2) RM-2 Medium-Density Multi-Family Residential District

This district is intended to provide in a flexible manner for numbers and sizes of dwelling units that will produce approximate population densities of up to 55 persons per acre in locations where such densities are compatible.

#### (3) RM-3 High-Density Multi-Family Residential District

This district is intended to provide in a flexible manner for numbers and sizes of dwelling units that will produce approximate population densities of up to 99 persons per acre in locations near the downtown area and other centers of activity and along major arterial streets.

## 3.03 Business Districts

### (a) Purpose

Business districts are intended to provide appropriate environments for different kinds of businesses, to protect less intensive uses from

any adverse effects such businesses may create, and to protect business districts from encroachment by residential uses.

### (b) Regulations

Regulations for Business Districts shall be as provided in Table 3C.

### (c) Districts

#### (1) C-1 Neighborhood Commercial District

This district is intended to provide close-to-home locations for frequently patronized consumer retail and service establishments that provide convenience goods and services and a limited selection of comparison goods. It is intended for establishments that will draw patrons mainly from the Village and adjacent municipalities but not from a broad area.

#### (2) C-2 Highway Commercial District

This district is intended to provide locations along the Village's arterial streets for less frequently patronized retail and service establishments providing a wide array of consumer retail comparison goods and services that attract patrons from a broad area of the western suburbs.

#### (3) C-3 Downtown Mixed Use District

This district is intended to provide for higher-intensity retail, service, office, and multi-family residential development in the Village's older central business district in a way consistent with the present higher-intensity and multi-use character of this area.

#### (4) O-1 Neighborhood Office District

This district is intended to provide locations in the Village for smaller office buildings on smaller sites housing uses that normally generate traffic only from the immediate area. It is intended for:

1. locations that can serve as a buffer between retail and residential use
2. other high-value locations not compatible with high-traffic retail development, and
3. locations that are otherwise not best suited either for residential or for more intensive types of business development

#### (5) O-2 Office Center District

This district is intended to provide locations for larger office buildings or complexes in the Village's larger business districts, as well as in planned office park developments, that attract considerable traffic from employees and visitors from a broad area.

#### (6) I-1 Office/Research/Assembly Industrial District

This district is intended to provide locations for research, light assembly and similar industrial uses that create minimal adverse environmental effects. It is intended for areas where such uses presently exist or where heavier industrial uses would be objectionable because of proximity to residential or other more restricted uses.

#### (7) I-2 Light Industrial District

This district is intended to provide locations for industrial and related uses that produce moderately greater adverse environmental effects than uses allowed in I-1. It is intended for areas where such uses presently exist or where heavier industrial uses allowed in the I-3 District would be incompatible.

#### (8) I-3 Heavy Industrial District

This district is intended to provide locations for industrial uses that produce greater adverse environmental effects than uses allowed in I-1 and I-2. It is intended for locations where such uses presently exist or where there is or will be maximum separation or buffering from residential or other more restricted uses.

**Table 3A: Required Minimum Separation Between Multi-Family Buildings**

| Minimum Separation in Feet * | Required Between:           |                              | Conditions    |
|------------------------------|-----------------------------|------------------------------|---------------|
|                              | Type of Wall on First Bldg. | Type of Wall on Second Bldg. |               |
| 50                           | Front                       | Front                        | --            |
|                              | Front                       | Rear                         | --            |
|                              | Any                         | Any                          | Entrance [a]  |
| 40                           | Any                         | Any                          | Window [b][d] |
| 30                           | Front                       | Side                         | [d]           |
|                              | Rear                        | Side                         | [d]           |
|                              | Rear                        | Rear                         | [d]           |
| 10                           | Side                        | Side                         | [d]           |
|                              | Any                         | Any                          | Court [c]     |
|                              | Any                         | Any                          | [d]           |

\* Separation distances shall be the minimum distance measured by a straight line perpendicular to at least one wall. They shall be increased by 2 feet for each 10 feet of building height over 40 feet.

Provisions apply only to buildings on the same lot or on different lots under the same ownership or control at the time the Building Permit is issued.

[a] Entrance: Side or rear wall contains a main entrance doorway.

[b] Window: Side or rear wall contains 4 or more windows not located in bathrooms or storerooms.

[c] Court: Buildings form a court.

[d] Except as provided under previous provisions of this table.

Table 3B: Residential District Requirements

|  | <u>RS1</u>  | <u>RS2</u> | <u>RS3</u> | <u>RS4</u> | <u>RS5</u> | <u>RA1</u> | <u>RM1</u> | <u>RM2</u> | <u>RM3</u> |
|--|---|------------|------------|------------|------------|------------|------------|------------|------------|
| <b><u>INTENSITY</u></b>                                    |   |            |            |            |            |            |            |            |            |
| Minimum LOT AREA per dwelling unit in square feet:         |   |            |            |            |            |            |            |            |            |
| Efficiency unit  | 16,000  | 11,000     | 9,300      | 7,500      | 6,000      | 1,650      | 1,320      | 792        | 440        |
| 1-Bedroom unit   | 16,000  | 11,000     | 9,300      | 7,500      | 6,000      | 2,146      | 1,715      | 1,030      | 572        |
| 2-Bedroom unit   | 16,000  | 11,000     | 9,300      | 7,500      | 6,000      | 3,630      | 2,904      | 1,742      | 968        |
| 3-Bedroom unit   | 16,000  | 11,000     | 9,300      | 7,500      | 6,000      | 5,248      | 4,229      | 2,533      | 1,410      |
| 4-Bedroom & larger unit                                    | 16,000  | 11,000     | 9,300      | 7,500      | 6,000      | 5,967      | 4,735      | 2,847      | 1,584      |
| Minimum Lot WIDTH in ft.                                   | 100   | 85         | 75         | 60         | 50         | 25[e]      | 25[a]      | 25[a]      | 25[a]      |
| On arterial street [b]                                     | 150   | 150        | 150        | 150        | 150        | 150        | 150        | 150        | 150        |
| Maximum Building HEIGHT in feet--for residential uses only |   |            |            |            |            |            |            |            |            |
| Within 200 ft. of RS District                              | 32  | 32         | 32         | 32         | 32         | 32         | 40         | 80         | 80         |
| <b><u>YARDS</u></b>  |   |            |            |            |            |            |            |            |            |
| Minimum FRONT Yard depth in feet [c]                       | 30  | 30         | 30         | 30         | 30         | 30         | 30         | 30         | 30         |
| Minimum CORNER SIDE Yard width in feet [c] [f]             | 15  | 15         | 10         | 10         | 10         | 10         | 15         | 15         | 15         |
| Minimum INTERIOR SIDE Yard width in feet: [c] [d]          | 10*   | 10*        | 10*        | 6          | 6          | 10         | 10         | 10         | 10         |
| Minimum REAR Yard depth in feet [c]                        | 40  | 30         | 25         | 25         | 25         | 25         | 25         | 25         | 25         |
| Permitted Uses   | As provided in Table 4A in Allowable Uses Chapter 4.                                |            |            |            |            |            |            |            |            |
| Conditional Uses   | As provided in Table 4B in Allowable Uses Chapter 4.                                |            |            |            |            |            |            |            |            |
| PARKING & LOADING  | As provided in Off-Street Parking & Loading Chapter 7.                              |            |            |            |            |            |            |            |            |
| LANDSCAPING & SCREENING                                    | As provided in Landscaping & Screening Chapter 8.                                   |            |            |            |            |            |            |            |            |
| SIGNS  | As provided in Village Sign Ordinance.  |            |            |            |            |            |            |            |            |
| OTHER Requirements   | As provided in General Provisions Chapter 1 and Special Use Regulations Chapter 13. |            |            |            |            |            |            |            |            |

Table 3C: Business District Requirements

|   | <u>C-1</u>  | <u>C-2</u> | <u>C-3</u> | <u>O-1</u> | <u>O-2</u> | <u>I-1</u> | <u>I-2</u> | <u>I-3</u> |
|---|---|------------|------------|------------|------------|------------|------------|------------|
| <b><u>LOTS</u></b>  |   |            |            |            |            |            |            |            |
| Minimum <i>Area</i><br>in square feet:  | --  | --         | --         | --         | --         | --         | --         | --         |
| Minimum <i>Width</i> in ft.:<br>Along arterial street [b]                           | --  | --         | --         | --         | --         | --         | --         | --         |
|   | 150   | 150        | --         | 150        | 150        | 150        | 150        | 150        |
| <b><u>YARDS</u></b>   |   |            |            |            |            |            |            |            |
| Minimum <i>Front &amp; Corner Side Yard</i><br>Depth in Feet [c]:                   | 10  | 10         | 0          | 10         | 25         | 25         | 25         | 30         |
| Minimum <i>Interior Side</i><br>Yard Width in Feet [c]:<br>Abutting R District      | 0   | 0          | 0          | 5          | 5          | 15         | 15         | 15         |
| Abutting R District   | 10  | 10         | 0          | 10         | 10         | 25         | 25         | 25         |
| Minimum <i>Rear Yard</i><br>Depth in Feet [c]:<br>Abutting R District               | 20  | 20         | 0          | 20         | 20         | 20         | 20         | 20         |
| Abutting R District   | 25  | 25         | 0          | 25         | 30         | 30         | 40         | 40         |
| <b><u>INTENSITY</u></b>   |   |            |            |            |            |            |            |            |
| Minimum <i>Lot Area</i><br>per dwelling unit in<br>square feet:                     | --  | --         | [e]        | --         | --         | --         | --         | --         |
| Maximum <i>Floor<br/>Area Ratio</i> : [a]   | 0.75  | 1.0        | 6.0        | 0.5        | 2.0        | 2.0        | 1.0        | 1.0        |
| Maximum <i>Building<br/>Height</i> in Feet:<br>Within 200 feet<br>of R District [f] | 50  | --         | 100        | 32         | 75         | --         | --         | --         |
| Within 200 feet<br>of R District [f]  | 32  | 32         | 100        | 16         | 16         | 32         | 32         | 32         |
| Permitted Uses  | As provided in Table 4A in Allowable Uses Chapter 4.                                    |            |            |            |            |            |            |            |
| Conditional Uses  | As provided in Table 4B in Allowable Uses Chapter 4.                                    |            |            |            |            |            |            |            |
| PARKING & LOADING   | As provided in Off-Street Parking & Loading Chapter 7.                                  |            |            |            |            |            |            |            |
| LANDSCAPING & SCREENING   | As provided in Landscaping & Screening Chapter 8.                                       |            |            |            |            |            |            |            |
| SIGNS   | As provided in Village Sign Ordinance.  |            |            |            |            |            |            |            |
| OTHER Requirements  | As provided in General Provisions Chapter 1,<br>and Special Use Regulations Chapter 13. |            |            |            |            |            |            |            |

**Notes for Table 3B**

For requirements for non-residential uses, see Table 13A.

\* Or 10 percent of the width of the lot, whichever is less.

[a] Minimum lot width per dwelling unit for uses also permitted in RA Districts. No minimum shall be required for other uses permitted in RM Districts.

[b] Required lot width for any lot abutting and having access to any arterial street designated in the Village General Development Plan and not qualifying under Exceptions in Chapter 1, General Provisions.

[c] Plus 1 foot for each 1 foot of building height over 32 feet, where maximum building height restriction permits.

[d] Interior side yard requirements shall not apply where a dwelling unit is attached to another unit at the side lot line.

[e] Minimum lot width per dwelling unit.

[f] Except that a corner side yard shall meet the requirement for a front yard herein if it is located directly across a street from the front yard of a lot in a Residential District. This exception shall not apply if:

1. the street is an arterial or expressway as designated in the Bensenville General Development Plan, or

2. compliance therewith would produce a buildable lot width under 35 feet.

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Note: In RA and RM Districts, single-family detached dwellings shall meet all requirements as provided in the RS-4 District for such dwellings.

**Notes for Table 3C**

NOTE: "0" means value of zero;  
"--" means no requirement.

[a] Applies to non-residential uses only.

[b] Required lot width for any lot abutting and having access to any arterial street designated in the Village General Development Plan and not qualifying under Exceptions in Chapter 1, General Provisions.

[c] Plus 1 foot for every 1 foot of building height over 32 feet, where maximum building height restriction permits.

[d] Except abutting lots in R Districts housing identical or similar uses. For example, greater yards would not be required for a church in an O-1 District next to another church in a Residential District.

[e] As provided for the RM-3 District.

[f] Applies only to lots abutting R Districts.

*Chapter 4*  
**Allowable Uses**

### **4.01 Uses Listed**

Permitted Uses in all districts shall be as provided in Table 4A.

Conditional Uses in all districts shall be as provided in Table 4B.

### **4.02 Uses Fitting Multiple Classifications**

#### **(a) Identical Classification in Different Groups**

If the identical use classification is listed as a Conditional Use in one Use Group and as a Permitted Use in a higher-numbered Use Group that is allowed in the same district, uses in that classification shall be Permitted Uses in that district.

#### **(b) Different Classifications**

Otherwise, if a use can be considered to fall under two or more different use classifications allowed in different Use Groups, it shall be classified within the classification that is the narrowest or most specific.

#### **(c) All Other Cases**

Otherwise, if a use can be classified both as a Permitted Use and as a Conditional Use, it shall be considered a Conditional Use.

**Table 4A: Use Groups Allowed as Permitted Uses**

| <u>Table 4C Use Group</u>        | <u>RS1</u> | <u>RS2</u> | <u>RS3</u> | <u>RS4</u> | <u>RSS</u> | <u>RA1</u> | <u>RM1</u> | <u>RM2</u> | <u>RM3</u> |
|----------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1. General Uses                  | X          | X          | X          | X          | X          | X          | X          | X          | X          |
| 2. Residential Uses              | X          | X          | X          | X          | X          | X          | X          | X          | X          |
| 3. Attached Residential          | -          | -          | -          | -          | -          | X          | X          | X          | X          |
| 4. Multi-Family Residential Uses | -          | -          | -          | -          | -          | -          | X          | X          | X          |
| 5. Institutional Uses            | X          | X          | X          | X          | X          | X          | X          | X          | X          |
| <u>Table 4C Use Group</u>        | <u>C1</u>  | <u>C2</u>  | <u>C3</u>  | <u>O1</u>  | <u>O2</u>  | <u>I1</u>  | <u>I2</u>  | <u>I3</u>  |            |
| 1. General Uses                  | X          | X          | X          | X          | X          | X          | X          | X          | X          |
| 4. Multi-Family Residential Uses | -          | -          | X          | -          | -          | -          | -          | -          | -          |
| 5. Institutional Uses            | X          | X          | X          | X          | X          | X          | X          | X          | X          |
| 5C. Institutional Uses           | -          | -          | -          | -          | X          | -          | -          | -          | -          |
| 6. Business Uses                 | X          | X          | X          | X          | X          | X          | X          | X          | X          |
| 7. Convenience Retail Uses       | X          | X          | X          | -          | -          | -          | -          | -          | -          |
| 8. Neighborhood Retail Uses      | X          | X          | X          | -          | -          | -          | -          | -          | -          |
| 9. Community Retail Uses         | -          | X          | X          | -          | -          | -          | -          | -          | -          |
| 10. Highway Commercial Uses      | -          | X          | -          | -          | -          | -          | -          | X          | X          |
| 11. Downtown Uses                | -          | -          | -          | -          | -          | -          | -          | -          | -          |
| 12. Neighborhood Office Uses     | X          | X          | X          | X          | X          | -          | -          | -          | -          |
| 13. Office Center Uses           | -          | X          | X          | -          | X          | X          | X          | -          | -          |
| 14. Research/Assembly Uses       | -          | -          | -          | -          | -          | X          | X          | X          | -          |
| 15. Light Industrial Uses        | -          | -          | -          | -          | -          | -          | X          | X          | -          |
| 16. Heavy Industrial Uses        | -          | -          | -          | -          | -          | -          | -          | -          | X          |

Table 4B: Use Groups Allowed as Conditional Uses

| Table 4C Use Group                | RS1 | RS2 | RS3 | RS4 | RS5 | RA1 | RM1 | RM2 | RM3 |
|-----------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1C. General Uses                  | X   | X   | X   | X   | X   | X   | X   | X   | X   |
| 2C. Residential Uses              | X   | X   | X   | X   | X   | X   | X   | X   | X   |
| 3C. Attached Residential          | -   | -   | -   | -   | -   | -   | -   | -   | -   |
| 4C. Multi-Family Residential Uses | -   | -   | -   | -   | -   | -   | X   | X   | X   |
| 5C. Institutional Uses            | X   | X   | X   | X   | X   | X   | X   | X   | X   |
| Table 4C Use Group                | C1  | C2  | C3  | O1  | O2  | I1  | I2  | I3  |     |
| 1C. General Uses                  | X   | X   | X   | X   | X   | X   | X   | X   | X   |
| 4. Multi-Family Residential       | X   | X   | -   | -   | -   | -   | -   | -   | -   |
| 4C. Multi-Family Residential Uses | -   | -   | X   | -   | -   | -   | -   | -   | -   |
| 5C. Institutional Uses            | X   | X   | X   | X   | -   | X   | X   | X   | X   |
| 6C. Business Uses                 | X   | X   | X   | X   | X   | X   | X   | X   | X   |
| 7C. Convenience Retail Uses       | X   | X   | X   | -   | -   | -   | -   | -   | -   |
| 8C. Neighborhood Retail Uses      | X   | X   | X   | -   | -   | -   | -   | -   | -   |
| 9C. Community Retail Uses         | -   | X   | X   | -   | -   | -   | -   | -   | -   |
| 10C. Highway Commercial Uses      | -   | X   | -   | -   | -   | -   | -   | X   | X   |
| 11C. Downtown Uses                | -   | -   | -   | -   | -   | -   | -   | -   | -   |
| 12C. Neighborhood Office Uses     | X   | X   | X   | X   | X   | -   | -   | -   | -   |
| 13C. Office Center Uses           | -   | X   | X   | -   | X   | X   | X   | -   | -   |
| 14C. Research/Assembly Uses       | -   | -   | -   | -   | -   | X   | X   | X   | X   |
| 15C. Light Industrial Uses        | -   | -   | -   | -   | -   | -   | -   | X   | X   |
| 16C. Heavy Industrial Uses        | -   | -   | -   | -   | -   | -   | -   | -   | X   |

Table 4C: Use GroupsGroup 1: General Uses

*General Uses are customary public, accessory, or other uses allowable in all zoning districts.*

Accessory Uses to Permitted Uses in the applicable District

Bus, rapid transit, or commuter rail stops or stations, local

Construction buildings or trailers, temporary Offices accessory to a Permitted Use in the applicable District

Parking, off-street, as an Accessory Use only Permitted Public Uses:

*Poles, tunnels, conduits, wires, cables, headends, vaults, laterals, pipes, drains, mains, valves, hydrants, and similar distribution equipment for public services or utilities; street, alley, and railroad or transit rights-of-way; fire alarm and police call boxes; traffic signals; and pay telephones.*

Real estate sales or leasing offices, temporary Temporary Uses approved under provisions for Temporary Uses in 6.04(a)

Uses that are not Permitted or Conditional Uses in this or any other district and are similar in the judgment of the Director of Building and Zoning to Permitted Uses in the applicable district under 6.04(c)

Group 1C: Special General Uses

*Special General Uses are public, accessory, or other uses normally allowable in all zoning districts only after special review to assure compatibility.*

Accessory Uses to Conditional Uses in the applicable District

Air rights development

Conditional Public Uses:

*The use of a lot other than as a Permitted Public Use, as defined herein, by a governmental body, public utility, or railroad for the provision of public utilities or services, including sewerage, water supply, electricity, gas, cable television, public safety, government administration, transportation, and communications.*

*Conditional Public Uses shall include power plants and substations; water or sewage treatment plants, reservoirs, and pumping stations; railroad and utility buildings; police and fire stations; municipal buildings and local government offices; and public transportation facilities, including shelters, garages, terminals, parking and turnaround areas, and service buildings, except as specifically listed elsewhere.*

Expansion, addition, or substantial reconstruction of a Conditional Use, except routine maintenance

Offices accessory to a Conditional Use

Planned Unit Developments

Radio and television towers

Uses that are not Permitted or Conditional Uses in this or any other district and are similar in the judgment of the Director of Building and Zoning to Conditional Uses in the applicable district under 6.04(c)

**Group 2: Residential Uses**

*Residential Uses are uses always compatible with the most restricted single-family residential environments.*

Group homes, as defined herein, subject to the Village group home licensing ordinance  
Home occupations, subject to 13.08  
Model homes as an Accessory Use  
Single-family detached dwellings

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**Group 2C: Special Residential Uses**

*Special Residential Uses are uses that may be compatible with the most restricted single-family residential environments under appropriate conditions.*

Agriculture, no farm animals or retail sales

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**Group 3: Attached Residential Uses**

*Attached Residential Uses are uses always compatible with an intermediate residential environment between single-family detached and multi-family development.*

Single-family attached dwellings, as defined herein, in unit groupings of 5 or fewer units

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**Group 3C: Special Attached Residential Uses**

*Special Attached Residential Uses are uses that may be compatible with an intermediate residential environment under appropriate conditions.*

(RESERVED)

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**Group 4: Multi-Family Residential Uses**

*Multi-Family Residential Uses are uses always compatible with a multi-family environment.*

No use in this Group may be located on the ground floor in any Business District.

Multiple-family dwellings, as defined herein  
Townhouse dwellings, as defined herein  
Two-family dwellings that are not single-family attached dwellings

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**Group 4C: Special Multi-Family Residential Uses**

*Special Multi-Family Residential Uses are uses that may be compatible with a multi-family environment under appropriate conditions.*

Mortuaries (no crematories)

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**Group 5: Institutional Uses**

*Institutional Uses are public or semi-public uses normally allowable without special review to assure compatibility.*

Parks, playgrounds, and forest preserves, public or private  
Golf courses and country clubs

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**Group 5C: Special Institutional Uses**

*Special Institutional Uses are public and semi-public uses that normally require special review to assure compatibility.*

Adult day care centers  
Cemeteries  
Churches and religious institutions  
Hospitals  
Mental health centers  
Nursing homes  
Philanthropic and charitable institutions  
Recreational institutions, as defined herein  
Senior citizen day care centers  
Schools and educational institutions

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**Group 6: Business Uses**

*Business Uses are uses always compatible with any retail, office, or industrial environment.*

Automated teller machines  
Rental or lease of items sold in the applicable District as a Permitted Use  
Repair or servicing (indoor) of items produced on the premises as a Permitted Use in the District  
Repair or servicing (indoor) of items sold in the applicable District as a Permitted Use  
Sale, incidental only, of items produced on the premises as a Permitted Use in the District  
Showrooms, non-retail, for items produced on the premises as a Permitted Use in the District  
Storage (indoor) of items produced, sold, rented, leased, serviced, or repaired on the premises as a Permitted Use in the District

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**Group 6C: Special Business Uses**

*Special Business Uses are uses that may be compatible with any retail, office, or industrial environment under appropriate conditions.*

Rental or lease of items sold in the applicable District as a Conditional Use  
Repair or servicing (indoor) of items produced on the premises as a Conditional Use in the District  
Repair or servicing (indoor) of items sold in the applicable District as a Conditional Use  
Sale, incidental only, of items produced on the premises as a Conditional Use in the District  
Showrooms, non-retail, for items produced on the premises as a Conditional Use in the District  
Storage (indoor) of items produced, sold, rented, leased, serviced, or repaired on the premises as a Conditional Use in the District

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**Group 7: Convenience Retail Uses**

*Convenience Retail Uses are smaller retail and personal service uses that provide very frequently purchased consumer goods and services, that typically generate only modest traffic, and that are therefore suited to highly dispersed locations closest to residential areas.*

Beauty shops and barber shops  
 Candy, ice cream, popcorn, nut, and yogurt stores  
 Clothing repair, hat repair, shoe repair and tailor shops  
 Currency exchanges  
 Drug stores  
 Dry cleaner and laundry drop-off stations and laundromats  
 Food stores with minimal food preparation on the premises  
 Newspaper & magazine shops  
 Photo processing stores  
 Restaurants, delicatessens, retail bakeries, donut shops, and convenience markets with limited food preparation on the premises  
 Tobacco shops

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**Group 7C: Special Convenience Retail Uses**

*Special Convenience Retail Uses are very frequently-patronized retail and personal service uses that may be compatible in highly dispersed locations closest to residential areas under appropriate conditions.*

Child day care centers, as defined herein  
 Service stations

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**Group 8: Neighborhood Retail Uses**

*Neighborhood Retail Uses are retail and service uses that provide frequently purchased consumer goods and services and that are therefore suited to semi-dispersed locations close to residential areas.*

Banks  
 Card and gift stores  
 Credit unions  
 Domestic appliance stores, including radio, television, stereo, lighting, clock, and music stores  
 Finance companies  
 Florist shops  
 Food and grocery stores  
 Jewelry and watch sales and repair stores  
 Liquor stores (package goods only)  
 Locksmith shops  
 Office, stationery, school, and art supply stores  
 Optician sales, retail  
 Paint, tile, and wallpaper stores  
 Post offices  
 Print shops with 6 or fewer employees  
 Recycling collection points  
 Savings and loans and savings banks  
 Ticket offices, theatre and amusement  
 Ticket offices, transportation  
 Video cassette sales or rental stores  
 Yard goods stores

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**Group 8C: Special Neighborhood Retail Uses**

*Special Neighborhood Retail Uses are uses that may be compatible with a neighborhood retail environment under appropriate conditions.*

Drive-in facilities, as defined herein  
 Taverns, as defined herein

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Group 9: Community Retail Uses

*Community Retail Uses are retail and service and related uses that provide less frequently purchased consumer goods and services, that generate heavy traffic, and that are therefore suited for centralized locations separated from residential areas.*

Antique shops  
Art shops or galleries, but not including auction rooms  
Automobile part and accessory stores  
Bicycle shops  
Blueprinting and photostating establishments  
Bookstores  
Business machine sales  
Camera and photographic supply stores  
Camping equipment sales  
Carpet and rug stores (retail sales)  
Catalog stores  
Catering establishments  
China and glassware stores  
Clothing stores  
Collectables sales, such as coins, stamps, comic books, and the like  
Computer sales  
Custom dressmaking establishments  
Department stores, junior department stores, and discount department stores  
Furniture stores, including upholstery when conducted as part of the retail operations and secondary thereto  
Furrier shops, including the incidental storage and conditioning of furs  
Hardware stores  
Health clubs as defined herein  
Hearing aid stores  
Hobby and craft shops  
Hotels and motels  
Interior decorating shops, including upholstery and the making of draperies, slip covers, and other similar articles when conducted as part of the retail operations and secondary thereto  
Leather goods and luggage stores  
Libraries, private, and reading rooms  
Millinery shops  
Musical instrument sales  
Newspaper distribution agencies  
Night clubs, as defined herein  
Orthopedic and medical appliance stores, retail

Pawnshops  
Pet shops  
Phonograph record, tape, compact disc, and sheet music stores  
Photography studios, including development of film when conducted as part of the business  
Picture framing shops  
Produce markets  
Second hand stores and rummage shops  
Sewing machine sales and service  
Shoe stores  
Sporting goods stores  
Tanning salons  
Taxidermists  
Telegraph offices  
Theatres, indoor  
Toy stores  
Variety stores

Group 9C: Special Community Retail Uses

*Special Community Retail Uses are uses that may be compatible with a community retail environment under appropriate conditions.*

Indoor commercial amusement establishments, including bowling alleys, pool halls, dance halls, and skating rinks  
Printing and publishing establishments with over 6 employees

Group 10: Highway Commercial Uses

*Highway Commercial Uses are retail, service, and semi-industrial uses that provide goods and services to consumers or businesses and that require larger sites or are otherwise incompatible with more restricted consumer retail environments and that are therefore suited to free-standing facilities along arterial highways rather than to locations in concentrated retail centers.*

Bottled gas dealers  
 Building materials and products sales  
 Car washes  
 Contractors and construction offices  
 Drive-in facilities, as defined herein  
 Electrical showrooms and shops  
 Equipment rental  
 Exterminating services  
 Flea markets and swap meets, indoor  
 Frozen food sales, including locker rental  
 Fuel and ice sales  
 Garden supply, tool, and seed stores, including lawn mower, snow blower, and snowmobile sales and service  
 Greenhouses and nurseries  
 Indoor commercial amusement establishments, including bowling alleys, pool halls, dance halls, and skating rinks  
 Kennels, pet grooming, and veterinary offices  
 Lawn care services  
 Machinery and equipment sales  
 Manufactured home sales (no open sales lot)  
 Monument sales (no open sales lot)  
 Motor vehicle repair establishments  
 Motor vehicle sales (no open sales lot) or rental, including cars, trucks, boats, trailers, recreational vehicles, and motorcycles  
 Plumbing and heating supply sales  
 Printing and publishing establishments with over 6 employees  
 Sewer cleaning and rodding services  
 Swimming pool sales (no open sales lot)  
 Water softener services

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Group 10C: Special Highway Commercial Uses

*Special Highway Commercial Uses are uses that normally require special review to assure compatibility even in a highway commercial environment.*

Auction rooms  
 Campgrounds  
 Convention and exhibit halls  
 Farm stands, permanent  
 Flea markets and swap meets, outdoor  
 Fuel storage, bulk  
 Gunsmith shops, not including firing ranges  
 Mini-warehouses  
 Model home and garage displays as a Principal Use  
 Open sales lots as defined herein as a Principal or Accessory Use  
 Outdoor commercial amusement establishments, including archery ranges, miniature golf, golf driving ranges, ice rinks, amusement parks, and similar facilities  
 Outdoor storage associated with a Permitted or Conditional Use  
 Trailer parks and campgrounds  
 Truck stops

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## Group 11: Downtown Uses

*Downtown Uses are uses suited to the nature of Bensenville's multi-use Downtown business area but not normally suited to other business districts in the Village.*

(RESERVED)

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## Group 11C: Special Downtown Uses

*Special Downtown Uses are uses that may be compatible with the Downtown environment under appropriate conditions.*

(RESERVED)

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## Group 12: Neighborhood Office Uses

*Neighborhood Office Uses are smaller office and related non-retail and non-industrial uses that generate moderate traffic and are otherwise compatible with highly dispersed locations close to residential areas.*

Dental offices, maximum 3 dentists  
Employment agencies  
Graphics and drafting services  
Group homes, as defined herein  
Insurance sales offices  
Medical offices, maximum 3 doctors  
Mortuaries (no crematories)  
Offices, business and professional, not listed elsewhere  
Offices, government, political, and institutional  
Optometry offices, maximum 3 optometrists  
Real estate sales offices  
Schools, commercial  
Secretarial services  
Studios, art, music, craft, interior design, or photography  
Tax preparation offices  
Travel bureaus

---

## Group 12C: Special Neighborhood Office Uses

*Special Neighborhood Office Uses are uses that may be compatible with a neighborhood office environment under appropriate conditions.*

Bed & breakfast lodging  
Crematories as Accessory Uses to mortuaries  
Day care centers, child  
Parking, off-street, as a Principal Use  
Tourist homes

---

**Group 13: Office Center Uses**

*Office Center Uses are office and related uses that are predominantly non-retail and non-industrial in character, that generate considerable employee and visitor traffic, and that are therefore incompatible with dispersed locations close to residential areas.*

Banks  
 Banquet halls  
 Clinics  
 Credit unions  
 Data processing centers  
 Day care centers, child  
 Finance companies  
 Graphics and drafting services  
 Health clubs, as defined herein  
 Hotels and motels  
 Laboratories, medical, dental, optical, research, film, photo, or testing  
 Mail order houses and letter shops  
 Meeting halls  
 Motion picture studios (no outdoor sets)  
 Newspaper distribution agencies  
 Offices, administrative (no retail sales)  
 Package delivery services  
 Parking, off-street, as a Principal Use  
 Post offices  
 Radio stations and studios  
 Recording studios  
 Research and development facilities  
 Restaurants, subject to 13.04  
 Retail and entertainment as Accessory Uses subject to 13.09  
 Savings and loans and savings banks  
 Schools, commercial  
 Taverns, as defined herein, subject to 13.04  
 Television stations and studios  
 Training centers, business  
 Union halls

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**Group 13C: Special Office Center Uses**

*Special Office Center Uses are office-related uses that may be compatible with an office center environment under appropriate conditions.*

Alcohol or drug abuse treatment facilities  
 Automobile and truck rental establishments  
 Blueprinting and photostating establishments  
 Business machine sales  
 Computer sales  
 Convention halls  
 Exhibit halls  
 Heliports, as defined herein

---

**Group 14: Research/Assembly Uses**

*Research/Assembly Uses are very light industrial uses that produce minimal adverse environmental effects and can therefore be located closest to residential and other more restricted uses.*

Light assembly:

*The assembly of premanufactured parts into finished products by use of small power tools and/or hand tools and such jigs and fixtures as are necessary, but specifically excluding any forging, metal stamping, bending, shearing, or casting operations*

Warehousing and storage, indoor, and distribution facilities, except as allowed only in any higher-numbered Use Group  
 Wholesaling

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**Group 14C: Special Research/Assembly Uses**

*Special Research/Assembly Uses are uses that may be compatible with a research/assembly industrial environment under appropriate conditions.*

Uses qualifying under 13.06

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Group 15: Light Industrial Uses

*Light Industrial Uses are industrial uses that produce modest environmental effects and can be located close to residential or other restricted uses.*

Specific Uses

Bakery plants  
Bottling works  
Cold storage plants  
Dry cleaning & dying plants, using nonflammable cleaning fluids and excluding carpet and bag cleaning  
Dwelling unit of caretaker or guard  
Feed, flour, and grain storage  
Laundry plants  
Linen, uniform, or diaper supply  
Machine shops, precision  
Metal plating, electrolytic process  
Mini-warehouses  
Motor freight depots  
Motor vehicle body shops  
Motor vehicle repair establishments  
Painting or varnishing shops  
Printing, typesetting, binding, or publishing establishments  
Produce markets  
Recycling centers  
Restaurants  
Retail and entertainment as Accessory Uses subject to 13.09  
Service stations  
Storage, open, of trucks or buses  
Taverns, as defined herein  
Towing and wrecking services  
Truck stops  
Union halls  
Woodworking shops

Industrial Products

Any use consisting of assembly, cleaning, compounding, distillation, manufacturing, packaging, processing, production, reclamation, reconditioning, refining, repair, servicing, testing, or treatment of:

Apparel  
Bags

Baked goods  
Beverages, non-alcoholic  
Bicycles & tricycles  
Brooms & brushes  
Buttons  
Candy and confections  
Cemetery monuments and burial caskets  
Ceramic products using only previously pulverized clay & gas- or electrically-fired kilns  
Chewing gum  
Clocks & watches  
Coffee  
Cosmetics  
Cutlery  
Dairy products  
Dies & gauges  
Drugs & medications  
Electrical & electronic appliances & instruments, small  
Electrical & electronic appliance & instrument parts, small  
Extracts  
Flowers, artificial, or plumes  
Food products not allowed only in a higher-numbered I District  
Fur goods (excluding tanning & dying)  
Furniture & wood products  
Garments  
Hand tools & hardware products  
Handicrafts  
Heating, ventilation, and air conditioning appliances & supplies  
Hosiery  
Ice, natural or dry  
Ice cream & similar products  
Instruments, small precision  
Jewelry  
Mattresses  
Medical, dental, optical, orthopedic, or prosthetic goods and supplies  
Musical instruments  
Novelties  
Office machines  
Office or artists' supplies  
Pencils  
Perfumes  
Sheet metal products, light, such as HVAC ducts, cornices, or eaves  
Signs and billboards, including electric and neon

Silverware & plated utensils  
 Sporting goods  
 Stamps, metal & rubber  
 Syrups  
 Toiletries  
 Toys  
 Wine

The following materials previously manufactured and/or prepared elsewhere:

|            |               |          |
|------------|---------------|----------|
| bone       | glass         | rubber   |
| bristles   | hair          | shell    |
| broomcorn  | horn          | textiles |
| canvas     | leather       | tobacco  |
| cellophane | metal         | wax      |
| cloth      | paper         | wire     |
| cork       | plastics      | wool     |
| feathers   | precious or   | wood     |
| felt       | semi-precious | yarns    |
| fiber      | metals or     |          |
| fur        | stones        |          |

### Group 15C: Special Light Industrial Uses

*Special Light Industrial Uses are uses that may be compatible with a light industrial environment under appropriate conditions.*

Armories  
 Auditoriums  
 Building movers and wreckers  
 Canning & preserving factories, except fish products and sauerkraut  
 Fuel storage, bulk  
 Heliports, as defined herein  
 Motor, rail, or air freight terminals  
 Outdoor storage  
 Sign painting shops (no fabrication)  
 Stadiums and arenas  
 Vulcanizing shops  
 Uses qualifying under 13.06  
Uses consisting of mixing, compounding, and packaging of:

- Chemicals
- Cleaning & polishing products
- Ink or inked ribbon
- Soap, washing or cleaning

### Group 16: Heavy Industrial Uses

*Heavy Industrial Uses are industrial and related uses that may produce substantial adverse environmental effects and therefore require locations removed or heavily buffered from residential or other more restricted uses.*

Any use consisting of assembly, cleaning, compounding, distillation, manufacturing, packaging, processing, production, reclamation, reconditioning, refining, repair, servicing, testing, or treatment facilities except uses that are:

1. allowed only in Group 16C or any higher-numbered Industrial Use Group, or
2. established as specifically prohibited uses in all Use Groups or all Industrial Use Groups in the Village.

Building movers and wreckers  
 Motor, rail, or air freight terminals  
 Outdoor storage  
 Fuel storage, bulk

### Group 16C: Special Heavy Industrial Uses

*Special Heavy Industrial Uses are uses that cannot be assured to be compatible with even a relatively unrestricted heavy industrial environment without special review.*

Adult uses, as defined herein, subject to 13.05  
 Crematories  
 Incinerators  
 Junk yards, as defined herein  
 Scavenger services  
 Sewer cleaning services  
 Solid waste recycling centers  
 Wrecking yards, as defined herein  
 Uses qualifying under 13.06



*Chapter 5*  
**Accessory Uses and Yards**

**5.01 Accessory Uses**

**(a) General Provisions**

**(1) Compatibility**

Accessory uses and structures shall be compatible with the principal use of the lot on which they are located and shall not be established prior to the establishment thereof.

**(2) Location**

Accessory uses may be located in yards subject to the provisions of Tables 5B and 5C.

**(3) Standards**

All accessory uses shall conform to the applicable standards in Table 5A.

**(b) Special Accessory Uses**

**(1) Antennas**

**A. Satellite Dish Antennas**

Dish antennas shall conform to the provisions of Section 13.09.

**B. Other Towers or Antennas**

Other radio or television towers or antennas as accessory uses shall not have an antenna height exceeding 35 feet in Residential Districts and shall not be so positioned as to be a hazard to any utility line.

**(2) Keeping of Animals**

The keeping, preparation, or culture of poultry, pigeons, rabbits, bees, or livestock shall not be an accessory use in any district.

**(3) Garages, Parking, and Loading**

Garages, carports, open parking spaces, and open loading spaces as accessory uses shall be subject to applicable provisions of the Off-Street Parking and Loading chapter.

**(4) Private Swimming Pools**

Residential swimming pools shall conform to the provisions of the swimming pool regulations of the Building Code.

**(5) Fences**

Fences shall meet the requirements of Section 13.10.

**(6) Signs**

Signs shall meet the requirements of the Village Sign Ordinance.

**(7) Home Occupations**

Home occupations shall meet the requirements of Section 13.07.

**5.02 Yards**

**(a) Obstructions**

Yards may be obstructed by accessory uses or building projections as provided in Table 5C.

**(b) Yards Used for One Structure**

The minimum yard space required for one structure under the zoning district regulations herein shall not be used as the required yard space for another structure.

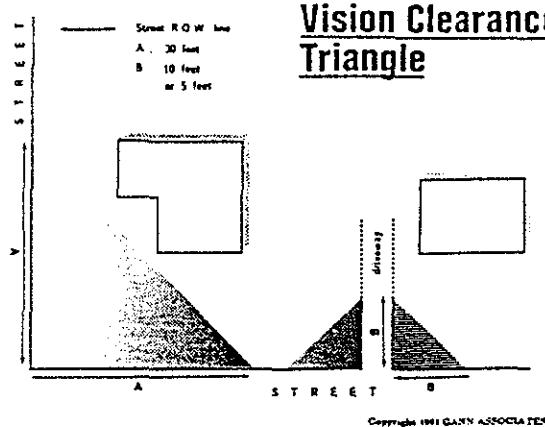
**(c) Reduction in Lot Area**

No lot shall be reduced in area so that the yards or other open spaces shall be less than required by this Ordinance.

### (d) Vacant Through Lots

On a vacant through lot, either of the lot lines abutting a street may be established as the front lot line.

Except that where two or more through lots are contiguous and a front lot line has been duly established by the construction of a building on one lot, the same street lot line shall serve as the front lot line of all such contiguous lots.



### (e) Vision Clearance Triangle

#### (1) Definition

Within a triangular area located at the at-grade intersection of two streets, a street and a railroad, or a street and a driveway special restrictions apply.

The triangular area shall be formed by:

A. the right-of-way lines of the streets, alleys, driveways, or railroads between:

1. their intersection, and
2. points at the distances specified in the table below from their intersection along each line, and by

B. a straight line connecting these points.

| Intersection Between                          | Distance in Feet |
|---|------------------|
| Street & Street                               | 30               |
| Street & Railroad                             | 30               |
| Street & Alley                                | 10               |
| Street & Driveway:<br>Single-Family Dwelling: | 5                |
| All Other:                                    | 10               |
| Driveway & Internal Access Drive              | 10               |

#### (2) Regulations

Within this triangle, there shall not be permitted:

A. any fence, hedge, wall, landscaping or screening, ground sign, or other solid obstruction having an opacity of over 30 percent and a height of over 2.5 feet

B. any such obstruction with an opacity of 30 percent or less and height over 3.5 feet

C. any overhanging object, such as a tree branch, pole sign, or projecting sign, with a clearance of less than 8 feet.

Height and clearance shall be measured from the street curb or, where no curb exists, from the pavement edge that is closest to the obstruction.

#### (3) Exemptions

The following obstructions shall be exempt from these provisions:

- A. tree trunks
- B. utility poles
- C. poles, pylons, and support structures, such as for signs, and similar obstructions not exceeding 1 foot in width or diameter.

**Table 5A: Standards for Accessory Structures**

|   |                                  |                        |
|---|----------------------------------|------------------------|
| Maximum HEIGHT [f] in   |                                  |                        |
| Residential Districts:  | In feet:                         | 12                     |
|   | In stories:                      | 1                      |
| Maximum COVERAGE of:  |                                  |                        |
| Required REAR Yard [a]:   |                                  | 50%                    |
| Required FRONT Yard [e]:  |                                  | 30%                    |
| Minimum SETBACK from Principal or Other Accessory Building in feet [c]: |                                  |                        |
|   |                                  | 10                     |
| Minimum SETBACK from LOT LINES [b]:                                     |                                  |                        |
| <u>Accessory Use</u>  | <u>Lot Line</u>                  | <u>Setback in Feet</u> |
| Service station fuel pump   | Front or Corner Side             | 15                     |
| Dog run   | Any                              | 10                     |
| Any, on corner lot  | Rear, abutting lot in R District | 6                      |
| Any   | Any, abutting an alley           | 5                      |
| Any   | Any                              | 3                      |
| Maximum NUMBER & SIZE of Residential Accessory Buildings [d]:           |                                  |                        |
|   | Maximum Floor Area in            |                        |
|   | <u>Number</u>                    | <u>Square Feet</u>     |
| Detached or Attached Garage   | 1                                | 700                    |
| All Other Accessory Buildings   | 1                                | 300                    |
| Total for All Accessory Buildings                                       | 2                                | 1,000                  |

**Notes for Table 5A**

Above standards apply except where regulations herein applicable to a specific kind of accessory structure provide a greater or lesser standard.

[a] Cumulative for all driveways, paved walkways, off-street parking spaces, and all accessory structures in yard. Excludes areas occupied by open patios and decks and swimming pools. Percentage of coverage applies to area of actual yard when smaller than area of required yard.

[b] Except fences, walls, landscape screens, berms, and hedges. Structures are subject also to the yard requirements of Table 5C, which may impose greater setbacks from lot lines.

[c] No setback is required for enclosed decks and patios and accessory uses that are structurally a part of the principal building.

[d] On residential lots in RS and RA Districts.

[e] Applies to open porches only.

[f] Fence/antenna height, as defined herein.

**Table 5B: Maximum Projection into Yard**

| <u>Accessory Use</u>                | <u>Applicable Yard</u> | <u>Maximum Projection in Inches</u> | <u>Percent of Yard Depth</u> |
|-------------------------------------|------------------------|-------------------------------------|------------------------------|
| Awnings, canopies arbors, trellises | Any                    | --                                  | 25%                          |
| Bay windows                         | Any                    | 36                                  | --                           |
| Chimneys                            | Any                    | 24                                  | --                           |
| Eaves, sills, cornices, or gutters  | Front Any              | -- 24                               | 25% --                       |

Any: Any yard in which allowed by Table 5C. Yards are required yards, as defined herein.

**Table 5C:**  
**Permitted Yard Obstructions [a]**

| Projection or Accessory Use   | Rear Yard | Side Yard | Front or Interior |        | Projection or Accessory Use | Rear Yard | Side Yard | Front or Interior |       | Front or Corner Side Court Yard |
|-------------------------------|-----------|-----------|-------------------|--------|-----------------------------|-----------|-----------|-------------------|-------|---------------------------------|
|                               |           |           | Interior          | Corner |                             |           |           | Side              | Court |                                 |
| Air conditioning condensers   | x         | -         | -                 | -      | x                           |           |           |                   |       |                                 |
| Arbors & trellises            | x         | x         | -                 | -      |                             |           |           |                   |       |                                 |
| Awnings & canopies **         | x         | x         | x                 | x      |                             |           |           |                   |       |                                 |
| Balconies, open               | x         | -         | x                 | x      |                             |           |           |                   |       |                                 |
| Bay windows **                | x         | -         | x                 | x      |                             |           |           |                   |       |                                 |
| Chimneys **                   | x         | x         | x                 | x      |                             |           |           |                   |       |                                 |
| Decks, open or enclosed       | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Dish antennas *               | x         | [d]       | [d]               | x      |                             |           |           |                   |       |                                 |
| Dog runs                      | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Drives, internal circulation  | x         | x         | x                 | x      |                             |           |           |                   |       |                                 |
| Eaves, sills, or cornices **  | x         | x         | x                 | x      |                             |           |           |                   |       |                                 |
| Fences, walls, or hedges *    | x         | x         | -                 | x      |                             |           |           |                   |       |                                 |
| Fire Escapes                  | x         | x         | -                 | -      |                             |           |           |                   |       |                                 |
| Flagpoles                     | x         | -         | x                 | x      |                             |           |           |                   |       |                                 |
| Garages or carports *         | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Gardens, vegetable            | x         | -         | -                 | x      |                             |           |           |                   |       |                                 |
| Greenhouses                   | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Gutters **                    | x         | x         | x                 | x      |                             |           |           |                   |       |                                 |
| Laundry drying equipment      | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Lawn furniture                | x         | -         | x                 | x      |                             |           |           |                   |       |                                 |
| Light standards, ornamental   | x         | -         | x                 | x      |                             |           |           |                   |       |                                 |
| Loading, open *               | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Parking, open *               | x         | x         | x                 | -      |                             |           |           |                   |       |                                 |
| Patios, terraces, open ** [b] | x         | -         | -                 | x      |                             |           |           |                   |       |                                 |
| Patios, terraces, enclosed    | x         | -         | -                 | -      |                             |           |           |                   |       |                                 |
| Porches or breezeways, open   | x         | -         | x                 | x      |                             |           |           |                   |       |                                 |

Yards are required yards, unless otherwise provided herein.

x = Permitted - = Not permitted

\* See also separate regulations herein.

\*\* See also Table 5B.

Sheds and storage buildings, swimming pools, and laundry drying equipment may be allowed within an actual front yard but outside of the required front yard if the Director of Building and Zoning makes a finding that it is impractical to locate them in a rear or interior side yard.

[a] Subject to requirements of Tables 5A & 5B.

[b] Shall not be over 4 feet above the mean average level of the ground.

[c] This provision applies to the actual yard, as defined herein.

[d] Allowed in interior and corner side yards except for single-family and townhouse uses.

[e] Applies in corner side yard, not in front yard.

[f] Applies in front yard, not in corner side yard.

*Chapter 6*  
**Special Development Approvals**

**6.01 Rules for All Special Approvals**

**(a) Types of Special Approvals**

The Village may approve, conditionally approve, or disapprove applications for the following Special Development Approvals:

**(1) Amendments and Rezonings**

- A. Map Amendments
- B. Text Amendments

**(2) Zoning Adjustments**

- A. Variances
- B. Conditional Uses
- C. Appeals
- D. Changes to Properties With Nonconformities

**(3) Minor Zoning Approvals**

- A. Temporary Uses
- B. Interpretations
- C. Unlisted Uses Similar to Listed Uses

**(4) Planned Unit Developments**

**(b) Approval Procedure**

No Special Development Approval shall be approved, conditionally approved, or disapproved except in conformance with:

- (1) the applicable Approval Criteria in Tables 6B, 6C, 6D, 6E, and 6F, and
- (2) the applicable Approval Process provided herein or in Chapter 2, Filing Procedures, and
- (3) other applicable provisions of this Ordinance.

**(c) Responsibility for Action**

Recommendations and final actions on special development approvals shall be the responsibility of the bodies specified in Table 6A.

**(d) Basis for Action**

The Zoning Board of Appeals, Plan Commission, and Director of Building and Zoning shall:

1. grant or recommend granting approval or conditional approval to an application for any Special Development Approval only on the basis of findings of fact that applicable Approval Criteria have been met, or will be met if conditions to which the approval is made subject are complied with, and
2. disapprove or recommend disapproval to an application only on the basis of findings of fact that at least one of the applicable Approval Criteria has not been met and cannot be met by the imposition of acceptable conditions.

**(e) Findings of Fact**

Determinations that Approval Criteria have or have not been met that are not accompanied by specific findings of fact supporting those determinations shall not be considered findings of fact as required in paragraph 6.01(d) herein.

**(f) Allowable Conditions**

Conditions to which any approval hereunder is made subject shall be only such as are reasonably required to make the application conform to applicable Approval Criteria herein and shall not be so stringent as in effect to preclude establishment of the use. No text or map amendment shall be made subject to any conditions.

**(g) Reason for Denial**

Any review body or official that denies an

application for any Special Development Approval shall specify in writing to the applicant the reasons for such denial.

#### (h) Expansion or Alteration

Any expansion of, addition to, structural alteration of, or change of use of a use holding a Conditional Use Permit, or exempted therefrom by paragraph 6.01(i), occurring subsequent to the date of approval thereof or the date of effect of this Ordinance, whichever is later, shall require a new Permit.

#### (i) Existing Uses Exempt

Except as otherwise provided herein, any lawful use existing on the effective date of this Ordinance or any applicable amendment thereto that requires any special development approval thereunder, shall be considered a lawful use without the need for such approval hereunder.

It shall be the responsibility of the owner or occupant of the property to provide evidence of the existence of the use on or prior to such date.

#### (j) Transferability

Except where expiration periods are provided herein, all Special Development Approvals together with any conditions to which they are made subject shall run with the land and be transferable.

### 6.02 Amendments & Rezonings

#### (a) Purpose

To adapt to changing development conditions and provide for the phased implementation of the Bensenville General Development Plan, the Zoning Board of Appeals may from time to time recommend, and the Village Board may adopt, amendments to the provisions of the text of this Ordinance, or the Zoning District Map, as provided by Illinois Revised Statutes.

**Table 6A:**  
**Action on Special Approvals**

|   | Advisory Action Body | Final Action Body |
|---|----------------------|-------------------|
| <b><i>A. Amendments</i></b>                     |                      |                   |
| 1. Text Amendments                              | ZBA                  | Board             |
| 2. Map Amendments                               | ZBA                  | Board             |
| <b><i>B. Zoning Adjustments</i></b>             |                      |                   |
| 1. Variances                                    | ZBA                  | Board             |
| 2. Conditional Uses                             | ZBA                  | Board             |
| 3. Appeals                                      | --                   | ZBA               |
| 4. Changes to Properties With Nonconformities * | ZBA                  | Board             |
| <b><i>C. Minor Zoning Approvals</i></b>         |                      |                   |
| 1. Temporary Uses                               | --                   | DBZ               |
| 2. Interpretation of Ordinance or Map           | --                   | DBZ               |
| 3. Unlisted Uses                                | --                   | DBZ               |
| <b><i>D. Planned Unit Development</i></b>       |                      |                   |
|   | PC                   | Board             |

Board: Village Board of Trustees

DBZ: Director of Building and Zoning

ZBA: Zoning Board of Appeals

PC: Village Plan Commission

\* Only those changes requiring special discretionary approval under the Nonconformities chapter herein.

**Table 6B: Approval Criteria for Zoning Map Amendments**

**1. Support for Classification**

**a. Compatible With Use or Zoning**

The uses permitted under the proposed district are compatible with existing uses or existing zoning of property in the environs, or

**b. Supported by Trend of Development**

The trend of development in the general area since the original zoning was established supports the proposed classification, or

**c. Consistent With Village Plans**

The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as viewed in light of any changed conditions since their adoption.

**2. Furthers Public Interest**

The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

**3. Public Services Available**

Adequate public services--such as water supply, sewage disposal, fire protection, and street capacity--are anticipated to be available to support the proposed classification by the anticipated date of issuance of a Certificate of Occupancy.

**6.03 Zoning Adjustments**

**(a) Variances**

**(1) Purpose**

Because of special characteristics of particular properties in the Village, the literal application of the provisions of this Ordinance may in certain instances create hardships or practical difficulties not intended by these regulations.

The Zoning Board of Appeals may accordingly grant Variances from the literal application of the provisions of this Ordinance based on findings of fact as provided in this section. Variances herein shall be considered the same as variations under the Illinois Revised Statutes.

**(2) Use Variances**

The Board shall not grant a Variance that allows a use not otherwise allowed as a Permitted or Conditional Use in the applicable district.

If the Board finds that a text or map amendment to this Ordinance rather than a Variance is necessary to grant an applicant relief, it shall so advise the applicant. The Zoning Board and Village Board may hear a subsequent application for such amendment notwithstanding the provision on Rehearing in the Filing Procedures chapter of this Ordinance.

**Variances**

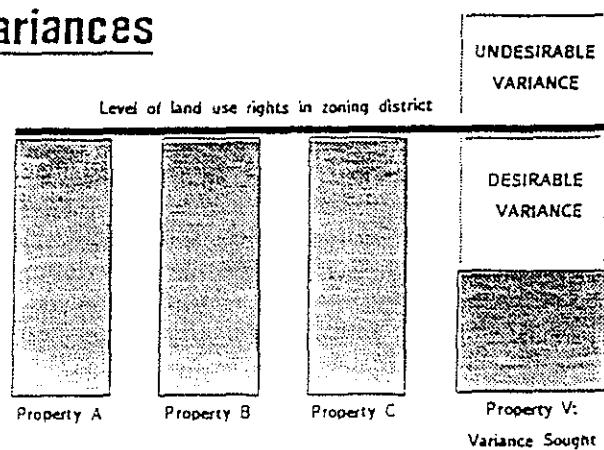


Table 6C: Approval Criteria for Variances1. Special Circumstances

Special circumstances, fully described in the written findings, exist that are peculiar to the property for which the Variance is sought and that do not apply generally to other properties in the same zoning district.

And these circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide a general amendment to this Ordinance to cover them.

2. Hardship or Practical Difficulties

For reasons set forth in the findings, the literal application of the provisions of this Ordinance would result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

3. Circumstances Relate to Property

The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography, or soil conditions. They do not concern any business or activity the present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business, or financial circumstances of any party with interest in the property.

4. Not Resulting from Applicant Action

The special circumstances and practical difficulties or hardship that are the basis for the Variance have not resulted from any act undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property.

Knowingly authorizing or proceeding with construction, or development requiring any Variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

5. Preserves Rights Conferred by District

A Variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

6. Necessary for Use of Property

The grant of a Variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a Variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

7. Not Alter Local Character

The granting of the Variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

8. Consistent With Ordinance and Plan

The granting of a Variance will be in harmony with the general purpose and intent of this Ordinance and of the General Development Plan and other applicable adopted plans of the Village of Bensenville, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

9. Minimum Variance Needed

The Variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

**(b) Conditional Uses****(1) Purpose**

Certain uses cannot be allowable generally in a particular zoning district, or in any zoning district, because of the impact their special character creates on surrounding areas.

Some such uses may, however, be allowed under special conditions. These uses are provided for in this Ordinance as Conditional Uses.

Because a Conditional Use is compatible with the applicable zoning district only under special conditions, no Certificate of Zoning Compliance shall be issued for any use authorized herein as a Conditional Use before approval of a Conditional Use Permit.

Except as specifically provided herein, all regulations of the applicable zoning district, and all other applicable regulations of this and other Village ordinances, shall apply to Conditional Uses.

Conditional Uses herein shall be considered the same as special uses under the Illinois Revised Statutes.

**(2) Review of Conditional Uses**

In evaluating the conformance of a proposed Conditional Use to the Approval Criteria of Table 6D, the Zoning Board of Appeals shall examine, as applicable, the following characteristics of the proposed use and its individual structures or components:

- A. Location and orientation
- B. Lot size
- C. Size of facility, including floor area, structure height, design capacity, and anticipated employment.
- D. Site design and arrangement
- E. Provisions affecting on- and off-site pedestrian and traffic movement, vehicle storage, and the passage of emergency vehicles
- F. Appearance

- G. Screening or landscaping
- H. On- or off-site buffering from incompatible uses with open spaces or transitional uses
- I. Operations factors, such as hours of use or environmental controls, that affect land use compatibility
- J. Other characteristics of the proposed use pertinent in the judgment of the Board to an assessment of the impact of the use on the area.
- K. Environmental factors such as noise, odors, or glare.

The Board may call upon technical experts or have studies performed to determine specific development standards or conditions for any particular Conditional Use.

### Table 6D: Approval Criteria for Conditional Uses

#### 1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical of Permitted Uses in the zoning district has been minimized.

#### 2. Environmental Nuisance

Any effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Permitted Uses in the district, have been minimized.

#### 3. Neighborhood Character

The proposed use will fit harmoniously with the existing character of existing Permitted Uses in its environs. Any adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Permitted Uses in the district have been minimized.

#### 4. Use of Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Permitted Uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

#### 5. Other Factors

The use is in harmony with any other elements of compatibility pertinent in the judgment of the Board to the Conditional Use in its proposed location.

### (c) Appeals

#### (1) Purpose

Because actions of administrative officials and bodies under this Ordinance are subject to occasional error, the Zoning Board of Appeals may hear Appeals of such actions and modify them if it finds an error has been made.

#### (2) Applicability

Except as otherwise provided herein, any party aggrieved by an alleged error in an administrative action---such as an order, requirement, decision, or determination---made improperly under this Ordinance by the Director of Building and Zoning or other authorized administrative official, commission, board, or department of the Village may file an Appeal thereof with the Zoning Board of Appeals.

Such actions shall include denial of a Zoning Certificate, Certificate of Occupancy, Building Permit, or other permit or certificate based on noncompliance with the Zoning Ordinance.

Actions of the Village Board and the Zoning Board of Appeals and advisory recommendations of any committee, board, or commission to another body shall not be subject to appeal.

#### (3) Notice of Appeal

##### A. Filing Deadline

A Notice of Appeal shall be filed with the Director of Building and Zoning within 45 days of the date of the action being appealed.

##### B. Contents

The Notice shall contain:

1. The name, address, and telephone number of the party filing the Appeal

2. The location of the property affected by the action being appealed
3. A numerical citation of the provision of the Ordinance governing the action being appealed
4. A statement of the grounds on which the Appeal is based
5. The findings of fact or reason given by the administrative official or body on which the action was based
6. A brief summary of the evidence upon which the Appeal is based
7. A plot plan and verbal description of the use affected by the action appealed.

#### (4) Stay of Proceedings

The filing of a Notice of Appeal shall stay all proceedings in furtherance of the action appealed unless the Director of Building and Zoning certifies to the Board that in his or her judgment a stay would cause imminent peril to life, health, or property.

In such case, no proceedings shall be stayed without issuance of a restraining order by the Board or a court of record.

#### (5) Approval Process

The Director of Building and Zoning shall transmit upon receipt the Notice of Appeal and the complete record of the decision to the Zoning Board of Appeals. The Board shall set a reasonable time for a meeting on the Appeal.

Within 30 days of the conclusion thereof, the Zoning Board of Appeals shall take final action on the Appeal in conformance with the Approval Criteria in Table 6E. The Board may affirm, modify, or reverse the action appealed, subject only to judicial review. To this end the Board shall have all the powers of the party whose action was appealed, including the power to direct the issuance of a certificate or permit.

#### Table 6E: Approval Criteria for Appeals

The Zoning Board of Appeals shall sustain an Appeal and reverse or modify an action appealed only if it finds that the action was an error not in conformance with the Zoning Ordinance by virtue of being:

1. based on erroneous interpretation of the Ordinance, or
2. based on an erroneous finding of a fact material to the action taken under the Ordinance, or
3. an abuse of the discretion allowed under the Ordinance, or
4. clearly not in conformance with applicable Approval Criteria or other provisions of the Ordinance.

If the Board finds that the action appealed was undertaken in full compliance with this Ordinance, it shall sustain the action and deny the Appeal even if it finds the action or the applicable Ordinance provision to be objectionable.

The Board may recommend to the Village Board that the Ordinance be amended if it finds certain provisions herein to be undesirable, but it shall not sustain an Appeal as an alternative to such amendment.

### (d) Changes to Properties With Nonconformities

#### 1. Purpose

Some determinations of the extent to which Nonconformities should be eliminated can more equitably be made on the basis of case-by-case review than by an inflexible general rule.

#### 2. When Required

When any of the actions specified in the Nonconformities chapter of this Ordinance involving Nonconformities requires a discretionary decision on required elimination of Nonconformities, the party proposing to take such action shall file an application with the Zoning Board of Appeals.

#### 3. Approval Criteria

In recommending or granting approval or conditional approval to a proposed action on a property with a Nonconformity as provided in the Nonconformities chapter herein, the Zoning Board of Appeals and Village Board shall prepare written findings of fact that:

A. In connection with the proposed action, Nonconformities will be reduced or eliminated to the extent the Board determines is physically and economically feasible, allowing as much conformity as possible without necessitating such substantial measures as relocation of sound major structures, acquisition of additional land, or expense disproportionate to the cost of the proposed action, and

B. After the proposed action is taken, the property is likely to conform to the Approval Criteria for Conditional Uses in Table 6D to a greater or substantially equal degree than before the action was taken.

## 6.04 Minor Zoning Approvals

### (a) Temporary Uses

#### (1) Purpose

Uses not in conformance with the provisions of this Ordinance may provide a public benefit without significant detriment to the public welfare provided they are established only for limited durations. In such cases full compliance with regulations intended for permanent uses may be unreasonable and unnecessary.

#### (2) Applicability

Except as exempted herein, no Temporary Use not in full compliance with the provisions of this Ordinance applicable to permanent uses shall be established or maintained in any district without a currently valid Temporary Use Permit issued by the Director of Building and Zoning in accordance with the Approval Criteria of Table 6F and other provisions herein. No Certificate of Zoning Compliance shall be required for Temporary Uses.

A Temporary Use not in compliance with any provision herein shall be considered a permanent use and shall be subject to all requirements of this Ordinance for such uses.

#### (3) Approval Process

An application for a Temporary Use Permit shall be filed with the Director of Building and Zoning at least 14 days before the establishment of the use, or 30 days in the case of a Permit extension approvable by the Zoning Board of Appeals. The application shall include the items specified in Table 2C in the Filing Procedures chapter of this Ordinance.

The Director of Building and Zoning may deny such a Permit or any renewal thereof or approve it subject to any restrictions, time limits, or conditions he or she finds necessary to conform to the Approval Criteria herein. Within 7 days of application therefor, he or she shall either issue or deny a Permit.

The Permit shall set forth any conditions to which it is subject. The permittee shall display the Permit within plain view on the premises of the Temporary Use for the duration of the Use.

(4) Renewal

An original Temporary Use Permit and each renewal thereof shall be valid for a period of 30 days or such lesser period as the Director of Building and Zoning may establish. No Temporary Use Permit shall be renewed beyond a cumulative total of 90 days per calendar year without prior approval by the Zoning Board of Appeals. No permit shall be renewed for a cumulative total of over 180 days except for temporary construction buildings or real estate sales offices.

(5) Partial Compliance Upon Renewal

As a condition to renewal of a Temporary Use Permit, the Director of Building and Zoning or Zoning Board of Appeals may require partial compliance with the regulations herein applicable to a permanent use--and may require progressively greater compliance with each subsequent renewal--if such compliance is deemed necessary to make the use compatible with its environs.

(6) Exemptions

No Temporary Use Permit shall be required for any of the following uses if they are established for less than 30 days in any calendar year:

- A. Christmas tree sales
- B. Temporary parking lots

(7) Rules for Special Temporary Uses

A. Temporary Signs

Temporary signs are permitted as provided in the Village Sign Ordinance.

B. Construction Buildings

Temporary construction buildings or

trailers shall be located on the same property as the construction or on an abutting property and shall not be maintained beyond 10 days after the end of construction.

C. Real Estate Sales Offices

Temporary sales or leasing offices in new or renovated real estate developments shall not be maintained beyond 10 days after all properties have been sold or leased.

D. Garage Sales

Garage sales shall conform to the provisions of Section 13.11.

E. Vehicle Sales in Residential Districts

Motor vehicle sales in Residential Districts shall conform to the provisions of Section 13.12.

F. Carnivals and Exhibitions

Carnivals and exhibitions shall conform to the provisions of Section 13.13.

### Table 6F: Approval Criteria for Temporary Uses

#### 1. No Permanent Exception to Normal Requirements

The Temporary Use is not likely to create long-term or permanent conditions in conflict with the regulations herein applicable to permanent uses.

#### 2. Easily Terminated

The use is of such a nature as to be easily and inexpensively terminated if such conditions should arise or if the conditions to which the Temporary Use Permit is made subject are not maintained.

And the applicant has agreed to remove any permanent structures added in connection with the Temporary Use that are not suitable for conversion to permanent uses allowed under this Ordinance.

#### 3. Not Alternative to Other Approval

The Temporary Use Permit is the most suitable device to grant a use temporary relief from the requirements of this Ordinance and does not serve as an alternative to a Variance, amendment, Conditional Use, or other approval for a use that is likely to remain permanently.

#### 4. Not Alter Local Character

The Use will not permanently alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity. And the use will not create such adverse effects to a degree objectionable even during the term of the Permit.

### (b) Interpretations

#### (1) Purpose

The intent of general rules as applied to particular situations will occasionally require interpretation. To avoid unnecessary delay, the procedure for determining interpretations is intended to be as expeditious as possible.

#### (2) Approval Procedure

In consultation with the Village Attorney, the Director of Building and Zoning may determine interpretations of ambiguities in the text of this Ordinance or in the Zoning District Map. Such interpretations shall be subject to Appeal as provided herein.

The Director may refer to the Zoning Board any questions of interpretation that deal with areas of unusual ambiguity or that may constitute adjustments to the regulations.

(c) Unlisted Uses Similar to Listed Uses

In any zoning district, a permanent use not listed as a Permitted or Conditional Use in the district shall be allowed therein if the use:

- (1) is not listed as a Permitted or Conditional Use in any less restricted district, and
- (2) is determined by the Director of Building and Zoning to be similar to any listed use in the subject zoning district with respect to:
  - A. types of goods or services produced or sold, and
  - B. generation of automobile, truck, or pedestrian traffic, and
  - C. hours of operation, and
  - D. general effect upon its environs.

Uses determined to be similar to listed Conditional Uses shall be subject to the approval of a Conditional Use Permit. All regulations herein applicable to the listed use shall also apply to the unlisted use to which it is judged similar.

An applicant for a use disapproved under this paragraph may appeal the decision of the Director under 6.03(c) or apply for a text amendment to the Ordinance under 6.02.

*Chapter 7*  
**Off-Street Parking  
and Loading**

**7.01 Provisions Applying to  
Both Parking and Loading**

**(a) Purpose**

The purpose of these requirements is to further the appropriate provision and design of off-street parking and loading areas that will:

1. provide access for occupants, employees, customers, clients, and visitors to land uses in a community dependent on automobile and truck transportation
2. foster safe and efficient circulation of vehicles and pedestrians both on private property and on adjacent public streets
3. minimize nuisance in residential areas from on- or off-street parking of large numbers of, or incompatible types of, vehicles.

**(b) Applicability**

**(1) To Uses**

Off-street parking and loading spaces shall be provided in conformance with the requirements of Tables 7A, 7B, 7C, 7D, and 7E and other provisions herein for:

1. all new uses, and
2. all existing uses that are:
  - a. enlarged or expanded, or
  - b. otherwise changed in density, intensity, capacity, or other measure that determines parking or loading requirements hereunder, or
  - c. changed to any other use to which different parking requirements herein apply.

These provisions shall likewise apply to parking that is the Principal Use of a parcel. Open sales lots for motor vehicles shall not be considered as parking spaces for purposes of this chapter.

No additional spaces shall be required for expansion or change of an existing use if the standards herein would require an increase over the spaces already provided on the site of less than 15 percent.

**(2) To Parking Spaces**

The requirements of this chapter shall apply to any provision, removal, enlargement, or alteration of any off-street parking or loading spaces or areas that are accessory to any building or structure and either:

1. are existing as of the effective date of these regulations, or
2. are new spaces or areas required to be provided hereunder or voluntarily provided in excess of the requirements herein.

**(c) Exemption for C-3 Downtown  
Mixed Use District**

In recognition of the existing character and pedestrian orientation of the Village's older downtown business area, no off-street loading shall be required for non-residential uses located entirely within the C-3 Downtown Mixed Use District.

Fees in lieu of off-street parking may be required by the Village Board in the C-3 District as provided in paragraph 7.02(b).

**(d) Exceptions**

**(1) Basis for Approval**

The Zoning Board of Appeals may approve an exception to the parking or loading requirements herein on the basis either:

- A. of procedures and criteria provided in the general regulations governing

Variances in the Special Development Approvals chapter of this Ordinance, or

B. of submission of parking or loading demand studies, documented industry standards, or other evidence satisfactory to the Board that the use currently needs fewer spaces than required herein.

### (2) Reserve Areas

#### A. When Required

An on- or off-site open area reserved for possible future conversion to parking or loading may be required as a condition of a reduction in the number of required parking or loading spaces under 7.01(d)(1).

In determining whether to require such an area, the Zoning Board of Appeals shall consider:

1. the availability of land therefor either on the site or off the site within the distances specified in 7.02(c)(1) and 7.03(b), and
2. the likelihood of a future need for additional parking.

#### B. Size of Reserve Area

The number of reserve spaces shall be the difference between the number of spaces provided and the number required by Table 7C, 7D, or 7E without the reduction that the Board finds to require a reserve area.

Reserve areas shall be large enough to accommodate in surface parking the number of reserve spaces. A reserve area large enough to accommodate such spaces only in a structure may be provided if approved by the Board based on a finding that the structure is likely to be built.

#### C. Use of Reserve Area

Reserve areas shall be used only for open space, outdoor recreation, outside storage where permitted, or other purposes that would not impose significant obstacles to their later conversion to parking or loading.

Vegetative ground cover shall be installed and maintained in all areas not requiring a different surface for any such use.

#### D. Other Requirements

Reserve areas shall be located and otherwise arranged so as to allow, upon their conversion, conformance to all applicable requirements of Village regulations applying to off-street parking or loading in effect at the time of their original installation.

#### E. Covenant for Future Conversion

Prior to the issuance of a Zoning Certificate for any use required hereunder to provide a reserve area, the applicant for the Certificate shall execute and record with the Recorder of Deeds of DuPage or Cook County, as applicable, a covenant running with the land for the benefit of the Village of Bensenville.

The covenant shall specify that the property owner will install the number of reserve spaces, or any portion thereof specified by the Director of Building and Zoning, within 90 days of the date of a written request by the Director or within any extension thereof that he or she may grant.

The Director shall make such request only upon determining that the spaces required to be installed are necessary to achieve the purposes of this chapter.

The covenant shall remain in effect until the number of reserve spaces has been

reduced to zero.

**(e) Preservation and Replacement of Existing Spaces**

No off-street parking or loading spaces or areas provided in full or partial conformity with the provisions of these or previous regulations, shall be reduced in size, number, or other characteristic below or further below the requirements herein so long as the use they serve continues in operation.

Residential garages shall not be converted into non-parking use unless parking requirements herein will be met after such conversion.

A use that undergoes a reduction in floor area or other measure specified herein for determining the number of required spaces may nonetheless reduce the number of spaces to those required herein for the smaller use.

**(f) Site Plan**

Ten copies of a Site Plan at a scale determined by the Director of Building and Zoning showing off-street parking and loading facilities shall accompany an application for any of the following for any use required herein to provide over 4 off-street parking spaces or one or more off-street loading spaces:

- (1) Building Permit
- (2) Certificate of Occupancy
- (3) Certificate of Zoning Compliance
- (4) rezoning
- (5) Preliminary or Final Plat approval as provided in the Subdivision Regulations Ordinance
- (6) Variance from off-street parking or loading requirements
- (7) Planned Unit Development Preliminary or Final Plan
- (8) Conditional Use Permit.

The Director of Building and Zoning may waive or defer this requirement in any instance in which the specific use of the premises, and therefore the specific parking and loading

requirements applicable, are not yet determined, such as in the case of a rezoning for an industrial subdivision.

The Site Plan required herein shall include the items specified for uses with parking in Table 2D of the Filing Procedures chapter herein.

**(g) Use of Parking and Loading Areas**

Except as otherwise provided herein, required off-street parking shall be used solely for parking for patrons, occupants, guests, visitors, or employees of the premises on the same lot.

No sales, dead storage of any kind, nor motor vehicle dismantling, repair, or servicing work except for emergency services, is permitted in any open off-street parking or loading area except as an accessory use to single-family detached or attached dwellings or as otherwise provided herein or as may be approved by the Village Board.

**(h) Access**

Except for uses required hereunder to provide 4 or fewer spaces, each required off-street parking space and loading space shall open directly upon an aisle or driveway of such width and design as to provide a safe and efficient means of vehicular access.

Dimensions of aisles and driveways shall be as provided in Tables 7A and 7B.

Driveways for single-family residential uses shall also conform to the requirements of paragraph 7.02(e), Single-Family Parking and Driveways, herein.

Each space shall have vehicular access to a public thoroughfare in a manner that will least interfere with traffic movement thereupon.

**(i) Grading and Drainage**

All parking and loading areas and related aisles and drives shall be graded for proper drainage

and shall conform to Village Ordinance 9-88, Development in Special Flood Hazard Areas, and Ordinance 10-88, Storm Water Management.

### (i) Surfacing

All open off-street parking and loading areas and related vehicular access drives and aisles, including residential driveways and widenings thereof, shall be surfaced with material meeting current Village standards.

The Director of Building and Zoning may waive the requirement for surfacing herein for a parking or loading area located no less than 400 feet from a Residential District that serves a use located in an I Industrial District.

No portion of the right-of-way of any public street that is not part of a driveway shall be surfaced or gravelled except by the Village, County, or State.

### (k) Maintenance

All parking and loading areas shall be maintained free of dust, trash, and debris.

The surfacing, curbing, lighting fixtures, marking, signage, and related appurtenances shall be maintained in good condition so long as such areas are used for parking or loading purposes.

### (l) Signs

All signs relating to off-street parking and loading areas shall conform to the provisions of the Village Sign Ordinance.

### (m) Illumination

Uses required herein to provide over 4 parking spaces or one or more loading spaces shall provide, for such spaces as are intended to be commonly used at night, lighting facilities that are adequate to illuminate such spaces but that do not cause glare on adjoining streets or properties.

### (n) Landscaping and Screening

Landscaping and screening of off-street parking and loading areas shall be as provided in the Landscaping and Screening chapter of this Ordinance.

## 7.02 Off-Street Parking Provisions

### (a) Joint Parking Facilities

#### (1) Collective Provision

Required parking spaces for different uses may be provided collectively.

Except as provided herein under Parking for Shopping Centers and Shared Parking, the total number of spaces so provided shall not be less than the sum of the spaces required for each separate use, and no parking space shall serve as the required space for more than one use.

Prior to the approval by the Director of Building and Zoning of collective provision, a binding written agreement approved as legally sufficient by the Village Attorney shall be filed that guarantees the intended users of collective parking spaces the right to their use and is transferable to subsequent users.

#### (2) Shared Parking

Off-street parking spaces provided for one use may be credited by the Director of Building and Zoning toward the spaces required herein for another use that normally operates during different hours.

This provision shall apply only to spaces either provided for or to be credited to the following uses and only up to the applicable percentage specified of the total spaces required:

Percentage of RequiredSpaces that May Be  
Shared Parking

100 %

| <u>Use</u>        |
|-------------------|
| Church            |
| Auditorium or     |
| School Auditorium |

50 %

| <u>Use</u>    |
|---------------|
| Bowling Alley |
| Dance Hall    |
| Restaurant    |
| Tavern        |
| Night Club    |
| Theatre       |

To be credited, such spaces shall be:

A. included within a parking area that is located no further from the use to which the spaces are to be credited than the walking distances specified in paragraph 7.02(c)(1), Location of Parking Spaces, herein

B. not reserved on a 24-hour basis for particular individuals, occupants, or organizations

C. included in a written agreement filed with the Director of Building and Zoning and approved as legally sufficient by the Village Attorney that:

1. specifically allows the use of such spaces by the use to which they are to be credited, and

2. specifies the type of establishment and normal operating hours--or hours during which parking spaces proposed for crediting are normally used--seven days a week for all uses sharing such spaces.

If the Director of Building and Zoning determines that any uses sharing spaces would regularly utilize such spaces during all or most of the same hours, he or she may disallow the crediting of such spaces.

(3) Parking for Shopping Centers

The number of parking spaces required for retail and personal service uses located in a shopping center, as defined herein, shall be as provided for shopping centers in Table 7E rather than the sum of the spaces required for the individual uses.

Except that the number of spaces shall be as provided in Table 7E for the individual use for:

A. Any use located in a shopping center that has a parking requirement that exceeds by more than 25 percent the applicable shopping center requirement herein, and

B. Any use occupying over 50 percent of the net floor area of the center.

This number shall be added to the applicable number of spaces required by Table 7E for shopping centers for the balance of the uses in the center.

(b) Fees in Lieu of Parking

Prior to the issuance of any Building Permit or Certificate of Occupancy for a use in the C-3 Downtown Mixed Use District, the use shall, in lieu of providing off-street parking, pay to the Village a fee as determined by the Village Board for each parking space required by Tables 7D and 7E herein.

The number of spaces for which a fee is required shall not include the number of spaces for which a documented fee payment has previously been made by the same or another owner(s) or occupant(s) of the lot.

The Village shall place such fees in a special fund, the principal and interest of which shall be used exclusively to establish, operate, and maintain public off-street parking facilities available to all uses within the District. Such facilities shall be entirely located within the District or not more than 400 feet from any

boundary thereof.

No refund of any fee shall be made because a use is discontinued or changed to one requiring less parking.

Any use in the District required under the regulations in the Nonconformities chapter herein to reduce or eliminate a Nonconformity with respect to the number of off-street parking spaces, shall do so by payment of fees as required herein and not by provision of such spaces.

### (c) Location of Parking Spaces

#### (1) On Same or Separate Lot

Required off-street parking for single-family detached and attached dwellings shall be provided on the same lot as the use served. Parking spaces within garages or carports and on driveways shall be counted as required spaces for such dwellings.

Required parking for other uses may also be provided on a separate lot that is in the same possession by deed, lease, or other written certification approved as legally sufficient by the Village Attorney that confirms its availability to the use and is transferable to subsequent users.

No parking on a separate lot for any non-residential use shall be separated from the use by any residentially-zoned property not in the same possession as the use.

Required parking shall be located within the following walking distances from the nearest point of the parking area to the nearest pedestrian entrance to the use served:

|   |            |
|---|------------|
| Rooming Houses                                  |            |
| Accessory Apartments in Single-Family Dwellings |            |
| Multi-Family Residential:                       | 200 feet   |
| Commercial/Institutional:                       | 400 feet   |
| Office/Industrial:                              | 1,000 feet |

#### (2) In Yards

##### A. Single-Family and Townhouses

###### 1. Applicability

The provisions of this paragraph shall apply to single-family detached and attached, duplex, and townhouse dwellings--and to such dwellings that have been converted to rooming houses, dwellings with accessory apartments, or multi-family dwellings.

###### 2. Parking In Required Yards

Open off-street parking for uses specified in 7.02(c)(2)A1 shall not be located in required front or corner side yards.

###### 3. Parking In Actual Yards

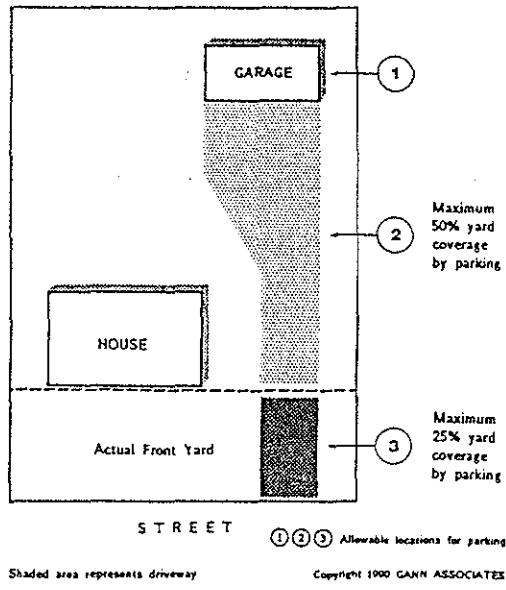
No more than one motor vehicle that is not a commercial or recreational vehicle as defined herein shall be parked within an actual front or corner side yard unless the resulting coverage of the actual front yard by parking is 25 percent or less of actual front yard area.

All such vehicles not enclosed within a building or carport shall be parked entirely upon a driveway or comparably surfaced widening thereof and shall not encroach upon any public sidewalk.

Any additional motor vehicles shall be parked outside of such yards, provided that coverage of the actual rear yard by parking shall not exceed 50 percent of yard area.

Where the dimensions of actual side yards and the absence of an alley preclude vehicular access to

### Single-Family Parking



the side and rear yards, the limitations herein on front yard parking shall not apply.

#### 4. Parking in Right-of-Way

Except as otherwise permitted by Village ordinance, no parking accessory to a use specified in 7.02(c)(2)A1 shall be established in the right-of-way of any public street between 3 AM and 6 AM.

#### B. Other Uses

##### 1. Parking In Required Front Yards

Open off-street parking for uses other than those in paragraph 7.02(c)(2)A1, including multi-

family residential, may be located in required interior side and rear yards, but not in required front or corner side yards.

#### (d) Parking of Recreational and Commercial Vehicles

##### (1) Recreational Vehicles

###### A. In Residential Districts

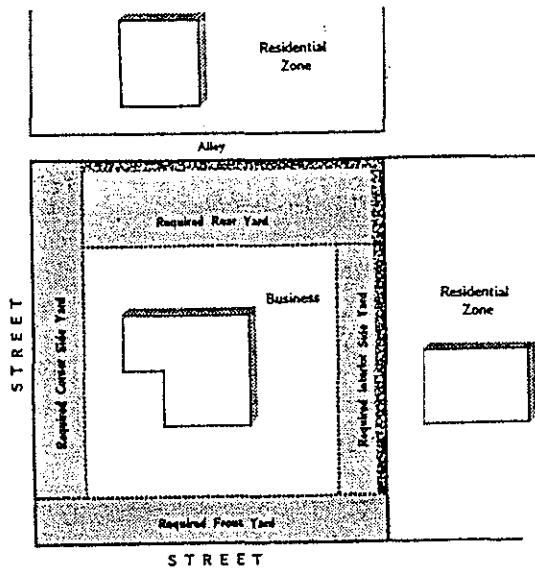
A single recreational vehicle as defined herein per dwelling unit may be parked or stored on a lot in a Residential District provided that:

1. it is not occupied for living or sleeping purposes for more than 7 consecutive nights or for more than 15 days per calendar year, and
2. it is stored in its collapsed position if it is a vehicle of the collapsible type not stored in a garage, and
3. it is parked or stored in a location determined by the following:
  - a. The vehicle shall be parked in a garage, carport, or covered parking space, where one exists on the premises large enough to accommodate the vehicle.
  - b. Otherwise, the vehicle shall be parked in the driveway or comparably surfaced widening thereof except in an actual front or corner side yard.
  - c. Otherwise, where the dwelling unit does not have its own driveway (as in the case of some multi-family units), the vehicle shall be parked in an open off-street parking space on the premises outside of an actual front or corner side yard

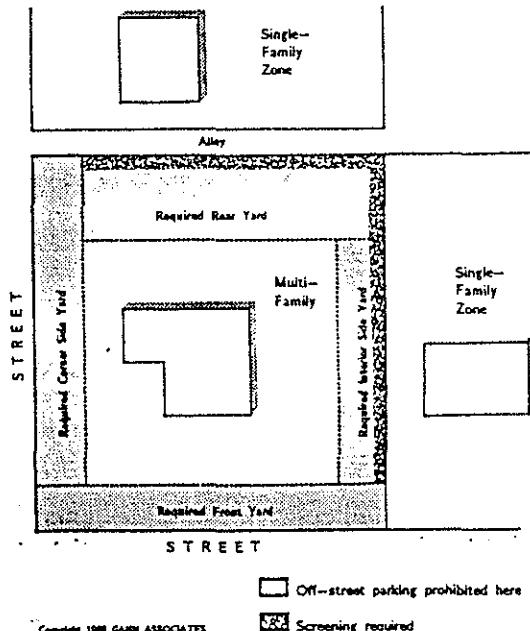
## Parking

## *Bensenville Zoning Ordinance*

### Parking in Yards



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or in an off-street space off the premises approved by the Director of Building and Zoning.

### B. In Other Districts

There shall be no restrictions on parking of recreational vehicles in non-residential districts.

### (2) Parking of Commercial Vehicles

#### A. In Residential Districts

##### 1. Prohibited Parking

There shall be parked or stored on a lot in a Residential District:

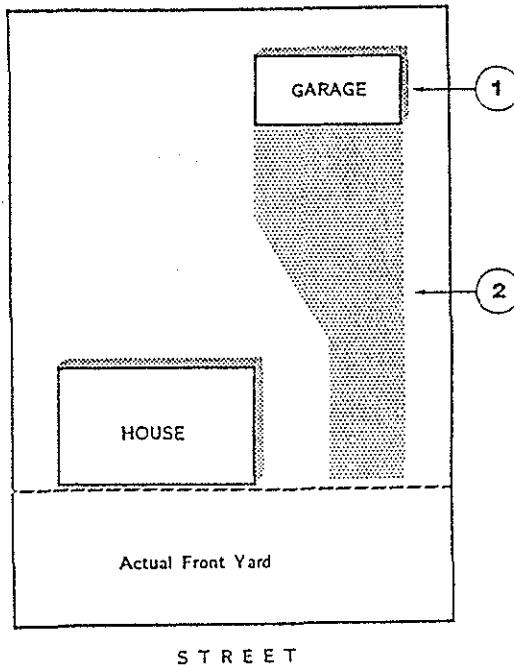
- a. no tractor, semi-trailer, tow truck, farm implement, or construction vehicle, and
- b. no other commercial vehicle, as defined herein, weighing more than 8,000 pounds unloaded, and
- c. no more than one commercial vehicle below such weight.

##### 2. Exceptions

Except that any such vehicle may be parked or stored:

- a. in a completely enclosed garage, or
- b. for loading or unloading of household belongings between 6:00 AM and midnight for the purpose of moving a personal residence, or
- c. for deliveries, repairs, construction, maintenance, or service calls.

## Recreational Vehicle Parking



### (1) Number

One driveway and one curb cut or vehicular entrance onto a street or alley shall be permitted per lot, except as provided herein.

#### A. Through Lots

A through lot may have one curb cut on each frontage.

#### B. Lots Abutting Alleys

A lot abutting an alley that has a detached garage:

1. may have a vehicular entrance from the alley only if the garage is located at least 5 feet from the alley, and

*Locations established in the regulations for recreational vehicle parking on residential lots are, in order of preference:*

1. In a garage
2. On the driveway behind the actual building line

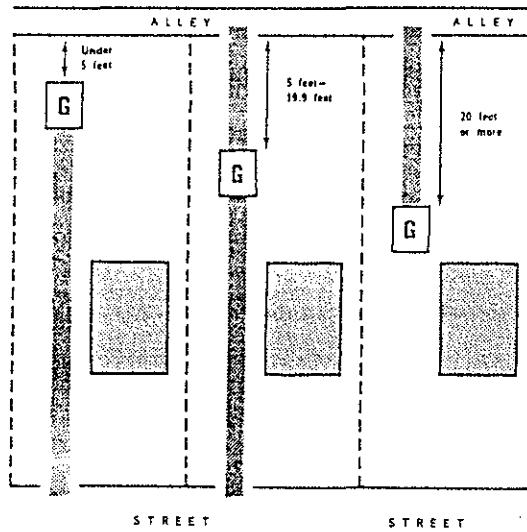
#### B. In Commercial Districts

No commercial vehicle as defined herein may be parked or stored on a lot in a Commercial District other than in a completely enclosed garage or in a public off-street parking facility unless it is used in a business located on the same premises or is being parked temporarily by a customer, supplier, contractor, or visitor or for loading, unloading, moving, or construction, maintenance, or repair of the premises.

### (e) Single-Family Parking and Driveways

Parking and driveways for single-family residential uses shall conform to the following regulations:

## Single-Family Driveway Access



See 7.02(e)(1)(B)



Driveway



Allowable Driveway Access



G Garage

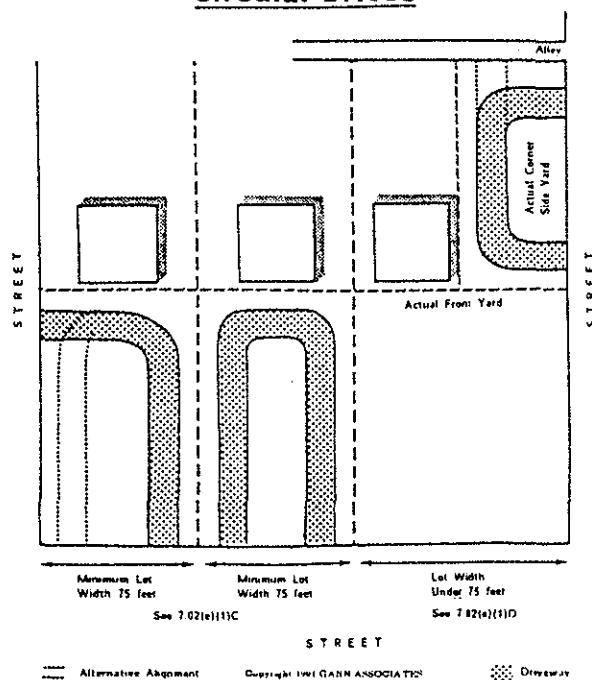
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2. may have a curb cut on a street only if such garage is located less than 20 feet from the alley.

### C. Circular Drives in Front Yards

An interior or corner lot having a lot width of 75 feet or more may have a circular driveway with two curb cuts located in the actual front yard.

### Permitted Single-Family Circular Drives



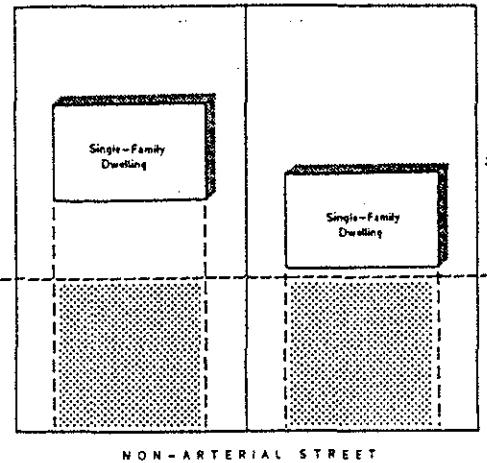
### D. Circular Drives in Corner Side Yards

A corner lot with a lot width of less than 75 feet may have a circular driveway with two curb cuts located in the actual corner side yard in lieu of a driveway in the actual front yard. An entrance or exit from an alley may substitute for one of the curb cuts.

## (2) Location

Locations of single-family parking and driveways shall be as provided in 7.02(c)(2)A.

### Single-Family Driveway Turnarounds



— Required Front Yard Line  
 Normally no driveway turnaround allowed in this area (see 7.02(e)(3) for exceptions)  
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## (3) Driveway Turnarounds

### A. Location

No driveway turnaround shall be permitted in a required front yard located between the dwelling structure and the street except where:

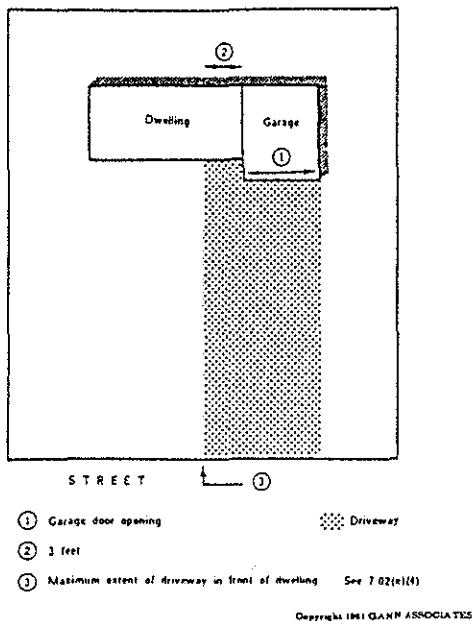
1. the garage on the premises accommodates only one car, and
2. the regulations herein together with the characteristics of the property prevent establishment of more than 2 spaces on the lot, and
3. the lot has frontage on an arterial street designated in the Village General Development Plan.

### B. Dimensions

No driveway turnaround shall be:

1. more than 12 feet long, or
2. over 10 feet wide, excluding flairs.

## Extension of Single-Family Driveway in Front of Dwelling



### (4) Configuration

A driveway within a required front yard shall be essentially perpendicular to the street pavement and shall not extend in front of the dwelling structure more than 3 feet beyond the garage door opening.

### (5) Dimensions

Dimensions of single-family driveways shall be as provided in Table 7B.

### (6) Lot Coverage

No driveway shall together with all Principal and Accessory Structures cover more than 50 percent of the lot area.

### (7) Elimination of Nonconformities

Notwithstanding the provisions of Chapter 10,

any Nonconformity with any provision of 7.02(e) shall be completely eliminated at any time that 20 percent or more of a single-family residential driveway is surfaced or resurfaced.

## (f) Other Parking Requirements

### (1) Small Car Parking Spaces

Up to 25 percent of required off-street parking spaces may be of small car parking space dimensions as provided in Table 7A, provided that such spaces are clearly identified by signs and pavement markings as intended for small cars only.

### (2) Marking

All off-street parking spaces for uses required to provide over 4 spaces shall be marked by durable painted lines, curbs, or other means approved by the Director of Building and Zoning that clearly designates individual spaces.

### (3) Wheel Guards or Curbing

Where parking spaces are so located that vehicles parked therein might extend beyond the parking surface---such as onto streets, sidewalks, or landscaped areas---there shall be installed wheel guards, bumper guards, curbing, or other means of restraint to prevent such encroachment.

This requirement shall not apply to uses providing 4 or fewer parking spaces.

Notwithstanding the provisions of Chapter 10, any Nonconformity with this provision shall be completely eliminated at any time that 20 percent or more of a parking area is surfaced or resurfaced.

### (4) Forward Vehicular Motion

Except for dwellings having individual garages or driveways, off-street parking areas shall be designed to enable vehicles to enter or leave such areas moving in a forward direction.

### (5) Handicapped Parking

All uses providing over 25 parking spaces shall mark at least one space as reserved for the handicapped. One space shall be so marked for the first 50 spaces and one additional space shall be marked for every 100 spaces thereafter.

All such spaces shall be as close as possible to a building entrance accessible to the handicapped and shall offer barrier-free access thereto. Such spaces shall have sufficient width to allow for wheelchair access to a passenger car or passenger van parked therein.

### (6) State Regulations

Off-street parking areas shall also conform to the Illinois Accessibility Code of the Capital Development Board, State of Illinois.

## 7.03 Off-Street Loading Provisions

### (a) Location of Loading Spaces

All required loading spaces shall have adequate ingress from and egress to a public street or alley and shall be located:

(1) on the same lot as the use to be served, except when collectively provided as central loading facilities in conformance with the requirements herein, and

(2) outside of required front and all required side yards, and

(3) in such a manner that no portion of a vehicle shall project across a public sidewalk or into a street.

### (b) Collective Provision

Loading spaces required for individual lots may be collectively provided in central facilities provided that all of the following requirements are met:

(1) The number of spaces provided is not less than the sum of that required by the total floor space for each category of use served.

(2) Each lot served has direct access to the central facilities without crossing streets at grade.

(3) The central facilities are not more than 500 feet from any lot they serve.

(4) Written covenants and easements approved as legally sufficient by the Village Attorney and recorded with DuPage and/or Cook Counties provide for the retention, maintenance, and use of such facilities.

### Table 7A: Parking and Loading Dimensions

|                        | Parking Space     | Loading Space[f] |                      |                     |
|------------------------|-------------------|------------------|----------------------|---------------------|
|                        | For Small Cars[a] | For Other Cars   | For Tractor-Trailers | For Other Trucks[c] |
| 1. Spaces<br>(in feet) |                   |                  |                      |                     |
| Depth                  | 15[b]             | 18[b]            | 60                   | 25                  |
| Width                  | 7.5               | 9                | 14                   | 10                  |
| Vertical Clearance     | 7                 | 7                | 14                   | 12                  |

### 2. Parking Area Aisles

| Angle of spaces in degrees: | Width in feet: |
|-----------------------------|----------------|
| 0 [d]                       | 13             |
| 30                          | 12             |
| 45                          | 13             |
| 60                          | 18             |
| 90 [e]                      | 24             |

Except where indicated otherwise, all requirements are minimums.

- [a] Up to 25 percent of required spaces may be for small cars.
- [b] Parallel parking spaces shall be 22 feet deep.
- [c] Permitted for uses not normally serviced by tractor-trailers.
- [d] Zero degree parking refers to parallel parking.
- [e] Aisle width for 90 degree parking allows for two-way traffic.
- [f] Requirements apply to uses required to provide 1 or more loading spaces by Table 7C.

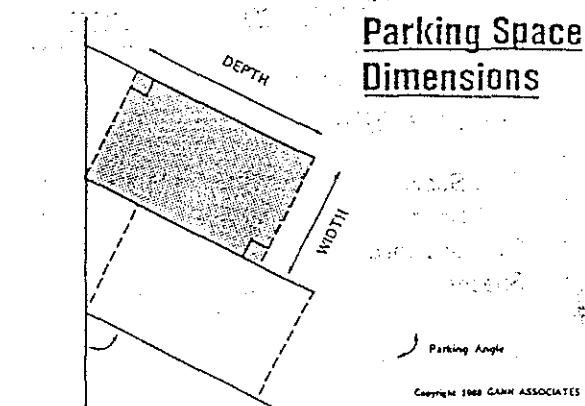


Table 7B: Driveway Dimensions

|   | Driveway Width in Feet |              | Curb Cut Width in Feet |                  |
|---|------------------------|--------------|------------------------|------------------|
|   | Min-<br>imum           | Maxi-<br>mum | Maximum<br>Width       | Maximum<br>Flair |
| <u><i>Single-Family:</i></u>                                      |                        |              |                        |                  |
| To 1 Space  | 9                      | 10           | 10                     | 3                |
| To 2 Spaces   | 9                      | 20           | 20                     | 3                |
| To 3 or More<br>Spaces  | 9                      | 20[a]        | 20                     | 3                |
|   |                        | 30[b]        |                        |                  |
| To Parking in<br>Required Front<br>Yard [e]                       | 9                      | 18           | 18                     | 3                |
| <u><i>Circular or Dual-<br/>Frontage Driveways [c]:</i></u>       |                        |              |                        |                  |
| First:  | 9                      | 20           | 20                     | 3                |
| Second:   | 9                      | 10           | 10                     | 3                |
| Maximum interior radius for<br>circular driveways in 7.02(e)(1)D: |                        | 30 feet      |                        |                  |

*Non-Single-Family:*

|            |    |    |    |     |
|------------|----|----|----|-----|
| Industrial | 20 | 35 | 35 | [d] |
| All Other  | 15 | 35 | 35 | [d] |

*All Driveways:*

Minimum DISTANCE to  
Street Intersection in Feet [f]: 50

- [a] In front and corner side yards only
- [b] Leading to an attached garage
- [c] Permitted only as provided in 7.02(e)(1)  
C and D. The first drive is that  
leading most directly to the spaces.
- [d] Curb return radii shall be approved by  
the Director of Building & Zoning in  
compliance with standards established  
by the Village Engineer.
- [e] Where permitted under 7.02(c)(2)A2.
- [f] Measured from edge of pavement to edge  
of pavement.

Table 7C: Required Number of  
Off-Street Loading Spaces

| Type of Use   | Bldg. Size in<br>Square Feet * | Number of<br>Spaces |
|---|--------------------------------|---------------------|
| Office  | 0 - 5,000                      | 0                   |
| Financial   | 5,001 - 40,000                 | 1                   |
| Institution   | 40,001 - 100,000               | 2                   |
| Clinic  | 100,001 - 300,000              | 3                   |
| Public  | Over 300,000                   | 4                   |
| Institutional   |                                |                     |
|   | 0 - 5,000                      | 0                   |
| Ware-<br>housing  | 5,001 - 40,000                 |                     |
| & Storage   | 40,001 - 70,000                | 2                   |
|   | 70,001 - 110,000               | 3                   |
|   | 110,001 - 160,000              | 4                   |
| Express &<br>Cartage  | 160,001 - 240,000              | 5                   |
|   | 240,001 - 350,000              | 6                   |
|   | 350,001 - 500,000              | 7                   |
| Manufac-<br>turing  | 500,001 - 700,000              | 8                   |
|   | 700,001 - 1,000,000            | 9                   |
|   | Over 1,000,000                 | 10                  |
| Retail  | 0 - 5,000                      | 0                   |
|   | 5,001 - 15,000                 | 1                   |
|   | 15,001 - 40,000                | 2                   |
| Service   | 40,001 - 100,000               | 3                   |
|   | 100,001 - 300,000              | 4                   |
| Whole-<br>saling  | 300,001 - 1,000,000            | 5                   |
|   | Over 1,000,000                 | 6                   |
| Hotel, Motel  | 0 - 100                        | 1                   |
| Hospital,   | 101 - 200                      | 2                   |
| Nursing<br>Home   | Over 200                       | 3                   |
| * Building size measured by Net Floor Area.   |                                |                     |
| No space shall at the same time fully or partially<br>serve to meet the requirement for both<br>off-street parking and loading facilities. Uses<br>required to provide no loading spaces shall<br>provide other facilities approved by the Director<br>of Building & Zoning. Requirements of this<br>table shall not apply to C-3 District. |                                |                     |

**Table 7D: Required Number of Off-Street Parking Spaces for Residential and Lodging Uses**

| <u>Minimum Number of Spaces Required Per Dwelling or Lodging Unit</u> |       |
|---|-------|
| <b>RESIDENTIAL [a] [d]</b>  |       |
| Efficiency Units  | 1.5   |
| 1-Bedroom Units   | 1.75  |
| All Other Units   | 2.0   |
| <b>LODGING [b] [d]</b>  |       |
| Hotel   | 1 [c] |
| Motel   | 1 [c] |
| Apartment Hotel   | 1     |
| Rooming House   | 1     |

See also Table 7E for required spaces for other uses. Fractional spaces shall be rounded to the nearest integer.

[a] Includes single-family detached or attached, townhouses, duplexes, apartments, and manufactured homes. Required spaces include .25 spaces per unit for visitor parking but shall be increased by 1 space for each roomer or lodger. No more than 4 spaces shall be provided per dwelling or lodging unit.

[b] Plus 1 parking space per owner, manager, or employee on largest shift.

[c] Plus spaces for any restaurant, tavern, night club, retail, and meeting rooms, as provided in Table 7E.

[d] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces indicated in this table.

**Table 7E: Required Number of Off-Street Parking Spaces for Non-Residential and Non-Lodging Uses**

| <u>Minimum Number of Spaces Required [a]</u> |             | Per 1,000 Per Person |
|--|-------------|----------------------|
| Per [b]                                      | Square Feet | Design               |
| Employee                                     | Floor Area  | Capacity [c]         |
| <b>SCHOOLS</b>                               |             |                      |
| Elementary                                   | 1           | ---                  |
| Junior High                                  | 1           | ---                  |
| High School                                  | 1           | .25 [d]              |
| College or<br>University                     | 1           | ---                  |
| Commercial                                   | 1           | .25 [d]              |
| <b>RECREATIONAL</b>                          |             |                      |
| Indoor Theatre                               | ---         | .25                  |
| Bowling Alley:                               |             |                      |
| Per Lane                                     | ---         | ---                  |
| Restaurant/Bar                               | 3           | ---                  |
| Arena/Stadium                                | ---         | .25                  |
| Auditorium<br>(non-school)                   | ---         | .25                  |
| Health Club                                  | 5           | ---                  |
| Skating Rink                                 | 5           | ---                  |
| Swimming Pool                                | 1           | .25                  |
| Dance or<br>Meeting Hall                     | ---         | .25                  |
| Community Ctr                                | 1           | .25                  |
| Club or Lodge                                | 5           | ---                  |
| <b>MEDICAL</b>                               |             |                      |
| Hospital                                     | 1           | ---                  |
| Clinic                                       | 4           | ---                  |
| Animal<br>Hospital                           | 2.5         | ---                  |
| <b>OFFICE</b>                                |             |                      |
|  | 5.0         | ---                  |
| (Continued)                                  |             |                      |

(Table 7E Continued)

|                                      | <u>Minimum Number of Spaces Required [a]</u> |                   |                    | <u>Minimum Number of Spaces Required [a]</u> |                   |                |
|--------------------------------------|--|-------------------|--------------------|--|-------------------|----------------|
|                                      | <u>Per 1,000</u>                             | <u>Per Person</u> | <u>Per [b]</u>     | <u>Per 1,000</u>                             | <u>Per Person</u> | <u>Per [b]</u> |
|                                      | <u>Employee</u>                              | <u>Floor Area</u> | <u>Capacity[c]</u> | <u>Employee</u>                              | <u>Floor Area</u> | <u>Design</u>  |
| <b>INSTITUTIONAL</b>                 |  |                   |                    |  |                   |                |
| Church                               | ---  | ---               | .25                |  |                   |                |
| Public Utility & Service             | 1  | ---               | ---                |  |                   |                |
| Institution Office or Meeting Hall   | ---  | 1                 | ---                |  |                   |                |
| Library, Museum, or Gallery          | ---  | 2.5               | ---                |  |                   |                |
| Nursing Home                         | 1  | ---               | ---                | [f]  |                   |                |
| Child Day Care Center                | 1  | 2                 | ---                |  |                   |                |
| Government Office                    | ---  | 3.5               | ---                |  |                   |                |
| <b>AUTOMOTIVE</b>                    |  |                   |                    |  |                   |                |
| Car Wash                             | 1  | ---               | ---                | [i]  |                   |                |
| Repair Shop                          | ---  | ---               | ---                | [k]  |                   |                |
| Service Station                      | 1  | ---               | ---                | [k]  |                   |                |
| Vehicle Sales                        | ---  | 2.5               | ---                |  |                   |                |
| <b>RESTAURANT:</b>                   |  |                   |                    |  |                   |                |
| Carry Out Only                       | ---  | 16                | ---                |  |                   |                |
| Drive In/Eat In                      | ---  | 20                | ---                | [g]  |                   |                |
| No Drive In                          | ---  | 20                | ---                |  |                   |                |
| <b>SHOPPING CENTER:</b>              |  |                   |                    |  |                   |                |
| Under 400,000 square feet            | ---  | 4                 | ---                |  |                   |                |
| 400-600,000 square feet              | ---  | 4.5               | ---                |  |                   |                |
| Over 600,000 square feet             | ---  | 5                 | ---                |  |                   |                |
| <b>DEPARTMENT STORE</b>              |  |                   |                    |  |                   |                |
|                                      |  |                   |                    | ---  | 4                 | ---            |
| <b>SUPERMARKET</b>                   |  |                   |                    |  |                   |                |
| or Food Store                        |  |                   |                    | ---  | 4                 | ---            |
| <b>HARDWARE</b>                      |  |                   |                    |  |                   |                |
| Store                                |  |                   |                    | ---  | 3.5               | ---            |
| <b>BANK or Financial Institution</b> |  |                   |                    |  |                   |                |
|                                      |  |                   |                    | ---  | 5                 | ---            |
|                                      |  |                   |                    | [g]  |                   |                |
| <b>TAVERN</b>                        |  |                   |                    |  |                   |                |
|                                      |  |                   |                    | ---  | 10                | ---            |
| <b>MORTUARY</b>                      |  |                   |                    |  |                   |                |
|                                      |  |                   |                    | 1  | 10                | ---            |
| <b>CONTRACTOR</b>                    |  |                   |                    |  |                   |                |
| Office                               |  |                   |                    | 1  | 1                 | ---            |
| <b>FURNITURE &amp; APPLIANCE</b>     |  |                   |                    |  |                   |                |
| Sales or Repair                      |  |                   |                    | ---  | 1.5               | ---            |
| <b>OTHER RETAIL &amp; Service</b>    |  |                   |                    |  |                   |                |
|                                      |  |                   |                    | ---  | 5.0               | ---            |
|                                      |  |                   |                    | [g]  |                   |                |
| <b>INDUSTRIAL</b>                    |  |                   |                    |  |                   |                |
| Cartage & Express Firms              |  |                   |                    | 1  | ---               | ---            |
| Warehousing & Wholesaling            |  |                   |                    | 1  | 0.5               | ---            |
| Radio or TV Station/Studio           |  |                   |                    | 1  | ---               | ---            |
| Manufacturing, Research/Testing      |  |                   |                    | 1  | 1.5               | ---            |
|                                      |  |                   |                    | [j]  |                   |                |

Notes for Table 7E

Unless otherwise provided herein, required parking is the sum of the requirements in all columns of this Table.

See also Table 7D for required spaces for residential and lodging uses.

Parking for uses not listed shall be as provided for the most similar listed use as determined by the Zoning Board of Appeals.

Floor area shall be Net Floor Area, as defined herein. All required space figures shall be prorated for each establishment. Fractional spaces shall be rounded to the nearest integer.

[a] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces specified.

[b] Maximum number of full- and part-time employees on duty on the premises at any one time.

[c] Per seat in main auditorium or meeting room or per person of design capacity of the facility. Eighteen inches of seating space shall be considered a seat for purposes of this requirement where individual seats are not discernable.

[d] Capacity in full-time students attending classes at any one time

[e] Plus 0.5 spaces per bed, excluding bassinets

[f] Plus 0.25 spaces per bed

[g] Plus 5 stacking spaces per drive-in window

[h] 5 spaces per bowling lane

[i] Plus stacking spaces equal to 5 times the capacity of the car wash, calculated as the number of vehicles that can be accommodated

at any one time in any phase of the washing or waxing process.

[j] Employment standard or floor space standard, whichever is greater, shall be used. If employment is not known when plans are drawn, floor space standard may be used.

If upon occupancy the employment standard yields a greater number of required spaces, the Director of Building and Zoning may require the provision of additional parking.

[k] Plus 2 parking spaces per service bay, 1 parking space per fuel pump hose, and 2 stacking spaces per fuel pump island or end-to-end row of islands. A service bay shall not be considered a parking space.

[l] Zoning Board of Appeals shall determine parking requirements.

*Chapter 8*Landscaping and Screening8.01. Purpose

The purpose of the requirements in this chapter is to provide for appropriate landscaping and screening that will:

- (a) recognize the character of the Village of Bensenville as both an industrial/commercial center and a residential community and protect residential and all other environments from adverse effects--such as noise, odors, and dust--of more intensive adjacent uses
- (b) protect parking area users from wind, glare, and temperature extremes
- (c) mitigate the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, water runoff, and glare from motor vehicle headlights and parking area lighting
- (d) discourage unsafe access to and circulation within off-street parking areas
- (e) contribute to improved community appearance and property values
- (f) preserve privacy in residential areas next to non-residential uses and discourage trespass thereupon, and
- (g) provide trees that improve the urban environment by cooling the air and land, reducing carbon dioxide in the air, and producing oxygen.

8.02. Types(a) Transition Strip

A Transition Strip is a landscaped screening strip of an intensity specified by Table 8B located along the length of all lot lines that abut a lot with less intensive zoning.

(b) Frontage Strip

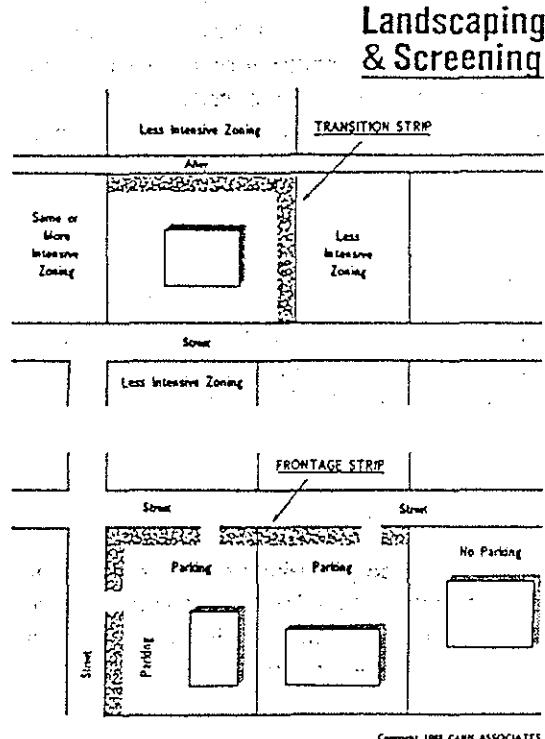
A Frontage Strip is a landscaped screening strip located along the length of front and corner side lot lines in actual front or corner side yards that accommodate parking or other areas specified in Table 8C requiring screening from public streets.

(c) Island Strip

An Island Strip is a landscaped area of Light intensity located within an off-street parking area and used to guide traffic circulation, reduce glare and temperature extremes, and improve its appearance.

(d) Screen

A Screen is screening with 75 percent or greater opacity of sufficient height to conceal uses specified in Table 8C from view from any point less than 10 feet above the ground floor level on adjoining properties and on any abutting street.



### (e) Foundation Strip

A Foundation Strip is a landscaped area meeting the Medium intensity requirements of Table 8D (except for item 2, Screening) that is located in actual front and corner side yards abutting the foundations of non-residential buildings.

### (f) Street Trees

Street Trees are required to be planted in the tree lawn portion of street rights-of-way abutting lots developed for any use--or in front and corner side yards no less than 2 nor more than 10 feet from the right-of-way--and that meet Light intensity requirements for trees (Table 8D, item 3) and the requirements of Table 8E.

### (g) Single-Family Lawns

All actual yards of newly constructed single-family dwellings shall be seeded or sodded.

## 8.03. Where Required

### (a) Transition Strips

Any use located on a lot having a rear or interior side lot line abutting or across an alley right-of-way from a zoning district with a lower index number as provided in Table 8A shall install a Transition Strip along such lot line as required by Table 8B.

### (b) Other

Frontage Strips, Island Strips, Screens, and Street Trees shall be required as provided in Table 8C. Single-family lawns shall be as required in 8.02(g).

### (c) Existing Uses

Application of the provisions of this chapter or any amendment thereto to uses existing before the effective date thereof shall be as provided in the Nonconformities chapter.

### (d) Conditional Uses

Because their special character may require greater buffering, Conditional Uses may be required to provide landscaping or screening that exceeds the requirements herein.

### (e) Exceptions

#### (1) Screening on Abutting Lot

No screening shall be required along a lot line if screening meeting all other requirements therefor exists along such lot line on the abutting lot or lots.

#### (2) Below-Grade Areas

The height of a Frontage Strip or Screen along a lot line for a below-grade parking or loading area may be reduced by the amount that the mean grade along and within 4 feet outside that lot line exceeds the highest point of the finished grade of the parking or loading area.

#### (3) Shared Driveway

No screening shall be required along that portion of a lot line along which there is a driveway or vehicular circulation aisle that is shared with an abutting lot.

#### (4) Building Walls

A building wall meeting the requirements herein shall qualify as wall screening hereunder if its location along the lot line is legally non-conforming or is permitted under yard and setback requirements of this Ordinance.

#### (5) Temporary Uses

Uses qualifying as Temporary Uses under provisions in the Special Development Approvals chapter herein, such as temporary off-street parking areas for special events and temporary open sales lots, shall be exempt from all requirements of this Chapter except those the Director of Building and Zoning determines necessary to protect the public welfare.

(6) Built-Up Lots

The Director of Building and Zoning may waive the requirement for installation of a Transition Strip or Screen, or reduce any of the required dimensions thereof, for a new use on any developed lot on which there is insufficient yard space to allow its installation, such as on properties built with small yards or none at all.

No waiver shall be granted if a reduction in dimensions would allow the installation, and any such reduction shall be the minimum needed to permit the installation.

(7) Access Ways

Transition Strips and Frontage Strips shall not be required along the width of access ways, which shall be subject to the limits on driveway width in this Ordinance. Width of access ways shall not be counted for purposes of spacing requirements in Table 8D.

(8) Other

Other exceptions may be submitted to the Zoning Board of Appeals under provisions for Variances in the Special Development Approvals chapter of this Ordinance.

**8.04. Landscape Plan**

For any use required to provide any Transition Strip, Frontage Strip, or Island Strip, a Landscape Plan shall be filed with an application for:

1. rezoning
2. Conditional Use Permit
3. any variance from landscaping or screening requirements
4. Planned Unit Development Preliminary or Final Plan approval, or
5. Building Permit or Certificate of Occupancy.

The Director of Building and Zoning may fully or partially waive or defer this requirement in any instance in which the specific use of the premises, and therefore the parking, loading, or other requirements on which the requirements

herein are based, are not yet determined, such as in the case of a rezoning for an industrial subdivision the future uses within which are not yet known.

The Landscape Plan shall conform to the requirements of Table 2D in Chapter 2, Filing Procedures.

No Plan shall be required for uses required to provide only a Screen as provided in Table 8C. The application shall, however, describe the dimensions, materials, color, and location of the Screen.

**8.05. Requirements for All Landscaped Areas**

**(a) Permitted Forms of Screening**

Screening required in item 2 of Table 8D and the Screen required in Table 8C may take the form of:

1. a landscaped earthen berm
2. a concrete or masonry wall
3. buildings or architectural features of buildings such as a parapet or wing wall
4. a wooden fence, except in Frontage Strips
5. a compact hedge or other live evergreen vegetative barrier, or
6. a combination thereof.

Fences and walls shall display a finished decorative face toward the applicable lot lines and shall be made of standard materials commonly used for fencing or walls.

**(b) Types of Materials**

Varieties of living landscape materials used shall be:

- (1) healthy, hardy, and drought-resistant, and
- (2) suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt, and

## Landscaping

## *Bensenville Zoning Ordinance*

(3) compatible with the slope of the site, with existing vegetation to be preserved and with utility lines above or below ground level, and

(4) not prone to cause a nuisance outside the lot lines as a result of dropping fruit or debris other than leaves, and

(5) consistent with the anticipated capacity and inclination of the property owner or tenant to maintain the landscaped areas.

(6) not prohibited by Table 8E.

Where vulnerable to damage, materials shall be protected from pedestrian or vehicular traffic by grates, pavers, or other measures.

### (c) Ground Cover

Sod or other ground cover shall be planted over all landscaped strips including earthen faces of berms--except in areas planted in flowers, shrubs, or trees--so as to present a finished appearance and reasonably complete coverage within three months after planting.

Non-living landscaping materials such as sand, stone, rocks, or barks may be substituted for living cover over a maximum of 30 percent of the landscaped area. No artificial plants or artificial turf shall be used.

### (d) Preservation of Landscaping

#### (1) Credit Toward Requirements

The Director of Building and Zoning shall credit toward the requirements of Table 8D healthy trees or shrubs that exist on a site prior to development, that are located within proposed landscaped strip areas, and that are proposed to be preserved.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of Table 8D shall reduce by one the number of new trees or shrubs required.

#### (2) Bonus Credit for Larger Trees

Larger preserved trees shall reduce the number of new trees required as follows:

| <u>Trunk Caliper of Existing Tree to Be Preserved *</u> | <u>Reduction in Number of New Trees Required</u> |
|---|--|
| 4 - 10 inches   | 2 trees  |
| 11 - 20 inches  | 3 trees  |
| Over 20 inches  | 4 trees  |

\* Measured 1 foot above grade at base

#### (3) Protection from Damage

To ensure that existing trees credited are not damaged during development:

A. Protective physical barriers shall be maintained that prevent the passage of heavy machinery under the drip line.

B. Exposed trunks shall be protected by wrapping or fencing.

C. No equipment materials, fill, or debris shall be stored under the drip line except as may be necessary for a reasonable time if no other storage area is available.

D. Tree limbs damaged during construction shall be sawed off flush to the trunk.

### (e) Berming

Berms used for screening shall be a minimum of 2 feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Director of Building and Zoning in lieu of taking the form of an earthen slope.

All earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or erosion control net.

Slopes for earthen faces shall not be steeper

than a horizontal to vertical ratio of 3:1.

#### (f) Curbing

All landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Director of Building and Zoning as having comparable appearance and durability. Curbing shall be in good condition upon installation.

#### (g) Other

Other requirements shall be as provided in Table 8D.

### 8.06 Installation and Maintenance

#### (a) Assurance of Installation

Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Director of Building and Zoning shall determine either:

- (1) that landscaping and screening required hereunder have been fully installed, or
- (2) if seasonal or weather conditions or other factors preclude such installation at the time of application, that financial sureties have been submitted to guarantee installation within 9 months of the date of issuance of the Certificate. Such sureties shall comply with the provisions on financial sureties in the Filing Procedures chapter herein.

#### (b) Installation Procedures

All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen.

#### (c) Maintenance and Replacement

The owner, occupant, tenant, and agent of each, if any, shall be individually and collectively responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing--whether or not required by these regulations--so as to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

A preserved existing tree to which a bonus credit was applied that dies or is destroyed shall be replaced by either:

- (1) a replacement tree of equal or greater caliper, or
- (2) the trees required by Table 8D without the bonus credit.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Unhealthy or dead vegetation shall be replaced with healthy live plantings by the end of the next applicable planting season.

#### (d) Removal

Installed landscaping and screening may not be removed except temporarily for replacement or maintenance unless the zoning of an abutting parcel is changed to a district that does not require a Transition Strip or unless any other condition that mandates landscaping or screening no longer applies.

**Table 8A: Zoning District Index Numbers**

| <u>Index Number</u> | <u>Zoning District Type</u>                     |
|---------------------|---|
| 0                   | Single- or Two-Family or Single-Family Attached |
| 2                   | Multi-Family                                    |
| 3                   | Institutional [a] [b]                           |
| 4                   | Office  |
| 5                   | Light Commercial [b]                            |
| 6                   | Heavy Commercial [b]                            |
| 7                   | Light Industrial                                |
| 9                   | Heavy Industrial                                |

Index Numbers are for use with Table 8B.

[a] Including lots in Residential Districts accommodating an institutional use.

[b] As defined in Definitions chapter.

**Table 8B: Uses Requiring Transition Strip**

| <u>Difference * Between Index Numbers</u> | <u>Screening Intensity Required in Transition Strip</u> |
|---|---|
| 0 or less                                 | No Strip Required                                       |
| 1   | Light   |
| 2 - 3                                     | Medium  |
| 4 - 5                                     | Heavy   |
| 6 or more                                 | Maximum   |

\* Difference obtained by taking the index number of the zoning district of the subject lot and subtracting from it the index number for the zoning district of the abutting lot. Index numbers are as provided in Table 8A.

See also Tables 8C and 8D.

Table 8C: Uses Requiring  
Other Screening or Landscaping

| <u>Use</u>                             | <u>Frontage Strip [f]</u> | <u>Island Strip</u> | <u>Foundation Screen</u> | <u>Street Strip</u> | <u>Trees</u> |
|--|---------------------------|---------------------|--------------------------|---------------------|--------------|
| 1. All uses                            | -                         | -                   | -                        | -                   | X            |
| 2. All non-residential uses            | -                         | -                   | -                        | -                   | X            |
| 3. Open off-street parking spaces:     |                           |                     |                          |                     |              |
| Over 10 spaces [a][g]                  | X                         | -                   | -                        | -                   | -            |
| Over 60 spaces [a]                     | X                         | X [e]               | -                        | -                   | -            |
| 4. Open sales lots & service stations  | X                         | -                   | -                        | -                   | -            |
| 5. Outdoor storage                     | -                         | -                   | X                        | -                   | -            |
| 6. Open service/refuse disposal areas  | -                         | -                   | X                        | -                   | -            |
| 7. Electrical/mechanical equipment [c] | -                         | -                   | X                        | -                   | -            |
| 8. Utility stations [d]                | -                         | -                   | X                        | -                   | -            |
| 9. Open off-street loading space [b]   | -                         | -                   | X                        | -                   | -            |
| 10. Junk yards                         | -                         | -                   | -                        | X                   | -            |

[a] A minimum of 10 percent of the parking area shall be landscaped. Any required Strip may be credited toward this requirement. [b] Minimum Screen height shall be 6 feet.

[c] Equipment such as transformers, air conditioners, or satellite dish antennas (see also Section 13.10) in the open on the ground but protruding above grade, or on a roof and protruding above a roof or parapet line.

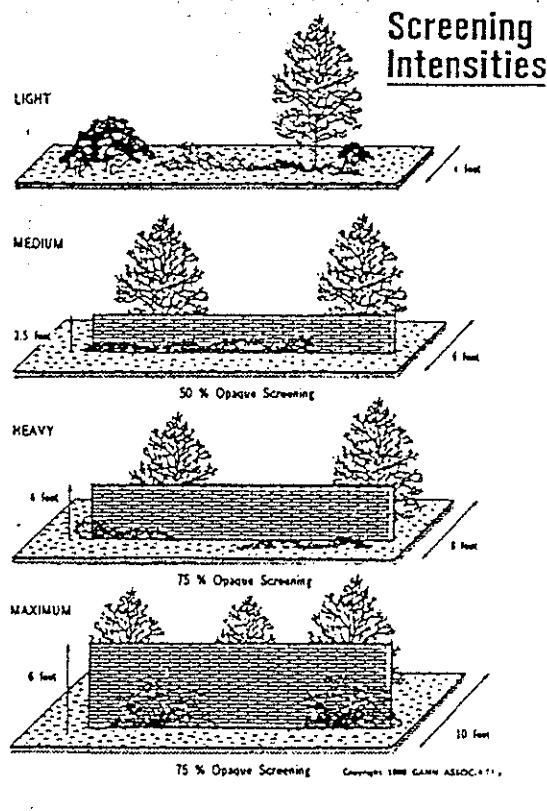
[d] Electric substations, telephone exchanges, and similar utility uses, except in I Districts.

[e] Island Strips shall have a minimum area of 100 square feet each and shall be separated by no more than 15 parking spaces.

[f] For off-street parking, intensity shall be Medium for commercial uses and Heavy for office and industrial uses. Intensity shall be Light for open sales lots and service stations.

[g] Or a lot of any number of spaces with parking along over 50 feet of street frontage.

Requirements herein shall not apply to single-family, two-family, or townhouse dwellings except where parking, refuse disposal, or other uses are provided collectively for more than 2 dwellings.



**Table 8D: Screening Intensity**

|   |                          | <u>Screening Intensity</u> | <u>Light</u> | <u>Medium</u> | <u>Heavy</u> | <u>Maximum</u> |
|---|--------------------------|----------------------------|--------------|---------------|--------------|----------------|
| <b>1. Landscaped Strip</b>  | <u>WIDTH</u> in ft.      |                            | 4            | 6             | 8            | 10             |
| <b>2. Screening [b]</b>   |                          |                            |              |               |              |                |
| a. HEIGHT [e]   | in feet [d]              |                            | 2.5          | 4             | 6            |                |
| b. Year-round opacity [b][f]  |                          |                            | 50%          | 75%           | 75%          |                |
| <b>3. Trees</b>   |                          |                            |              |               |              |                |
| a. SPACING  | in feet [a]              | 40                         | 35           | 25            | 20           |                |
| b. Evergreens: [g]  | HEIGHT in feet [b][c][d] | 6                          | 6            | 8             | 8            |                |
| c. Deciduous: [g]   | CALIPER in inches [c][d] | 2.5                        | 2.5          | 2.5           | 3.0          |                |
| <b>4. Shrubs</b>  |                          |                            |              |               |              |                |
| a. SPACING  | in feet [a]              | 20                         | 8            | 6             | 5            |                |
| b. HEIGHT [b][c]  | [d] in feet              | 1.5                        | 2.0          | 2.5           | 3.0          |                |
| All standards are mandatory and minimums.   |                          |                            |              |               |              |                |
| [a] In linear feet of landscaped area. Spacing is mean average spacing; uniform spacing is not required. At least 1 tree shall be installed in each separate landscaped area, or, for Street Trees, for each street frontage. |                          |                            |              |               |              |                |
| [b] Also subject to provisions concerning Vision Clearance Triangles in 5.02(f).  |                          |                            |              |               |              |                |
| [c] At 1 foot above grade at base.  |                          |                            |              |               |              |                |
| [d] At time of installation.  |                          |                            |              |               |              |                |
| [e] Fence height as defined herein.   |                          |                            |              |               |              |                |
| [f] By the end of the second growing season after installation, if a screen composed of landscaping is used.  |                          |                            |              |               |              |                |
| [g] Applies only if this type of tree is used.  |                          |                            |              |               |              |                |
| [h] May be a fence, wall, berm, or landscape screening as provided in 8.05(a). Does not apply to Foundation Strips.   |                          |                            |              |               |              |                |

Table 8E: Prohibited and Recommended Street Trees

| <u>Common Name</u> | <u>Botanic Name</u> |
|--------------------|---------------------|
|--------------------|---------------------|

Prohibited Trees

The following trees shall not be used to meet the requirement for Street Trees herein:

|                              |                        |
|------------------------------|------------------------|
| Apple                        | Malus                  |
| Ash, Mountain                | Sorbus Americana       |
| Aspen                        | Populus                |
| Birch, European White        | Betula pendula         |
| Box Elder                    | Acer Negundo           |
| Catalpa                      | Catalpa Speciosa       |
| Cherry                       | Prunus                 |
| Cottonwood                   | Populus                |
| Crabapple                    | Malus                  |
| Elm                          | Ulmus                  |
| Ginkgo (female)              | Ginkgo Biloba (Female) |
| Horse Chestnut (nut bearing) | Aesculus Hippocastanum |
| Locust, Black                | Robinia Pseudoacacia   |
| Maple, Silver                | Acer Saccharinum       |
| Mulberry                     | Morus                  |
| Osage Orange                 | Machiura Pomifera      |
| Plum                         | Prunus                 |
| Poplar                       | Populus                |
| Russian Olive                | Elaeagnus Angustifolia |
| Tree of Heaven               | Ailanthus Altissima    |
| Willow                       | Salix                  |

Recommended Trees

The trees below are recommended for use in meeting the requirement for Street Trees herein. Use of recommended trees is not mandatory.

|                        |  |
|------------------------|--|
| Arborvitae, Dark Green | Thuja Occidentalis 'Nigra'             |
| Arborvitae, Douglas    | Thuja Occidentalis Douglas Pyramidalis |
| Arborvitae, Pyramid    | Thuja Occidentalis 'Pyramidalis'       |
| Ash, Blue              | Fraxinus Quadrangulata                 |
| Ash, European          | Fraxinus Excelsior                     |
| Ash, Green             | Fraxinus Pennsylvanica Lanceolata      |
| Ash, Hesse European    | Fraxinus Excelsior 'Hessei'            |

| <u>Common Name</u>      | <u>Botanic Name</u>                                 |
|-------------------------|---|
| Ash, Kimberly Blue      | <i>Fraxinus Excelsior</i> 'Kimberly'                |
| Ash, Green              | <i>Fraxinus Pennsylvanica</i>                       |
| Ash, Marshall's         | <i>Fraxinus Pennsylvanica Lanceolata</i> 'Marshall' |
| Seedless Green          | <i>Fraxinus Pennsylvanica Lanceolata</i> 'Summit'   |
| Ash, Summit             | <i>Fraxinus Americana</i>                           |
| Ash, White              | <i>Fagus Grandifolia</i>                            |
| Beech, American         | <i>Fagus Sylvatica</i>                              |
| Beech, European         | <i>Fagus Sylvatica Pupurea</i>                      |
| Beech, Purple Leaf      | <i>Betula Nigra</i>                                 |
| Birch, River            | <i>Juniperus Virginiana</i>                         |
| Cedar, (Eastern) Red    | <i>Sophorica Japonica</i>                           |
| Chinese Scholar Tree    | <i>Phellodendron Amurensis</i>                      |
| Cork, Amur              | <i>Pseudotsuga Taxifolia</i>                        |
| Fir, Douglas            | <i>Abies Concolor</i>                               |
| Fir, White              | <i>Ginkgo Biloba</i> (Male)                         |
| Ginkgo (male)           | <i>Celtis Occidentalis</i>                          |
| Hackberry               | <i>Crataegus Phaenopyrum</i>                        |
| Hawthorn, Washington    | <i>Tsuga Canadensis</i>                             |
| Hemlock, Canadian       | <i>Gleditsia Triacanthus Inermis</i> 'Greenglow'    |
| Honey Locust, Greenglow | <i>Gleditsia Triacanthus Inermis</i> 'Imperial'     |
| Honey Locust, Imperial  | <i>Gleditsia Triacanthus</i> 'Moraine'              |
| Honey Locust, Moraine   | <i>Gleditsia Triacanthus Inermis</i> 'Skyline'      |
| Honey Locust, Skyline   | <i>Gleditsia Triacanthus Inermis</i>                |
| Honey Locust, Thornless | <i>Gymnocladus Dioicus</i>                          |
| Kentucky Coffeetree     | <i>Tilia Americana</i>                              |
| Linden, American        | <i>Tilia Cordata</i> 'Chancellor'                   |
| Linden, Chancelor       |   |
| Little Leaf             | <i>Tilia Platyphyllus</i> 'Fastigiata'              |
| Linden, Columnar        | <i>Tilia Euchlora</i>                               |
| Big Leaf                | <i>Tilia Europaea</i>                               |
| Linden, Crimean         |   |
| Linden, European        |   |
| Linden, Glenleven       | <i>Tilia Cordata</i> 'Glenleven'                    |
| Little Leaf             |   |
| Linden, Greenspire      | <i>Tilia Cordata</i> 'Greenspire'                   |
| Little Leaf             | <i>Tilia Cordata</i>                                |
| Linden, Little European | <i>Tilia Cordata</i>                                |
| Linden, Little Leaf     | <i>Tilia Americana</i> 'Fastigiata'                 |
| Linden, Pyramidal       |   |
| American                | <i>Tilia Euchlora</i> 'Redmond'                     |
| Linden, Redmond         |   |

| Common Name               | Botanic Name                                      |
|---------------------------|---|
| Maidenhair (male)         | <i>Ginkgo Biloba</i> 'Grafted Male Plants'        |
| Maidenhair, Autumn Gold   | <i>Ginkgo Biloba</i> 'Autumn Gold'                |
| Maidenhair, Fairmount     | <i>Ginkgo Biloba</i> 'Fairmount'                  |
| Maidenhair, Lakeview      | <i>Ginkgo Biloba</i> 'Lakeview'                   |
| Maple, Armstrong Red      | <i>Acer Rubrum</i> 'Armstrong'                    |
| Maple, Autumn Flame Red   | <i>Acer Rubrum</i> 'Autumn Flame'                 |
| Maple, Bowhall Red        | <i>Acer Rubrum</i> 'Bowhall'                      |
| Maple, Cleveland Norway   | <i>Acer Platanoides</i> 'Cleveland'               |
| Maple, Columnar Sugar     | <i>Acer Saccharum</i> 'Columnare'                 |
| Maple, Crimson King       | <i>Acer Platanoides</i> 'Nigrum'                  |
| Maple, Emerald            |   |
| Queen Norway              | <i>Acer Platanoides</i> 'Emerald Queen'           |
| Maple, Greenlace Norway   | <i>Acer Platanoides</i> 'Greenlace'               |
| Maple, Green              |   |
| Mountain Sugar            | <i>Acer Saccharum</i> 'Green Mountain'            |
| Maple, Jade Glen Norway   | <i>Acer Platanoides</i> 'Jade Glen'               |
| Maple, Norway             | <i>Acer Platanoides</i>                           |
| Maple, October Glory Red  | <i>Acer Rubrum</i> 'October Glory'                |
| Maple, Red                | <i>Acer Rubrum</i>                                |
| Maple, Red Sunset Red     | <i>Acer Rubrum</i> 'Red Sunset'                   |
| Maple, Schlesinger Red    | <i>Acer Rubrum</i> 'Schlesinger'                  |
| Maple, Schwedler Norway   | <i>Acer Platanoides</i> 'Schwedleri'              |
| Maple, Sugar              | <i>Acer Saccharum</i>                             |
| Maple, Summershade Norway | <i>Acer Platanoides</i> 'Summershade'             |
| Maple, Superform Norway   | <i>Acer Platanoides</i> 'Superform'               |
| Oak, Bur                  | <i>Quercus Macrocarpa</i>                         |
| Oak, Northern Red         | <i>Quercus Borealis</i>                           |
| Oak, Pin                  | <i>Quercus Palustris</i>                          |
| Oak, Red                  | <i>Quercus Rubra</i>                              |
| Oak, Scarlet              | <i>Quercus Coccinea</i>                           |
| Oak, White                | <i>Quercus Alba</i>                               |
| Pine, Austrian            | <i>Pinus Negra</i>                                |
| Pine, Red                 | <i>Pinus Resinosa</i>                             |
| Pine, Scotch              | <i>Pinus Sylvestris</i>                           |
| Pine, White               | <i>Pinus Strobus</i>                              |
| Planetree, London         | <i>Platanus Acerifolia</i> 'Bloodgood'            |
| Spruce, White             | <i>Picea Glauca</i>                               |
| Sweetgum, American        | <i>Liquidambar Styraciflua</i>                    |
| Sycamore, American        | <i>Platanus Acerifolia</i> or <i>Occidentalis</i> |

*Chapter 9*  
**Planned Unit Development**

**9.01 Purpose**

The provisions of this section are intended for special situations in which:

- (a) adequate space, light, air, and other objectives of Village land use regulations relating to the public health, safety, and welfare can be achieved without the literal application of the detailed zoning, subdivision, and sign regulations otherwise applicable, and
- (b) special amenities and benefits to the Village beyond those required by this and other Village ordinances can be achieved by allowing more flexible design than is otherwise permitted by such requirements, or
- (c) properties with special constraints, such as environmentally sensitive areas or by-passed infill parcels, require a more flexible approach to land use control to make possible development that is sensitive to such constraints.

These objectives can be achieved where:

- (1) an area of land is planned for development as an integrated unit, and
- (2) its design is subject to more detailed review and approval by the Village than is normally required, and
- (3) its development is governed by a specific plan rather than by generally applicable verbal regulations and quantitative standards.

The objective of Planned Unit Development (PUD) is therefore not simply to allow exceptions to otherwise applicable regulations. It is instead to encourage a higher level of design and amenity than it is possible to achieve under

the usual land development requirements.

It is accordingly the intent of the Village to suspend the application of detailed land use regulations as provided herein only where such special amenity is achieved. In this way the Village may grant the creative developer a desirable flexibility and at the same time not only protect but enhance the welfare of the residents and other users of a development and the rest of the community.

Approval as a Planned Unit Development hereunder is a privilege to be earned and not a right that can be claimed. Exceptions to the normal use, density, or dimensional regulations are not granted automatically but only upon a finding that they will be of benefit to the Village. Amenities such as landscaping or recreational features that meet only the minimum requirements of this Ordinance or that are typical of most new developments shall not in and of themselves be the basis for approval of a Planned Unit Development.

**9.02 Qualifications for Filing**

A Planned Unit Development may be residential, commercial, office, industrial, or a combination thereof. It may be developed in any district in which PUD's are allowed as Conditional Uses.

No development shall be filed as a Planned Unit Development unless it:

- (a) is at least 1 acre in size, and
- (b) contains 2 or more detached principal use buildings, and
- (c) is initially under the same ownership or control.

**9.03 Incentives for PUD's**

To further a superior level of design and amenity in new development, the following

incentives are offered in Planned Unit Developments:

## (a) Variable Zoning Standards

Except as restricted by paragraph 9.04(d), standards for lot area, lot area per dwelling unit, lot width, building height, floor area ratio, yard dimensions, off-street parking and loading, landscaping and screening, and the like may vary from those established elsewhere in this Ordinance.

In Single-Family Residential Districts, cluster subdivisions that reduce lot dimensions to provide public or common open space may be approved as Planned Unit Developments.

## (b) Multiple Buildings Per Lot

In a PUD more than one principal building may be located on a lot.

## (c) Variable Subdivision Standards

Dimensional and design standards for subdivisions and subdivision improvements, such as for streets, blocks, sidewalks, and parkways---but not improvement construction specifications---may vary from Village and Illinois Department of Transportation standards established or referenced in the Village Subdivision Regulations Ordinance.

## (d) Variable Sign Standards

Signs in a PUD may vary from the requirements of the Village Sign Ordinance.

## (e) Mixed Land Uses

Land uses other than those allowed as Permitted or Conditional Uses in the applicable zoning district may be permitted on up to 10 percent of the net site area of a Planned Unit Development in Residential Districts and 20 percent in other districts.

Flexibility to suspend requirements imposed by zoning and other regulations is not conferred

upon the PUD applicant as a matter of right but is in all cases subject to a finding by the Village that the objectives of these provisions will be served thereby.

Variations in a PUD from normally applicable requirements shall not be considered as Variances and shall not be required to conform to Approval Criteria herein for Variances.

## 9.04 Requirements for PUD's

### (a) Site Plan Approval

Whether or not a land subdivision is involved, Preliminary and Final Plans for the property shall be filed as required by Tables 2C and 2D in the Filing Procedures chapter.

All development on the property shall be in conformity with the Final Plan approved by the Village Board.

### (b) Quality of Design

To be granted the flexibility permitted hereunder, a PUD must evidence a level of design and amenity exceeding that typical of conventional development.

Among the features that may evidence such amenity are:

1. siting of buildings and other facilities in greater harmony with the natural characteristics of the land
2. superior buffering of uses in the PUD and adjacent thereto from incompatible uses
3. the amount and quality of landscaping
4. the amount, quality, and interconnectedness of common open space
5. provision of pedestrian or bicycle paths separated from streets

6. preservation of drainageways and other natural features
7. provision of common recreational facilities
8. creative adaptation of a by-passed infill parcel to the character of its environs
9. enclosed, underground, depressed, or outstandingly landscaped parking areas
10. varied building setbacks or other measures to reduce monotony in design
11. other features as determined by the Plan Commission or Village Board.

### (c) Maintenance of Vacant Land

Land designated for future construction phases and other land not intended for immediate improvement shall be landscaped or otherwise maintained with a neat and orderly appearance as specified by the Director of Building and Zoning.

### (d) Specific Standards

#### (1) Maximum Density

The number of dwelling units in any phase shall not exceed by more than 35 percent the number otherwise allowed by the regulations of the applicable zoning district. Common open space within residential areas of the PUD may be included as residential acreage for purposes of this calculation.

#### (2) Building Separation

There shall be a minimum horizontal separation between all buildings equivalent to:

- A. 15 feet between one- or two-story buildings only, or
- B. the height of the taller building in all other cases.

Only obstructions allowed in required yards as provided in the Accessory Uses and Yards chapter herein shall be permitted within such separation.

## 9.05 Approval Process

Preliminary and Final Plans for Planned Unit Developments shall be acted upon only in conformance with the Approval Process provided in such chapter and the Approval Criteria provided in Table 9A.

No Conditional Use Permit for a PUD or phase thereof shall be issued before approval by the Village Board of a Final Plan therefor.

## 9.06 Final Plan

### (a) Filing of Final Plan

The Village Board may approve, conditionally approve, or deny a Final Plan of a PUD, or any phase thereof, for which it has approved a Preliminary Plan. The Final Plan may be filed, and may be approved, simultaneously with the Preliminary Plan.

The general terms, conditions, and requirements set forth in a Preliminary Plan, or any phase thereof, approved by the Village Board shall not be modified, revoked, or otherwise impaired by action of the Village.

Except that the Village Board may rescind approval of a Preliminary Plan, or any phase thereof, and thereby revoke such terms and conditions, if the applicant has failed to file within 1 year of the date of approval of the Preliminary Plan either a Final Plan in conformance therewith or a revised Plan together with an application for an amendment. The Village Board may grant an extension of this time period.

The financial sureties submitted with the Final Plan in conformance with Table 2C in the Filing Procedures chapter herein shall provide for the phasing of the installation and improvement of

public or common areas and improvements, open spaces, and amenities.

Such phasing shall be in a manner generally proportionate to the number of dwelling units or the amount of non-residential floor space, as applicable, to be built in each phase together with the phases that preceded it.

### **(b) Recording of Final Plan**

The Village Clerk shall file the Final Plan as approved by the Village Board with the County Recorder of Deeds as the Final Plat for the PUD under provisions of the Village Subdivision Regulations Ordinance whether or not the PUD involves any subdivision of land.

No Building Permit shall be issued before the Final Plan is recorded and a Conditional Use Permit issued. The applicant shall pay all recording costs.

### **(c) Amendments to Plan**

#### **(1) When Required**

Approval of an amendment shall be required for:

A. any material change, deletion, or addition made to:

1. an approved Preliminary Plan, or
2. an approved Final Plan, or for

B. a Final Plan that does not conform to the Preliminary Plan approved by the Village Board.

An applicant seeking approval of an amendment shall file an application therefor with the Director of Building and Zoning.

The application shall describe the amendment sought and provide such other information as the Plan Commission or Village Board may require. It shall be accompanied by the number of copies of the proposed amendment required

by the Director of Building and Zoning and a filing fee determined by the Village Board.

#### **(2) Approval Process**

If the Director of Building and Zoning determines that the amendment sought is a Minor Amendment as defined herein, he or she shall refer it to the Plan Commission for final action. No public hearing shall be required for a Minor Amendment. An applicant may appeal a decision of the Plan Commission on a Minor Amendment to the Village Board.

For amendments other than Minor Amendments, the full Approval Process set forth herein for Preliminary Plans and Final Plans shall be followed.

The Plan Commission or Village Board shall approve, conditionally approve, or disapprove an amendment. An amended Final Plan shall be recorded in accordance with the provisions herein governing recording of a Final Plan.

#### **(3) Minor Amendment Defined**

A Minor Amendment to a Planned Unit Development shall be any change from the previously approved Plan that does not involve:

##### **A. Land Use Change**

Any change in land use type or housing type, or

##### **B. Location Change**

Any change in the location of any structure, off-street parking or loading area, common open space area, or any area or right-of-way to be conveyed to or reserved for a public body, by more than 10 feet in any direction, nor a change in the spacing between any two structures by more than 10 percent, or

##### **C. Standards Change**

Any change of more than 10 percent in

any non-locational quantitative specification of the previously approved Plan, including:

1. the number or any dimension of lots, yards, structures, pedestrian ways, or vehicular thoroughfares
2. any residential density
3. amount of common open space acreage
4. utility line capacity
5. amount of floor area of non-residential development
6. amount of land to be conveyed to or reserved for a public body
7. size or capacity of any off-street parking or loading area
8. amount or dimensions of proposed tree or ground cover, landscaping, or screening, or

#### D. Greater Variation Change

Any other change that causes the development to fall short of meeting the requirements of any normally applicable regulation to any greater degree than already provided on the previously approved Plan.

The Plan Commission may disallow Minor Amendment status if a proposed amendment fails to meet the foregoing criteria when considered together with Minor Amendments previously approved for the same property.

### 9.07 Already Developed Lots

After completion of initial construction thereupon, no Building Permit or Certificate of Occupancy shall be issued for any lot within a Planned Unit Development unless:

(a) the application therefor conforms to the approved Final Plan, or

(b) the application conforms to the otherwise applicable zoning, subdivision, and sign regulations and is also consistent, in the judgment of the Director of Building and Zoning, with the approved Final Plan, or

(c) an amendment to the approved Final Plan conforming to the application is approved under paragraph 9.06(c), or

(d) for Permits or Certificates affecting a single lot of less than 1/2-acre, a Variance from the Plan or the regulations has been approved by the Zoning Board of Appeals under the Special Development Approvals chapter.

**Table 9A:**  
**Approval Criteria for**  
**Planned Unit Developments**

**1. Superior Design**

The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.

**2. Meets PUD Requirements**

The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

**3. Consistent With Village Plan**

The PUD is generally consistent with the objectives of the Village General Development Plan as viewed in light of any changed conditions since its adoption.

**4. Public Welfare**

The PUD will not be detrimental to the public health, safety, or general welfare.

**5. Compatible With Environs**

Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

**6. Natural Features**

The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways, or other areas of sensitive or valuable environmental character.

**7. Circulation**

Streets, sidewalks, pedestrian ways, bicycle paths, and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.

**8. Open Spaces and Landscaping**

The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of any common open space provided in residential areas render it usable for recreation purposes.

Open space between all buildings is adequate to allow for light and air, access by fire fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the PUD is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.

### 9. Covenants

Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations, or the like for:

- a. the preservation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the Village or to another public body
- b. such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future ownerships.

### 10. Public Services

The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the Village, the school system, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

### 11. Phasing

Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

The provision and improvement of public or common area improvements, open spaces, and amenities---or the provision of financial sureties guaranteeing their improvement---is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.

*Chapter 10*  
**Nonconformities**

**10.01 Purpose**

The intent of this chapter is to provide for the continuation and, under appropriate circumstances, elimination of existing uses of property that do not conform to the requirements of this Ordinance or that may not conform to future amendments thereto.

The provisions herein are designed to accomplish this intent in a way that:

- (a) recognizes the rights of owners of individual properties that have been rendered nonconforming by Village action to upgrade zoning policies and standards;
- (b) allows the property owner or lessee to recover his or her investment in the Nonconformity, while recognizing that by virtue of the Nonconformity he or she enjoys a right not generally available to other properties in the same district; and
- (c) minimizes the nuisance, reduction in neighboring property values, and other adverse effects of properties that do not conform to their environs.

**10.02 Types of Nonconformity**

A premises may have any one or more of the following two categories of Nonconformities:

**(a) Use Nonconformities**

Use Nonconformities, as defined herein, can normally be eliminated more easily and at less cost than other Nonconformities. And Use Nonconformities normally have more significant adverse impact on their surroundings than other Nonconformities.

An example of a Use Nonconformity is a

business in a Residential District that was previously conforming when the site was zoned commercial.

**(b) Standards Nonconformities**

Standards Nonconformities, as defined herein, usually involve failure to conform to the quantitative development standards established herein, such as for lot dimensions, yards, off-street parking, Floor Area Ratio, or landscaping.

Some Standards Nonconformities are difficult and costly to eliminate, while others are not. Similarly, some Standards Nonconformities have significant adverse impact on their environs, while others have negligible impact.

Examples of a Standards Nonconformity are a house with an interior side yard smaller than required by the Ordinance or a business with fewer off-street parking spaces than the Ordinance requires.

**10.03 Elimination of Nonconformities**

Nonconformities shall be lawful hereunder and may continue without time limitation except as provided in Table 10A.

No greater degree or additional instance of nonconformity shall result from any action taken under Table 10A than existed before the action was taken, except as may be authorized by Variance under the Special Development Approvals chapter herein.

**10.04 Approval Procedure**

Action by the Zoning Board of Appeals and Village Board required under Table 10A shall conform to the procedures established in the Filing Procedures chapter herein and to the Approval Criteria for Changes to Properties With Nonconformities in paragraph 6.03(d)(3) of the Special Development Approvals chapter.

## 10.05 Special Requirements

### (a) Single-Family Driveways

Notwithstanding the provisions of Table 10A herein, driveways for single-family residential uses that are nonconforming with respect to applicable requirements of the Off-Street Parking and Loading chapter of this Ordinance shall eliminate such Nonconformity if at any time they are totally reconstructed over 20 percent or more of their area.

## 10.06 Administration

A Certificate of Occupancy shall be required for the continuation of all Nonconformities created by this Ordinance or any amendment thereto.

When the Director of Building and Zoning determines that a property has any Nonconformity, he or she shall notify the owner or lessee thereof of such Nonconformity and of applicable regulations.

Such notice shall require that the recipient file with the Director, within 90 days of the date thereof, either satisfactory evidence that the property is conforming or a completed application for a Certificate of Occupancy to continue the Nonconformity.

Upon timely receipt of a complete and accurate application therefor, the Director shall issue a Certificate of Occupancy for the nonconforming property.

The Director shall maintain a file of all Nonconformities of which he or she has sent notice and of all Nonconformities issued Certificates of Occupancy.

Table 10A: Mandatory Elimination of Nonconformities [a]

| <u>Action Taken on Property</u>                     | <u>Type of Nonconformity on Property</u> | <u>Nonconformity Required to Be Eliminated?</u> |
|---|--|---|
| <i>A. Expansion:</i>                                |  |   |
| 1. ADDITION/ENLARGEMENT                             | Use Standards                            | Yes<br>Discretionary [f]                        |
| 2. INTERNAL EXPANSION                               |  |   |
| a. Within a Structure                               | Use Standards                            | Yes<br>No                                       |
| b. Of Use of Land [d]                               | Any                                      | Yes   |
| <i>B. Other Construction:</i>                       |  |   |
| 1. REPAIRS/MAINTENANCE                              |  |   |
| a. Without Structural Alteration, as defined herein | Any                                      | No  |
| b. Government-mandated                              | Any                                      | No  |
| c. All Other  |  | See "Reconstruction"                            |
| 2. RECONSTRUCTION                                   |  |   |
| a. Minor  | Any                                      | No  |
| b. Major  | Use Standards                            | Yes<br>Discretionary [f] [g]                    |
| <i>C. Use:</i>                                      |  |   |
| 1. CHANGE OF USE                                    | Use Standards                            | Yes<br>Discretionary [f]                        |
| 2. RESUMPTION OF DISCONTINUED USE                   | Any                                      | Yes   |
| <i>D. Other:</i>                                    |  |   |
| 1. MOVING OF STRUCTURE [e]                          | Any                                      | Yes   |
| 2. DEVELOPMENT OF LOT:                              |  |   |
| a. For Single-Family Residential [c]                | Standards                                | No  |
| b. For Other Use                                    | Standards                                | Discretionary [f] [h]                           |
| 3. ANY ACTION                                       | Exempted                                 | No [b]  |
| 4. ALL OTHER ACTIONS                                | Any                                      | No  |

## Nonconformities

## *Bensenville Zoning Ordinance*

### Notes for Table 10A

#### Action on Property

##### A(1) Addition/Enlargement:

Any addition or enlargement to a structure.

##### A(2) Internal Expansion:

a. Within a Structure: Expansion of a Principal or Accessory Use within a structure involving no structural alteration, as defined herein.

b. Of Use of Land: Extension of a Principal or Accessory Use of a land or water area beyond land occupied as of the time such use became nonconforming.

##### B(1) Repairs/Maintenance

###### (b) Government-Mandated:

Any repairs or rebuilding mandated by the Director of Building and Zoning or other authorized government agency to correct unsafe or unhealthy conditions or to secure compliance with any other law or regulation other than this Ordinance.

##### B(2) Reconstruction

A Minor Reconstruction is repair or reconstruction work on a damaged or destroyed structure that has a value of 50 percent or less of the current replacement value of the structure, based on figures approved by the Director of Building and Zoning.

A Major Reconstruction is any repair or rebuilding that does not qualify as a Minor Reconstruction, including total replacement of a structure that is completely removed with another structure of the same type.

If a structure to be replaced has been removed---other than by natural forces, casualties, or to avoid immediate danger to public health or safety---prior to a final decision hereunder on any discretionary approval required, total elimination of all Nonconformities of the structure shall be required in the replacement structure.

##### C(1) Change of Use

A change in the functions or activities carried on at a premises from one Permitted or Conditional Use, as classified in the Allowable Uses chapter herein, to another.

##### C(2) Resumption of Discontinued Use

Any resumption, expansion, or change in any use that was voluntarily and intentionally discontinued in the judgment of the Director of Building and Zoning for a continuous period of 6 months or more.

The following shall not be considered discontinued uses:

1. A temporarily closed seasonal use
2. A use temporarily closed for remodeling or reconstruction under an unexpired Building Permit issued within the preceding 12 months
3. A use temporarily closed because of governmental action, such as a street closure for construction purposes, that has impeded access thereto.

##### D(1) Moving of Structure

The relocating of a structure in whole or in part to any other location on the same or any other lot other than for the purpose of making the location thereof less nonconforming.

##### D(2) Development of Lot

Development of any lot of record as of the effective date of this Ordinance or any applicable amendment that has no substantial structure upon it, whether or not previously developed.

##### D(3) Any Action:

Exempted Nonconformities are any Nonconformities resulting solely from changes in the locations of streets, structures, or uses that were beyond the control of the owner of the property with the Nonconformity. Examples are a nonconforming yard or setback resulting solely from a street widening or a spacing or setback Nonconformity resulting solely from relocation of a structure on an abutting lot in different ownership.

Other Notes

[a] A "yes" in the third column of this table requires that a Nonconformity of the type specified in the second column be completely eliminated when the action on the property specified in the first column is undertaken, except as may be authorized by Variance under the provisions of this Ordinance.

[b] Exempted Nonconformities are not required to be eliminated. Elimination of all other Nonconformities is as required by other provisions of this table.

[c] In districts allowing single-family residences only.

[d] Expansion of a use of land not involving a building, or only incidentally involving one as an accessory use.

[e] The elevation of the ground previously covered by a moved structure shall be restored to the grade of the rest of the lot.

[f] Discretionary:

The specified action shall not be taken unless Nonconformities are reduced or eliminated to the extent determined by action of the Village Board. Such determination shall be made as provided under Changes to Properties with Nonconformities in the Filing Procedures chapter herein. Approval Criteria shall be as provided in paragraph 6.03(d)(3) of the Special Development Approvals chapter herein.

The Zoning Board of Appeals may recommend, and the Village Board may require, that all Nonconformities be completely eliminated, that some Nonconformities be completely or partially eliminated, or that no Nonconformities be reduced or eliminated. As part of their determinations, the Zoning Board may recommend and the Village Board may establish such conditions as they deem necessary to conform to applicable Approval Criteria.

[g] Notwithstanding this provision, all Nonconformities shall be required to be eliminated if a

Building Permit has not been secured within 1 year of the date of the damage or destruction, and construction has not been diligently prosecuted to completion.

[b] No discretionary decision shall be made that would deny all reasonable economic use of the lot.

*Chapter 11*  
Administration11.01 Permits and Certificates

In addition to other certificates and permits authorized in other Village ordinances, for purposes of administration of the Zoning Ordinance the following certificates and permits are hereby established.

(a) Building Permit

It shall be unlawful to commence the construction, alteration, enlargement, or repair of any structure in the Village without obtaining a Building Permit from the Village as provided in the Village Building Code.

(b) Certificate of Occupancy

Before issuing a Certificate of Occupancy, the Director of Building and Zoning shall determine that the premises complies with this Ordinance, the Building Code, and all other applicable Village ordinances.

He or she shall issue no Certificate of Occupancy for a new or remodeled premises unless he or she has inspected the premises after completion of all construction and has certified that the premises is in conformity with the plans on which the Building Permit was based.

The Director shall either issue or deny a Certificate of Occupancy within 10 days of application therefor, or of completion of construction authorized by a Building Permit, whichever is later. He or she shall advise the applicant in writing of the reasons for any denial.

The Director may issue a temporary Certificate for a period not to exceed 6 months for occupancy or partial occupancy pending completion of construction if he or she determines such issuance is consistent with the safety of the occupants.

(c) Zoning Certificate

The Director of Building and Zoning shall issue no Building Permit, Certificate of Occupancy, Sign Permit, Fence Permit, Driveway Permit, or other permit or certificate for any use, construction, or occupancy to which any regulations herein apply unless he or she has first certified on a Zoning Certificate that the plans for, and where applicable the completed construction and occupancy of, the property for which the permit or certificate is sought comply with all applicable provisions of this Ordinance, except as otherwise permitted by Variance or other relief approved as provided herein.

(d) Temporary Use Permit

The Director of Building and Zoning may issue a Temporary Use Permit for a Temporary Use as provided in the Special Development Approvals chapter of this Ordinance.

(e) Conditional Use Permit

The Director of Building and Zoning shall issue no Zoning Certificate for any use established as a Conditional Use in the applicable zoning district unless a Conditional Use Permit has been approved or conditionally approved as provided in the Special Development Approvals chapter of this Ordinance.

11.02 Zoning Board of Appeals and Plan Commission(a) General Authority

In addition to any other functions granted in this or other ordinances, the Zoning Board of Appeals and Plan Commission of the Village of Bensenville shall each have the power and responsibility to discharge the following functions:

(1) Public Hearings

Conduct public hearings as provided in Table 2B in the Filing Procedures chapter of this

## Administration

## *Bensenville Zoning Ordinance*

Ordinance at such dates and times as the Chair determines.

### (2) Action on Approvals

Make final decisions or recommendations for approval, conditional approval, or denial of applications for Special Development Approvals as provided in Table 2A in the Filing Procedures chapter of this Ordinance.

### (3) Ordinance Amendments

Initiate proposals for amendments to this Ordinance relating to procedures, standards, or Approval Criteria for applications it reviews and implement such amendments only after approval thereof by the Village Board.

### (4) Advise Other Bodies

Advise other boards or commissions involved in zoning decisions of land use, design, or other plans, policies, or standards of the Board or Commission that may relate to the zoning responsibilities of such other bodies.

### (5) By-Laws

Adopt by-laws or rules of procedure that are not inconsistent with this or other applicable Village ordinances.

### (6) Professional Assistance

Recommend to the Village Board the employment of such professional planning, legal, design, engineering, administrative, or related staff or consulting assistance as it deems necessary to fulfill its functions.

### (7) Other Functions

Carry out any other function conferred upon it by Chapters 1 and 11 of the Village Code, any other Village ordinance, or the Illinois Revised Statutes, or referred or assigned to it by the Village Board.

## (b) Membership

### (1) Membership and Officers

All members and Chairpersons of the Zoning Board of Appeals and Plan Commission shall be appointed by the Village President with the advice and consent of the Village Board.

Members of the Zoning Board shall serve for 5 years and members of the Plan Commission shall serve for 3 years. There shall be 7 members of each body. The term of office of each Chairperson shall be contemporaneous with his or her term of membership.

### (2) Eligibility for Membership

All members of the Zoning Board and Plan Commission shall be residents of the Village. At least one member of each body shall also be a member of the other body.

### (3) Compensation

Members of the Plan Commission shall be compensated as provided in Section 2-1-2 of the Village Code. Members of the Zoning Board of Appeals shall be compensated as provided by the Village Board.

### (4) Removal

The Village President shall have the power to remove any member of any Review Body for cause after a public hearing.

### (6) Vacancies

The Village President shall fill membership or chairpersonship positions that become vacant for the unexpired term.

He or she may consider vacant any position filled by a member who has failed to attend three consecutive meetings or 30 percent or more of all regular meetings held during any calendar year.

(c) Other Regulations(1) Meetings

All meetings shall be held at the call of the Chair and at such other times as the Zoning Board or Plan Commission shall determine. All meetings shall be open to the public except when an executive session is authorized by law.

(2) Quorum

No meeting of the Board or Commission shall be held in the absence of a quorum, which shall be a majority of the full membership. No official action shall be taken except by affirmative vote of a majority of the full membership of the Board or Commission.

(3) Minutes

The Secretary of the Board or Commission shall keep minutes of the proceedings of every meeting. The minutes shall show the vote, or absence or abstention, of every member upon every official action. They shall be a public record on file in the office of the Director of Building and Zoning.

### 11.03 Director of Building and Zoning

The Director of Building and Zoning shall be appointed by the Village Manager with the advice and consent of the Village Board.

He or she shall be charged with the enforcement of this Ordinance. In discharging this responsibility, he or she or his or her designee shall:

(a) issue Zoning Certificates, Conditional Use Permits, Certificates of Occupancy, and Temporary Use Permits

(b) conduct inspections of structures and uses to determine compliance with this Ordinance

(c) receive and forward to the Zoning Board of

Appeals or Plan Commission all applications and notices reviewable by the Board or Commission as provided in Table 2A and forward to the Village Board all reports from the Board or Commission on applications on which the Village Board takes final action under this Ordinance

(d) maintain records of applications filed; public hearings held, votes taken, and actions approved by the Zoning Board of Appeals and Plan Commission; permits and certificates issued; inspections made; reports rendered; and notices or orders issued under the provisions of this Ordinance.

(e) notify in writing any party believed to be responsible for violating a provision of this Ordinance and order action to correct the violation

(f) notify the Village Attorney concerning legal actions needed to enforce this Ordinance

(g) request the assistance and cooperation of other Village officials, departments, boards, or commissions, or other agencies as necessary in the discharge of his or her duties

(h) procure such engineering, planning, legal, or other assistance from technical experts outside the Village government as may be necessary to discharge his or her duties and as authorized by the Village Board

(i) prepare and cause to be published on or before March 31 of each year a Zoning District Map as amended through the preceding December 31

(j) file an annual report with the Village President and Village Board on reports of violations received and enforcement actions taken.

(k) maintain at all times a current copy of this Ordinance incorporating all amendments adopted by the Village Board.

**11.04 Enforcement**

The Director of Building and Zoning is hereby designated and authorized to enforce this Ordinance.

Any party that violates any provision of this Ordinance shall be fined not less than \$25 nor more than \$500 for each offense. Each day or portion thereof that a violation exists shall constitute a separate offense.

*Chapter 12*  
**Environmental Standards**

**12.01 Purpose and Applicability**

**(a) Purpose**

The requirements herein are intended to provide a basis for controlling measurable adverse environmental effects of land uses on their surroundings.

**(b) General Applicability**

The Environmental Standards herein shall apply as a continuing obligation to uses in the Village as follows:

| <u>Standard For</u>      | <u>Applies To</u>   |
|--------------------------|---|
| 1. Heavy Industrial Uses | Permitted & Conditional Uses Allowed Under District Regulations Only in I-3 or Higher Numbered District and Located in Any District |
| 2. Other Uses            | All Other Permitted and Conditional Uses in All Districts   |
| 3. (Unspecified)         | All Permitted and Conditional Uses in All Districts   |

**(c) General Exemptions**

The following environmental effects shall be exempt from conformance to any Environmental Standard in this chapter:

**(1) Household Appliances**

Effects produced by normal use of domestic household appliances

**(2) Public Services**

Effects produced by snow plowing, street sweeping, refuse collection, or provision

of other public or public utility services

**(3) Construction and Maintenance**

Except during night hours, effects produced by real estate construction, demolition, repair, or maintenance activities--including use of lawn mowers, snow blowers, and similar equipment operating within manufacturers' specifications with all noise control equipment in use

**(4) Emergency Operations**

Effects produced by authorized emergency vehicles or operations

**(5) Breakdowns**

Occasional temporary effects resulting from breakdown of processes or equipment

**(6) Transportation**

Normal effects of moving transportation vehicles--such as motor vehicles, aircraft, and railroads--except when located on the subject property

**(7) Background Effects**

Other background effects, as defined in 12.11(a), and effects generated by the subject source that do not together with the background produce a cumulative effect that exceeds the level of background effects

**(8) Other**

Other effects not under the direct control of the property user.

**(d) Interpretation of Citations**

All citations herein to laws, regulations, documents, and standards of industry or testing organizations shall be interpreted to refer to the most recently adopted version or revision thereof or replacement therefor.

**(e) Other Regulations**

In addition to the regulations of this chapter,

land uses in the Village shall also conform to the environmental regulations of:

- (1) the Village of Bensenville Pollution Control Ordinance (Chapter 6 of the Village Code), and
- (2) the Village of Bensenville Fire Prevention Code.

In any case in which such other regulations and this chapter establish different standards or requirements, the standard or requirement that is the more restrictive shall govern.

## 12.02 Noise

### (a) Maximum Noise Levels

No use shall cause or create sound above the greater of:

- (1) the sound pressure levels in Table 12A at the locations specified, or
- (2) 5 dB over the background noise, as defined in 12.11(b) and as measured on the subject property over a period of 8 minutes.

### (b) Measurement

A sound level meter and octave band analyzer conforming to the specifications of the American National Standards Institute (formerly American Standards Association) shall be employed to measure the intensity and frequency of sound. The flat network slow meter response of the sound level meter shall be used.

Sounds incapable of being so measured shall be measured with an impact noise meter conforming to ANSI specifications.

### (c) Exemptions

The following shall be exempt from noise Environmental Standards:

- (1) Sounds included under General Exemptions in 12.01(c)
- (2) Sounds of safety signals, warning devices, and emergency pressure relief valves.
- (3) Sounds of Permanently installed bells, chimes, and carillons, such as at houses of worship
- (4) Sounds of parades, outdoor gatherings, and sporting and entertainment events
- (5) The unamplified human voice
- (6) Amplified announcements at sporting events
- (7) Sounds of reasonably cared for animals commonly used as household pets.

Table 12A: Permitted Sound Levels

| Octave Band Center Frequency in Hertz | Maximum Permitted Sound Pressure Level in Decibels at Boundaries of Nearest Residentially Zoned Lot * |
|---------------------------------------|---|
| 31.5                                  | 75  |
| 63                                    | 74  |
| 125                                   | 69  |
| 250                                   | 64  |
| 500                                   | 58  |
| 1,000                                 | 52  |
| 2,000                                 | 47  |
| 4,000                                 | 43  |
| 8,000                                 | 40  |

\* See Table 12B for standards for lots with non-residential zoning.

Above figures for octave band analyzers calibrated with Preferred Frequencies (American National Standards Institute S1.6-1984, Preferred Frequencies and Band Numbers for Acoustical Measurement). Sound levels above shall be modified where applicable by the adjustments in Table 12B.

**Table 12B: Adjustments to Permitted Sound Levels**

|  | Adjustment in Decibels |
|--|------------------------|
| 1. Sound lasts in any one-hour period (use one adjustment only): |                        |
| a. under 12 minutes  | Add 5 dB               |
| b. under 3 minutes   | Add 10 dB              |
| c. under 1/2 minute  | Add 15 dB              |
| 2. At boundaries of nearest lot in:                              |                        |
| a. O or C District   | Add 5 dB               |
| b. I-1 or I-2 District   | Add 9 dB               |
| c. I-3 District  | Add 12 dB              |
| 3. Sound is impulsive in character (e.g., hammering)             | Subtract 5 dB          |
| 4. Sound is periodic in character (e.g., hum, screech)           | Subtract 5 dB          |
| 5. Sound may be heard during night hours                         | Subtract 7 dB          |

$$PV = 6.28 \times F \times D$$

PV: Particle Velocity in inches per second  
 F: Vibration frequency in cycles per second  
 D: Single amplitude displacement of the vibration in inches

The maximum Particle Velocity shall be the maximum vector sum of the three mutually perpendicular components recorded simultaneously.

**Table 12C: Maximum Ground Transmitted Vibration**

| Use              | At Adjacent Lot Line | Maximum Permitted Particle Velocity * in Inches Per Second              |              |
|------------------|----------------------|---|--------------|
|                  |                      | At Nearest Boundary of Lot Zoned in:<br>O or C Residential District [a] | District [b] |
| Heavy Industrial | --                   | 0.06  | 0.03         |
| Other            | 0.20                 | 0.06  | 0.03         |

\* Where vibration is produced as discrete impulses (impact vibrations) not exceeding 1 second in duration and having a pause of at least 1 second between pulses, maximum permitted velocities may be doubled.

[a] There is no maximum for I Districts.  
 [b] During night hours, maximum shall be reduced 50 percent.

## 12.03 Vibration

### (a) Maximum Vibration

No use shall cause ground-transmitted vibration that exceeds the maximum permitted Particle Velocities in Table 12C at the locations specified therein.

### (b) Measurement

A seismograph or other three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions shall be used to measure vibration.

Particle Velocity may be measured directly or computed by the following formula:

## 12.04 Smoke

### (a) Maximum Emissions

No use shall generate emissions of smoke

measured at the point of emission that exceed the maximum permitted smoke units and Ringelmann Number ratings in Table 12D when measured at the point of emission.

**Table 12D: Maximum Permitted Smoke Emissions**

| During 1 Hour     |       | At All<br>Other Times |                |
|-------------------|-------|-----------------------|----------------|
| Per 24-Hour Day * | Other | Heavy<br>Industrial   | Heavy<br>Other |
| Heavy             |       | Heavy                 |                |
| Industrial        | Other | Industrial            | Other          |

Maximum  
Smoke Units \*\*\*

Per Hour

Per Stack 32 16 16 8

Highest  
Ringelmann  
Number

3 \*\* 2 \*\* 2 1

\* When blowing soot or clearing fires

\*\* For maximum duration of 3 minutes

\*\*\* As defined in 12.11(u)

## 12.05 Particulate Matter

### (a) Maximums Permitted

No use shall generate emissions of particulate matter, as defined in 12.11(o), from all stacks, as also defined herein, within the boundaries of any lot that exceed the values in Table 12E as adjusted by the factors in Table 12F.

No use shall produce concentrations of fugitive particulates, as defined in 12.11(g), that exceed the values in Table 12G.

**Table 12E:  
Particulates Standards**

| Maximum Pounds<br>Per Acre of Net<br>Site Area Per Hour |   |
|---|---|
| Heavy Industrial  | 5 |
| Other   | 1 |

**Table 12F: Adjustments to  
Particulates Standards**

*1. Height of Emission*

| Height of Emission<br>Above Grade in Feet | Adjustment in<br>Lbs./Hour/Acre |
|---|---------------------------------|
| 50  | - 0.01                          |
| 100                                       | - 0.06                          |
| 150                                       | - 0.1                           |
| 200                                       | - 0.16                          |
| 300                                       | - 0.3                           |
| 400                                       | - 0.5                           |

*2. Velocity of Emission*

| Exit Velocity in<br>Feet Per Second | Adjustment in<br>Lbs./Hour/Acre |
|-------------------------------------|---------------------------------|
| 0                                   | - 0.03                          |
| 20                                  | - 0.09                          |
| 40                                  | - 0.16                          |
| 60                                  | - 0.24                          |
| 80                                  | - 0.5                           |
| 100                                 |                                 |

*3. Temperature of Emission*

| Degrees<br>Fahrenheit | Adjustment in<br>Lbs./Hour/Acre |
|-----------------------|---------------------------------|
| 200                   | - 0.001                         |
| 300                   | - 0.002                         |
| 400                   | - 0.003                         |
| 500                   | - 0.01                          |
| 1,000                 | - 0.04                          |
| 1,500                 | - 0.1                           |
| 2,000                 |                                 |

User should interpolate for values not listed.  
Minus sign indicates value is to be subtracted.

**(b) Measurement**

The emission rate in pounds per hour from any single stack shall be determined by selecting the continuous four-hour period within any 24-hour period that will result in the highest average emission rate.

**(c) Control of Wind Erosion**

All uses shall minimize emission of particulate matter from materials, products, or surfaces subject to wind erosion by paving, oiling, wetting, covering, landscaping, fencing, or other means.

This requirement shall apply to vacant lots; unpaved private roads or circulation drives; yards and storage piles of bulk materials such as coal, sand, salt, cinders, slag, and sulfur; and similar sources of windborne particulates.

**Table 12H: Permitted Emission of Toxic Matter**

| Use              | Maximum Fraction of Threshold | Location Where Applicable   |
|------------------|-------------------------------|---|
| Heavy Industrial | 1/30                          | At boundary of nearest lot not zoned in I-3 or any higher-numbered I District |
| Other            | 1/30                          | At lot lines  |

\* Current Threshold Limit Value, as defined in 12.11(x).

**Table 12G: Maximum Concentrations of Fugitive Particulates**

Maximum Micrograms Per Cubic Meter Above Background Level at Lot Line

|                  |    |
|------------------|----|
| Heavy Industrial | 50 |
| Other            | 25 |

**(2) Measurement**

Measurement of toxic matter shall be at both ground level and habitable elevation and shall be the average of any 24-hour sampling period.

**(3) Unlisted Toxic Matter**

Allowable emissions of any substance included in the definition of toxic matter in 12.11(y) but not listed by the ACGIH shall be as approved by the Village Engineer.

**12.06 Toxic Matter****(a) Airborne Emissions****(1) Maximum Emissions**

No use shall release any airborne toxic matter, as defined in 12.11(y), that exceeds the permitted standards in Table 12H at the locations specified therein.

**(b) Handling of Toxic Substances**

No use shall manufacture, utilize, handle, or store highly toxic substances, as defined in 12.11(h), except as provided in Table 12I.

**Table 12I: Maximum Quantities of Highly Toxic Substances**

| <u>Maximum Quantity Permitted [a]</u> |                                      |   |
|---------------------------------------|--------------------------------------|---|
| <u>Physical State</u>                 | <u>In Original Sealed Containers</u> | <u>In Open Containers or in Process</u> |
| Liquid                                | 55 gallons                           | 5 gallons                               |
| Solid                                 | 500 lbs.                             | 50 lbs.                                 |
| Gas                                   | 50 lbs.                              | 10 lbs.                                 |

*[a] In the I-3 or any higher-numbered I District, all quantities may be doubled.*

*[b] For materials in more than one state, the more restrictive standard governs.*

**Table 12J: Radioactive Substance Handling**

| <u>Use</u>            | <u>Quantity in Curies*</u> | <u>Type of Use That Handling Constitutes</u> |
|-----------------------|----------------------------|--|
| Heavy Industrial Uses | Under 100                  | Permitted Use                                |
| Industrial Uses       | 100 or More                | Conditional Use                              |
| Other Industrial Uses | Under 10                   | Permitted Use                                |
| Industrial Uses       | 10 or More                 | Conditional Use                              |
| All Other Uses        | Under 1                    | Permitted Use                                |
|                       | 1 or More                  | Conditional Use                              |

*\* Total of all radioactive substances on subject property*

## 12.07 Odor

### (a) Maximum Emissions

No use shall release odorous material that exceeds the Odor Threshold Concentration, as defined in 12.11(n), at the boundaries of the nearest lot not located in an I Industrial District.

### (b) Measurement

Odor shall be measured at both ground level and habitable elevation.

## 12.08 Radioactive Radiation

### (a) Substance Handling

No use in any district shall manufacture, utilize, handle, or store radioactive substances except as provided in Table 12J.

### (b) Other Regulations

No use shall cause any individual outside of its

lot lines to be exposed to any radiation hazard, as defined in this chapter, exceeding the lowest concentration permitted for the general population by the provisions of the U.S. Atomic Energy Commission Standards for Protection Against Radiation (Title 10, Chapter 1, Part 20, Code of Federal Regulations) and other federal and state laws and regulations.

## 12.09 Other Effects

### (a) Fire and Explosion

Regulations governing fire and explosive hazards shall be as provided in the Village Fire Prevention Code.

### (b) Glare

No use shall produce direct or indirect illumination at the boundaries of the nearest residentially zoned lot greater than 0.5 footcandles.

Sources of lighting shall be directed, shaded,

shielded, or otherwise arranged so as not to produce glare in surrounding properties.

Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

**(c) Heat**

No use shall raise the temperature of air, ground, or materials outside of its lot lines more than 5 degrees Fahrenheit.

**(d) Electromagnetic Interference**

No use shall cause electrical disturbances or electromagnetic interference with electronic signals, including broadcasting transmissions, that adversely affects operation of equipment of any other party or that does not conform to the regulations of the Federal Communications Commission.

**(e) Waste**

All uses shall provide for the treatment and disposal of sewage and industrial wastes in compliance with applicable regulations of the Village of Bensenville, Counties of Cook and DuPage, State of Illinois, and U.S. Environmental Protection Agency.

**12.10 Administration**

The procedures of this section are intended to enforce the Environmental Standards of this chapter, to protect uses from arbitrary enforcement, and to protect the public from unnecessary enforcement costs.

**(a) New Uses**

**(1) Industrial Uses**

An application for a Conditional Use Permit or a Building Permit for an

industrial use, as defined herein, in any district shall include a certification by a licensed engineer or scientific laboratory.

The certification shall state that the use for which the application is made can meet all applicable Environmental Standards in this chapter to the extent that this can be judged based on the submitted building plans and other information available prior to the construction or operation of the use.

This certification shall be accompanied by copies of all data or information supplied by the applicant and used as the basis of the certification. The Director of Building and Zoning shall refer the certification and data for review to the Village Engineer and to the Village Pollution Control Officer.

The Director may require submission by the applicant of such reasonable additional information on machinery, processes, products, and mechanisms or procedures for the control of environmental effects--except information that may disclose trade secrets--as he or she deems necessary to determine the ability of the use to comply with applicable Environmental Standards.

He or she may require that a technical consultant to the Village review the information submitted or conduct certain tests. The applicant shall pay the costs of such work.

The Director may make the issuance of a Building Permit--and the Village Board may make the issuance of a Conditional Use Permit--subject to any reasonable conditions deemed necessary to assure compliance with applicable Environmental Standards.

**(2) Other Uses**

The Director may also require the

certification described in 12.10(a)(1) for a use in any district that is not an industrial use when in his or her judgment the use has potential to exceed any applicable Environmental Standard herein.

He or she may require such certification for all Environmental Standards or only for individual Standards specified.

### **(b) Existing Uses**

#### **(1) Issuance of Violation Notice**

In enforcing Environmental Standards on existing uses, the Director of Building and Zoning may issue a written Notice of Violation to an alleged violator.

Before doing so, he or she shall make technical determinations of violation using equipment and trained personnel normally available to the Village or obtainable without extraordinary expense.

When such personnel and equipment is inadequate to make such determinations, the Director may issue a Notice when he or she has other reason to believe there is probable violation.

He or she shall give Notice by any means that ensures a signed receipt.

#### **(2) Contents of Notice**

The Notice of Violation shall describe the alleged violation and the results of technical determinations or the other reasons why the Director believes there is a violation.

It shall require either an answer or correction of the alleged violation within a time limit specified therein. The Notice shall also state that failure to meet either requirement shall constitute admission of a violation.

It shall further state that, if technical

determinations have not already been made, they will be made upon request of the alleged violator.

If a violation is found as a result of such determinations, the cost of the determinations will be assessed against the violator in addition to any other penalties provided for in this Ordinance. If no violation is found, the Village will pay such cost.

### **(c) Exceptions**

#### **(1) Review of Application**

The Zoning Board of Appeals may recommend, and the Village Board may approve, exceptions to any Environmental Standard established in this chapter.

All applications for exceptions shall submit evidence in the form of scientific data or expert opinion on the effect on the environs of the lower standard an applicant for an exception proposes to meet.

The Director of Building and Zoning shall refer all applications to the Village Engineer and to the Pollution Control Officer for review. In addition, the Zoning Board or Village Board may require review by a technical consultant or scientific laboratory before acting on the application. The applicant shall pay the cost of such review.

#### **(2) Not Considered Variances**

Exceptions to Environmental Standards shall not be considered as Variances under this Ordinance nor as variations under Chapter 24, Section 11, Division 13, of the Illinois Revised Statutes. They shall not be required to conform to the Approval Criteria for Variances in this Ordinance.

(3) Approval Factors

In considering whether to recommend or approve an exception, the Zoning Board and Village Board shall take into account:

- A. the magnitude of the adverse effect that would likely be produced by allowing the exception
- B. the land uses and development intensities of nearby properties that might be affected thereby
- C. the necessity for the exception to permit the operation of the use
- D. the existence or non-existence of measures that are technically and economically practical to reduce effects to normally permitted levels
- E. any undue hardship or practical difficulty that failure to grant the exception would cause to the applicant.

(4) Approval Criteria

The Zoning Board shall recommend, and the Village Board shall approve, an exception hereunder only if it finds the exception to conform to one of the following categories:

A. Control Installation Period

The exception is for a temporary period and is necessary to permit installation or modification of equipment, facilities, or other measures to control adverse environmental effects, such exception to be contingent on satisfactory progress during this period toward compliance

B. Temporary Activity

The exception is for another temporary activity that will not

produce long-lasting adverse effects.

C. No Significant Effect

The exception is otherwise not likely to have significant long-term adverse effect on the healthfulness, safety, use, and enjoyment of nearby properties, streets, and other public areas.

D. Necessary for Operation

The exception is necessary to permit the continued operation of a lawful use in existence before the adoption of the applicable Standard(s).

The Village Board shall approve only the minimum exception necessary to allow reasonable operation of the use.

The Board may make approval of an exception subject to any reasonable conditions it finds necessary to minimize adverse effects, such as restrictions on hours, days, or locations on the site at which the Environmental Standard may be exceeded.

(d) Violations

A violation of Environmental Standards shall be considered a violation of the Zoning Ordinance and be subject to the same procedures and penalties, except as otherwise provided in this chapter.

A violation that also constitutes a violation of the Village Pollution Control Ordinance shall be considered only as a violation of the latter and shall be subject to the procedures and penalties provided in Chapter 6 of the Village Code.

(e) Appeals

Any administrative action taken under this chapter may be appealed to the Zoning Board of Appeals as provided in 6.03(c) herein. Except that an appeal that also constitutes an appeal of

an action taken under the Village Pollution Control Ordinance shall be heard only by the Village Board as provided in Chapter 6 of the Village Code.

**(f) Nonconformities**

Since the Environmental Standards herein typically relate to the daily means of operation of a use and not to physical development factors that are difficult and costly to change, no failure by a lawful use in existence on the effective date of this Ordinance to conform to any Environmental Standard herein shall be considered a lawful Nonconformity as provided in Chapter 10.

However, because in certain instances conformity by such uses may be impractical or economically infeasible, such cases of noncompliance may be approved as exceptions as provided in 12.10(c).

**12.11 Definitions****(a) Background Effect:**

A general level of adverse environmental effect present in the environment generated from all sources other than the subject source, such as from traffic on public streets.

**(b) Background Noise:**

Noise that is a background effect.

**(c) Curie:**

A unit of radioactivity equal to 3.7 multiplied by 10 to the 10th power disintegrations per second.

**(d) Decibel:**

A unit of measurement of the intensity or loudness of sound equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound being measured to a reference pressure of 20 micropascals (20 micronewtons per square meter).

**(e) Footcandle:**

A unit of illumination equal to the illumination at all points 1 foot distant from a uniform point source of one candlepower.

**(f) Frequency:**

The number of oscillations per second in a sound wave, a measure of the pitch of the resulting sound.

**(g) Fugitive Particulates:**

Particulates emitted into the atmosphere other than through a stack, as defined herein.

**(h) Highly Toxic Substance:**

Any substance listed as a highly toxic substance in Registry of Toxic Effects of Chemical Substances of the National Institute for Occupational Safety and Health of the Department of Health and Human Services.

**(i) Microgram:**

One millionth of a gram.

**(j) Night Hours:**

The hours between 9 PM and 7 AM.

**(k) Noise:**

A sound that is unwanted or that tends to cause adverse physiological or psychological effect on human beings.

**(l) Octave Band**

All the frequencies between a given frequency and double that frequency.

**(m) Octave Band Filter:**

An electrical frequency analyzer designed according to standards formulated by the American National Standards Institute (formerly American Standards Association) and

used with a sound level meter to take measurements in specific octave intervals.

**(n) Odor Threshold Concentration:**

The minimum concentration of odorous material in air that can be detected by the normal human nose as determined by the ASTM (the American Society for Testing and Materials) Test Method D1391-57 (1967), Standard Method for Measurement of Odor in Atmospheres (Dilution Method).

**(o) Particulate Matter:**

Material other than steam or water vapor suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature. It includes smoke, soot, fly ash, industrial dust, and particles of wind erosion.

**(p) Pollution Control Officer:**

The Pollution Control Officer designated under the Pollution Control Ordinance.

**(q) Radiation Hazard:**

The harmful effect of all radiations capable of producing ions in their passage through matter, including electromagnetic radiations such as x-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons, or alpha particles.

**(r) Ringelmann Chart:**

A chart described in the U.S. Department of the Interior Bureau of Mines Information Circular 8333 (revision of IC 7718), May 1, 1967, or its successor, upon which are illustrated graduated shades of grey for use in estimating light-obscuring capacity of smoke.

**(s) Ringelmann Number:**

The number of the area of the Ringelmann Chart that coincides most nearly with the opacity of the emission observed.

**(t) Smoke:**

Small gasborne or airborne particles other than uncombined water vapor that are produced by incomplete combustion and that form a visible plume in the air.

**(u) Smoke Units, Number of:**

The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For this calculation, a Ringelmann density reading is made at least once every minute during the period of observation, each reading is multiplied by the time in minutes the emission is observed, and the various products are summed.

**(v) Sound Level Meter:**

An instrument for measurement of the intensity of sound that meets Standard S1.4-1971, Specifications for Sound-Level Meters, of the American National Standards Institute for Type 1 or Type 2 sound level meters, or its equivalent.

**(w) Stack:**

A flue or conduit, free-standing or with exhaust port above the roof of the building on which it is mounted, by which air contaminants are emitted into the atmosphere.

**(x) Threshold Limit Value:**

The maximum allowable concentration of toxic matter permitted an industrial worker for 8 hours exposure per day, 5 days a week, as adopted by the American Conference of Governmental Industrial Hygienists.

**(y) Toxic Matter:**

Any material that can, alone or together with other substances likely to be present in the environment, cause injury to living organisms by chemical means when present in relatively small amounts.

*Chapter 13*  
**Special Use Regulations**

**13.01 Lot Dimensions**

Notwithstanding the provisions of Chapter 3, District Regulations, lot dimensions for certain special uses shall be as provided in Table 13A.

**13.02 Single-Family Conversions****(a) Minimum Dwelling Unit Size**

Minimum gross floor area, as defined herein, for any dwelling unit created within a formerly single-family residential building shall be as follows:

Efficiency units: 375 square feet

All other units: 500 square feet

**(b) Nonconforming Two-Family Conversions**

Conversions of single-family residential buildings to two-family use that were registered with the Village prior to January 1, 1990, in conformance with Ordinance No. 0-88, shall be considered as Use Nonconformities in any RS District and shall be subject to applicable provisions of Chapter 10, Nonconformities.

**13.03 Temporary Uses and Permitted and Conditional Public Uses**

Minimum lot area, lot width, and yard requirements and maximum building height for Conditional Public Uses not listed in Table 13A in any district shall be such as the Village Board determines necessary to comply with the Approval Criteria for Conditional Uses in Table 6D of the Special Development Approvals chapter herein.

There shall be no minimum lot area, lot width, or yard requirements or maximum building height for Temporary Uses or Permitted Public Uses, as defined herein, other than as may be determined by the Director of Building and Zoning to be essential to safeguard the public health, safety, or welfare.

**13.04 Adult Uses**

To avoid adverse effects on neighborhood character, such as increased incidence of crime and reduced property values, that can result from a concentration of adult uses and to protect minors from harmful environments, adult uses, as defined herein, are subject to special requirements.

**(a) Separation Requirement**

All lot lines of a lot on which any adult use is located shall be a minimum of 1,000 feet from any lot line of any lot on which is located:

(1) any other adult use, or

(2) a park; a playground; an educational institution that serves minors; or any other area where large numbers of minors regularly travel or congregate.

**(b) Conditional Use Approval**

Approval, conditional approval, or disapproval of an adult use as a Conditional Use, where provided herein, shall be recommended by the Zoning Board of Appeals and finally acted upon by the Village Board, only on the basis of the findings of fact required by Table 6D in the Special Development Approvals chapter.

**13.05 Special Industrial Conditional Uses**

In any I Industrial District, the Zoning Board of Appeals may approve or conditionally approve

Table 13A:  
Minimum Lot Dimensions  
for Special Uses

| <u>Minimum Lot Width in feet</u>       |                                     |   |                                    |                            |                 |
|--|-------------------------------------|---|------------------------------------|----------------------------|-----------------|
| <u>75</u>                              | <u>100</u>                          | <u>130</u>  | <u>180</u>                         | <u>None</u>                | <u>None</u>     |
| <u>Minimum Lot Area in square feet</u> |                                     |   |                                    |                            |                 |
| <u>10,000</u>                          | <u>13,000</u>                       | <u>20,000</u>                                     | <u>1 acre</u>                      | <u>5 acres</u>             | <u>20 acres</u> |
| Animal hospitals                       | Churches<br>Libraries<br>Mortuaries | Convents,<br>monasteries,<br>seminaries           | Hospitals                          | Colleges &<br>universities | Golf<br>courses |
| Kennels                                | Nursery<br>schools                  | Institutions<br>for care of<br>aged &<br>children |                                    |                            |                 |
| Drive-in<br>restaurants                | Nursing<br>homes                    |   | Hotels &<br>motels                 |                            |                 |
|  | Rooming<br>houses                   |   | Car washes                         |                            |                 |
|  | Schools                             |   | Cartage or<br>delivery<br>services |                            |                 |
|  | Service<br>stations                 |   |                                    |                            |                 |

as a Conditional Use a use allowed only in a higher-numbered Industrial District as provided herein.

The Board shall not approve any such Conditional Use unless it makes Findings of Fact that:

(a) the proposed use conforms to the Approval Criteria for Conditional Uses in Table 6D in the Special Development Approvals chapter of this Ordinance, and

(b) because of technological advances or special methods of operating or of controlling external effects---the proposed use:

(1) will not produce the objectionable environmental effects customarily associated with such use, and

(2) will instead produce a level of such effects comparable to or less objectionable than those customarily produced by uses listed as allowed in the present district classification of the property.

The burden of providing evidence to support such findings---in the form of scientific data, expert opinion, or other information acceptable to the Board---shall be upon the applicant for the use. Such evidence shall be submitted with the application for the Conditional Use. Environmental effects include noise, traffic, glare, odor, dust, vibration, and the like, including applicable Environmental Performance Standards in this Ordinance.

The Board may require reasonable financial sureties if necessary to assure continued conformance with standards for the District.

The Director of Building and Zoning shall request from the Fire Chief, the Village Engineer, or other Village officials as appropriate written comments concerning the effects of such use and the evidence presented. He or she shall transmit all comments received to the Board before it takes action on the

Conditional Use. The Board shall allow reasonable time for response from such officials before taking action.

### 13.06 Non-Residential Uses in Residential Districts

The following provisions shall apply to such non-residential uses as may be allowed in any Residential District:

#### (a) Yards

Yard requirements for non-residential Permitted and Conditional Uses---except Permitted Public Uses, Conditional Public Uses, Temporary Uses, and uses provided in Table 13A---shall be the same as required for single-family detached dwellings in the same zoning district.

Requirements for the excepted uses shall be as provided in Section 13.03 except for uses listed in Table 13A, which shall be governed by the requirements of that table.

Where a building height is over 30 feet, each required yard shall be increased by two feet for each additional foot of building height over 30 feet.

#### (b) Lot Area and Width

##### (1) Permitted Uses

The lot area and width requirements for each non-residential Permitted Use except Permitted Public Uses and Temporary Uses shall be the same as required for a single-family detached dwelling unit in the same district.

##### (2) Conditional Uses

For non-residential Conditional Uses, lot area and width requirements shall be such as the Village Board determines necessary to comply with the Approval Criteria for Conditional Uses in the Special Development Approvals chapter herein.

### (3) Other Uses

Minimum lot area and width requirements for Temporary Uses, Permitted Public Uses, and Conditional Public Uses shall be as provided in Section 13.03.

### (c) Building Height

For both non-residential Permitted and Conditional Uses except Temporary Uses, Permitted Public Uses, and Conditional Public Uses, maximum building height shall be governed by a maximum floor area ratio of 0.5 and the requirements for yards in paragraph 13.06(a).

### (d) Other Requirements

Off-street parking and loading, landscaping requirements, sign regulations, and other requirements shall be as provided in the Off-Street Parking and Loading and Landscaping and Screening chapters of this Ordinance, the Village Sign Ordinance, and other Village regulations.

## 13.07 Home Occupations

### (a) Employment

Home occupations shall not employ more than one person that is not a member of the family, as defined herein, living on the premises.

### (b) Enclosed Structures

Home occupations shall be conducted entirely within enclosed structures, and there shall be no exterior storage of equipment or materials used.

### (c) No Exterior Evidence

There shall be no visible, audible, or otherwise perceptible evidence of the conduct of such occupation in the outside appearance of the premises other than a name plate sign as permitted in the Village Sign Ordinance.

### (d) Parking

Any need for parking generated by the occupation above that normally associated with a residential use shall be met off the street and in an actual rear or interior side yard.

### (e) Electrical and Fire

No home occupation shall involve construction features or the use of electrical or mechanical equipment that would result in electrical interference or change the fire rating of the structure or of the fire district in which the structure is located.

### (f) Prohibited Occupations

Home occupations shall not include:

(1) any business that involves the regular use of commercial vehicles for delivery of materials to or from the premises in a manner not customary for a residential area

(2) any activity that creates beyond the boundaries of its lot noise, fumes, odor, dust, electrical interference, or pedestrian or vehicular traffic that is more than that normally associated with the uses allowed in the district.

### (g) Other Regulations

Home occupations shall be subject to applicable provisions of Village business license regulations and other Village ordinances.

## 13.08 Accessory Retail Uses

### (a) Allowable Uses

For the convenience of workers, visitors, and customers of the Village's industrial and office employment centers, notwithstanding other contrary provisions of this Ordinance, the following uses shall be permitted as Accessory Uses to any Permitted or Conditional Use with 50,000 square feet or more of gross floor area

located in the O-2 or any higher-numbered O District or any I District, subject to the requirements of this paragraph:

- Banks
- Barber shops
- Beauty shops
- Credit unions
- Currency exchanges
- Day care centers, child
- Delicatessens
- Donut shops
- Dry cleaning receiving stations
- Health clubs, as defined herein
- Ice cream shops
- Laundry receiving stations
- Mail receiving services
- Messenger services
- Newspaper and magazine shops
- Nut shops
- Office, stationery, or art supply stores
- Photo processing stores
- Popcorn shops
- Postal stations, branch
- Printing or photocopying shops with 6 or fewer employees
- Restaurants
- Savings and loans and savings banks
- Secretarial and word processing services
- Shoe repair shops
- Taverns, as defined herein
- Telephone answering services
- Tobacco shops
- Travel agencies
- Yogurt shops

#### (b) Requirements

Such Accessory Uses are not required to be owned or operated by the Principal Use. However, because it is intended that they predominantly serve users of the Principal Use and not attract patrons from outside the employment center, such uses shall be allowed as Accessory Uses only if they conform to the following standards:

#### (1) Location

They are located entirely within one or more buildings housing a Principal Use allowed in the District, except for outdoor seating areas for bars and restaurants, outdoor recreation or exercise areas, off-street loading areas, and similar facilities.

#### (2) Access

They are not directly accessible from any separate exterior entrance of such building but only from interior lobbies or corridors, except for fire exits clearly marked as such and opening only from the inside.

They are not accessible from any separate curb cut or driveway but only from such facilities that serve the Principal Use.

No drive-in facilities, as defined herein, shall be permitted in connection with any such Accessory Use.

#### (3) Signage

No sign or other display such as a display window that identifies or advertises the Accessory Use is visible from any public street.

#### (4) Maximum Floor Area

All such Accessory Uses shall together occupy no more than a cumulative total of 35 percent of the gross floor area, as defined herein, occupied by the use.

#### (5) Parking

No off-street parking spaces shall either be required under this Ordinance or be voluntarily provided to serve such Accessory Uses other than the spaces provided for the Principal Use.

### 13.09 Satellite Dish Antennas

#### (a) Purpose

The purpose of the regulations herein is to provide special controls on satellite dish antennas not applicable to other antennas or to accessory uses generally because of the following special characteristics of dish antennas:

(1) Dish antennas are bulkier and more opaque than other antennas and than many other accessory uses, giving them greater potential to block views, impair security, hinder utility or emergency access, pose safety hazards in high wind conditions, and accumulate weeds and debris underneath.

(2) Dish antennas can appeal to children as play areas in ways not characteristic of other antennas or accessory uses.

(3) Experience in communities around the country suggests that dish antennas tend to be more visually objectionable to neighbors than other antennas and many other accessory uses.

The regulations in this section are intended to mitigate these problems while also freely allowing satellite communication and permitting Village residents and businesses a free choice between cable and satellite television services.

#### (b) Location

##### (1) Obstruction of Reception Window

To avoid the expense and inconvenience of relocating a dish antenna, such antennas shall to the extent possible be initially sited in a location that will assure a reception window unobstructed by such development on nearby lots as is allowed under Village zoning regulations.

##### (2) Other Location Standards

Dish antennas shall conform to the other location standards of Table 13B.

#### (c) Appearance

##### (1) Abutting RS and RA Districts

Dish antennas in actual yards abutting RS or RA Districts shall conform to the following:

###### A. Color

No graphic or art work shall be displayed on the antenna.

The antenna surface shall have a single subdued and inconspicuous exterior color that, when viewed from ground level outside the lot, blends into and exhibits minimum visual contrast with the colors of the buildings, landscaping, or other dominant visual features that comprise its setting on the lot. Determination of conformance with this provision shall be by the Director of Building and Zoning.

###### B. Materials

The antenna shall be of wire mesh construction.

###### C. Cables

All cables between antennas and receivers shall either be installed underground or screened from view from the ground level of abutting lots.

#### (d) Screening

##### (1) Where Screening Required

Both ground- and roof-mounted antennas shall be screened by a Screen as defined in 8.02(d), 8.05(a), and Table 8C of Chapter 8, Landscaping and Screening, if they are located in any zoning district within actual yards that abut an abutting lot in a RS or RA Residential District or are otherwise so located as to be visible from such lot or an abutting street.

##### (2) Reduction in Screening Height

Notwithstanding the requirements of 13.10(d)(1) and Chapter 8, the height of any

Table 13B: Standards for Satellite Dish Antennas

|   | <u>Single-Family Residential<br/>and Townhouse Uses</u> | <u>All Other<br/>Uses</u>   |
|---|---|---|
| <u><b>Antenna Allowed as:</b></u>                         |   |   |
| Video Transmitting Antennas:                              | Prohibited Use  | Conditional Use   |
| All Other Transmitting or Receiving Antennas:             | Permitted Use<br>(Accessory Use)                        | Permitted Use<br>(Principal or Accessory Use)                                       |
| <u><b>Maximum Number</b></u><br>of Dish Antennas Per Lot: |   |   |
|   | 1   | No Maximum  |
| <u><b>Permitted Locations:</b></u>                        |   |   |
| Mounting Location:  |   |   |
| Up to 3 Feet Diameter:                                    | Ground or Roof  | Ground or Roof  |
| All Other:  | Ground  | Ground or Roof  |
| Yards [a]:  | Rear  | Rear, Interior Side,<br>or Corner Side  |
| <u><b>Maximum Dimensions:</b></u>                         |   |   |
| Diameter:   | 10 feet   | No maximum  |
| Height [d]:   |   |   |
| Ground-mounted:   | 13 feet   | Maximum building height [b]   |
| Roof-mounted:   | Maximum building height [b] plus 5 feet                 | Maximum building height [b]<br>or 125% of actual building height, whichever is less |
| <u><b>Minimum Setback:</b></u>                            |   |   |
| From Lot Lines:   |   |   |
| Adjacent to RS or RA District:                            | 10 feet   | 15 feet   |
| All Other Cases:  | [e]   | [e]   |
| From Power Lines [c]:                                     | 8 feet  | 8 feet  |
| From Utility Easements:                                   | 8 feet  | 8 feet  |

[a] Actual yards, as defined herein

[b] Maximum building height allowed in applicable district

[c] Lines carrying over 250 volts

[d] Fence/antenna height, as defined herein

[e] Only the setback required for accessory structures in Chapter 5, Accessory Uses and Yards

screening required herein that would penetrate the reception window of a receiving dish antenna may be reduced to the greatest height that will allow the screening to completely clear the reception window.

### (e) Other Regulations

#### (1) Permanent Mounting and Grounding

Dish antennas shall be permanently mounted and grounded in accordance with the manufacturer's specifications. Portable or trailer-mounted antennas may be used for on-site testing or demonstrations for no more than two consecutive days and no more than 15 days per calendar year.

#### (2) Other Codes Applicable

Dish antennas shall conform to applicable provisions of the Village Building Code.

Electrical installations and grounding of dish antennas shall conform to the Village Electrical Code.

#### (3) Wind Load

Dish antennas shall support without the use of guy wires a wind load of 85 mph if mounted on a roof and 75 mph if mounted elsewhere.

#### (4) Maintenance

The owner and user of the dish antenna shall be individually and collectively responsible for maintaining the antenna, its appurtenances, and its screening in good condition and neat appearance. Grass and other vegetation beneath and immediately around the antenna shall be trimmed and debris removed frequently enough to avoid an unsightly appearance.

#### (5) Interference

Electromagnetic interference caused by dish antennas shall be limited to that permitted by 12.09(d) in Chapter 12, Environmental Standards.

### (6) Accessory Use Regulations Applicable

Except where Section 13.09 establishes an additional or a more restrictive requirement, dish antennas shall be subject to the regulations on accessory uses and structures in Chapter 5, Accessory Uses and Yards.

### (7) Signs

No sign as defined in the Bensenville Sign Ordinance except for small plates identifying the antenna manufacturer shall be displayed on any dish antenna in any district except as meets the requirements for allowable signs under that Ordinance.

### (8) Other Requirements

Dish antennas shall conform to all requirements of Table 13B.

### (f) Exceptions

The Zoning Board of Appeals shall take advisory action and the Village Board shall take final action to approve or conditionally approve an exception to any provision of Section 13.09 if it makes a finding of fact based on evidence presented by the applicant that either of the following Approval Criteria apply.

#### (1) Necessary for Communication

The exception is necessary to allow adequate reception or transmission of signals through the antenna, and there exist no reasonable alternative measures not requiring an exception to these or other Village regulations that would allow such reception or transmission.

#### (2) Necessary to Avoid Undue Costs

The exception is necessary because without it the regulations would impose on the antenna owner costs that are excessive in relation to the cost of purchase and installation of the antenna.

The Village Board shall approve only the smallest exception necessary to conform to the foregoing Criteria. Any conditions to which an approval is made subject shall be only those reasonably necessary to mitigate the impact of allowing the exception and shall not be in conflict with either of the Approval Criteria.

Exceptions hereunder shall not be considered Variances under this Ordinance, nor as variations under Chapter 24, Section 11, Division 13, of the Illinois Revised Statutes, and shall not be subject to the Approval Criteria for Variances in Table 6C.

### (g) Permits

#### (1) Permit Required

No satellite dish antenna shall be installed before a permit therefor has been issued by the Director of Building and Zoning.

#### (2) Contents of Permit Application

An application for a permit for a dish antenna shall include the following information:

A. Name, address, and telephone number of:

1. The antenna owner, and
2. The party that will install the antenna, if different from the owner

B. Address of the property where the antenna is to be installed

C. Written consent for antenna installation from the owner of the property on which the installation is proposed, if the antenna owner and property owner are different

D. Description of:

1. the kind of antenna proposed (transmitting or receiving)

2. the kinds of transmissions (video, voice, data, etc.) it will be used for

3. the proposed location of the antenna on the property

4. the proposed anchoring and grounding of the antenna

5. the proposed screening, as required hereunder, and, for any reduction in required screening height under 13.09(d)(2), a description of the reception window that justifies such reduction

6. the diameter of the reflector and proposed fence height of the antenna when installed

7. the construction material(s) and exterior color(s) of the antenna

E. Any Electrical Permit required for the antenna

F. A permit fee as established by the Village Board in an amount that is not disproportionate to the cost of antenna purchase and installation

G. Any other information reasonably required by the Director of Building and Zoning to determine compliance with these and other applicable Village regulations.

## 13.10 Fences

### (a) Purpose

The regulations in this section are intended to promote safety and security, protect neighborhood character and property values, and preserve the visual appearance of the Village.

### (b) Height and Opacity

All fences in the Village shall conform to the

### Special Uses

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standards for height and opacity of Table 13C.

(c) Location

### (1) On Easements

Fences may be located on easements at the fence owner's risk subject to the other requirements herein.

(2) Entirely Within Lot

All parts of a fence must be fully inside property lines, except that gates may swing open over public sidewalks, alleys, and internal drives.

(3) *In Yards*

Fences may be located in yards only as provided in Table 13D.

The barbs of a chain link fence shall face toward the ground.

Fences for industrial uses and Conditional Public Uses may have barbed wire on the top provided that:

- A. No more than 3 strands of barbed wire are used, and
- B. the lowest strand has a fence height of no less than 8 feet, and
- C. the vertical supports for the strands slant away from the nearest property line at an angle from the vertical of not less than 45 degrees.

## (2) Permitted Materials

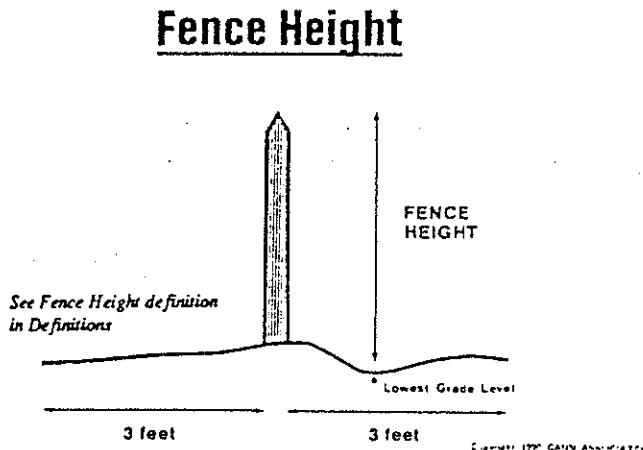
Fences may be made of the following materials:

- A. Wood, either naturally resistant to decay or chemically treated
- B. Concrete or concrete block
- C. Stone
- D. Masonry
- E. Cast or wrought iron
- F. Living landscaping materials
- G. Earth berms completely covered with sod or other ground cover that prevents erosion
- H. Wood bollards and metal chains
- I. Chain link
- J. Other materials not specifically prohibited hereunder if approved by the Director of Building and Zoning as consistent with safety, sound construction, and the appearance of the environs
- K. Any combination of the above

(d) Materials and Construction

### *(1) Dangerous Fences*

No fence shall have an electric charge sufficient to cause shock.



(3) Prohibited Materials

Fences shall not be made of or contain:

- A. Chicken wire
- B. Corrugated or sheet metal
- C. Scrap materials
- D. Fragile or readily flammable material such as cloth, canvas, or paper
- E. Barbed wire, spikes, broken glass, or other materials intended or likely to cause bodily harm, except as permitted in 13.10(d)(1)
- F. Non-standard materials not commonly used for fences or walls, except when approved as compatible with safety, sound construction, and appearance of the environs by the Director of Building and Zoning

(4) Support for Masonry Fences

Stone, concrete, or masonry fences or walls shall be supported by a foundation and footing extending no less than 3.5 feet below the finished grade on both sides of the fence.

(5) Thickness

No fence shall be so thick as to inhibit passage between a lot line and a structure on the same lot.

(6) Sound Construction

Fences shall be constructed in a workmanlike manner and be of sound and sturdy construction.

(e) Appearance

(1) Finished Side Out

The finished side of a fence shall face the nearest lot line. Posts and supports shall face

away from such line.

(2) Uniform Color

The entirety of each different material used in the construction of a fence shall display either its natural color(s) or shall be painted or stained a single shade of a single color. The Director of Building and Zoning may approve an exception to this provision if he or she finds proposed multiple fence colors to be compatible with their environs.

(3) Landscaping of Long Fences

Landscaping approved by the Director of Building and Zoning in the form of shrubs, trees, hedges, vines, and the like shall be installed between the fence and the nearest opposite lot line along the entire length of any fence exceeding 20 feet in length located:

- A. along or opposite a street line, or
- B. on any lot on which is established a non-residential use: along or opposite a lot line abutting or across a non-arterial street from any RS, RA, or RM Residential District

This requirement shall not apply to Interior Fences, Decorative Fences conforming to the requirements herein, or fences required under and in full compliance with Chapter 8, Landscaping and Screening.

(4) Decorative Fences

Where Decorative Fences are the only fences allowed by Table 13D, they shall be subject to the following requirements:

A. Length

They shall be limited to a maximum of 2 sections, each no more than 8 feet in length.

Table 13C: Maximum Fence Height

|  | Maximum Fence Height in Feet               |               |   |               |
|--|--|---------------|---|---------------|
|  | In Actual Front or<br>Corner Side Yard [e] |               | In Actual Rear or<br>Interior Side Yard [f] |               |
|  | Solid<br>Fence                             | Open<br>Fence | Solid<br>Fence                              | Open<br>Fence |
| A. <u>Within Vision Clearance Triangle:</u>                        | 2.5  | 3.5           | 2.5   | 3.5           |
| B. <u>In All Other Locations:</u>                                  |  |               |   |               |
| 1. Industrial Uses [b]   | 4 [D]                                      | 4 [D]         | 10  | 10            |
| 2. Commercial and Office Uses [b]                                  | 4 [D]                                      | 4 [D]         | 6   | 6             |
| 3. Multi-Family Residential Uses [a][b]:                           | 4 [D]                                      | 4 [D]         | 6   | 6             |
| 4. <u>Single-Family and Townhouse [g] Residential Uses [a][b]:</u> |  |               |   |               |
| a. Abutting a 6-lane arterial street:                              |  |               |   |               |
| 1. On a lot with a front lot line abutting a dead end street:      |  |               |   |               |
| A. In Actual Corner Side Yard:                                     | 8 [c]                                      | 8 [c]         | N/A   | N/A           |
| B. Area A Between front building line & front lot line             | [h]  | [h]           | N/A   | N/A           |
| 2. On all other lots   | 8 [c]                                      | 8 [c]         | N/A   | N/A           |
| b. In all other locations  | 4 [D]                                      | 4 [D]         | 6   | 6             |
| 5. Recreation Fences   | -  | 12            | -   | 12            |

Notes for Table 13C

[a] Along a lot line abutting a yard in a different lot where a less restricted fence height is permitted hereunder, maximum fence height shall be as allowed in said abutting yard.

[b] Maximum fence height for Interior Fences, as defined herein, shall be 6 feet.

[c] Applies to corner side yards only.

[D] Decorative fences only.

[e] Except the portion of the actual corner side yard located behind the extension of the rear building line of the principal building shall be excluded from this area.

[f] The part of the actual corner side yard behind an extension of the rear building line of the principal building shall be added to this area.

[g] For townhouses located on individual parcels within a single subdivided lot, fences shall be confined to a 9-gauge chain link fence no more than 4 feet high located along the exterior parcel lines surrounding each unit grouping but not:

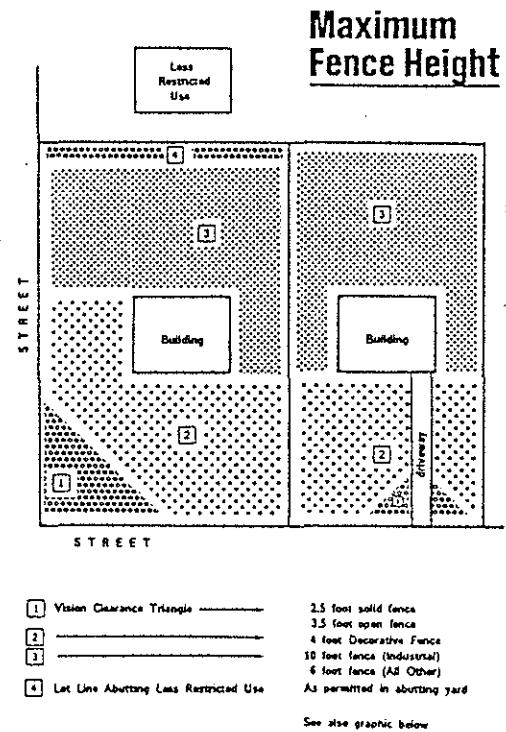
1. along interior side parcel lines between units attached in the same group, or
2. in any part of the actual front yard of a subdivided lot abutting a public street.

[b] 50 percent of actual height of fence established in Actual Corner Side Yard.

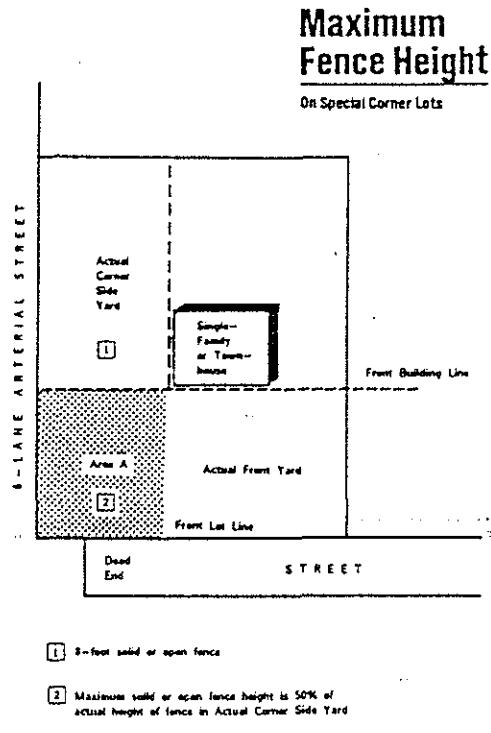
The maximum fence height allowed for industrial uses shall also apply to a fence for any use along a lot line that abuts a railroad right-of-way.

A mixed solid and open fence may be a solid fence up to the height allowed for a solid fence, but shall be an open fence above that height to the height allowed for an open fence.

See also regulations for Vision Clearance Triangle in 5.02(f).



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Table 13D: Allowable Locations of Fences in Yards

|  |                   | <u>Type of Use</u>           |                                 |                                  |
|--|-------------------|------------------------------|---------------------------------|----------------------------------|
|  | <u>Industrial</u> | <u>Commercial and Office</u> | <u>Multi-Family Residential</u> | <u>Single-Family Residential</u> |
| Actual Front Yard  | Decorative        | Decorative                   | Decorative                      | Decorative                       |
| Actual Corner Side Yard [a] [b]:   |                   |                              |                                 |                                  |
| Abutting Arterial Street:  | Any               | Any                          | Any                             | Any                              |
| Elsewhere:   | Decorative        | Decorative                   | Decorative                      | Decorative                       |
| Actual Interior Side or Rear Yard [c]:   | Any               | Any                          | Any                             | Any                              |
| <br>Any: Any fence meeting maximum height and all other applicable requirements of these and other Village regulations.  |                   |                              |                                 |                                  |
| <br>Decorative: Only Decorative Fences conforming to the regulations of 13.12(e)(4) are permitted.   |                   |                              |                                 |                                  |
| <br>See footnote [g] of Table 13C for allowable fences for certain townhouses.   |                   |                              |                                 |                                  |
| <br>[a] Except any fence type may be installed in an actual corner side yard abutting an arterial street.  |                   |                              |                                 |                                  |
| <br>[b] Except the portion of the actual corner side yard located behind the extension of the rear building line of the principal building shall be excluded from this area. |                   |                              |                                 |                                  |
| <br>[c] The portion of the actual corner side yard located behind the extension of the rear building line of the principal building shall be added to this area.             |                   |                              |                                 |                                  |

B. Section Angle

The sections shall not form a straight line but shall meet at an angle that is 150 degrees or less or 210 degrees or more.

C. Height

Fence height shall not exceed 4 feet.

D. Setback

The fence shall be set back no less than 3 feet from the front lot line.

E. Types

The fence shall be an ornamental fence type, as defined herein.

(f) Other Regulations

(1) Residential Swimming Pool Fences

Fences shall be provided around residential swimming pools as provided in the Building Code.

(2) Vision Clearance Triangle

Fences shall conform to the provisions on Vision Clearance Triangle in 5.02(f) of Chapter 5, Accessory Uses and Yards.

(3) Required Screening Fences

Fences or equivalent screening shall be installed as required by Chapter 8, Landscaping and Screening.

(4) Patio Screening Fences

In addition to other fences allowed hereunder, in any Residential District an Interior Fence may be erected adjacent to a patio on the same lot.

Such fence shall:

A. have a fence height as provided for Interior Fences in footnote [b] of Table 13C, and

B. have a total cumulative length on all sides of 24 feet or less, and

C. be located entirely in an actual rear yard.

(5) Railroad and Utility Security Fences

An open fence, as defined herein, that meets the requirements herein for Recreation Fences may be installed for security purposes along a railroad right-of-way or railroad yard or around a Conditional Public Use structure in any district.

(6) Maintenance Required

The owner, occupant, or person in custody of a premises on which a fence is installed shall so maintain and repair the fence that:

A. does not exist in a condition likely to collapse or to cause personal injury or damage to the property of others, and

B. does not encroach upon the property of others, and

C. does not display rotting or corroded materials or otherwise become unsightly and a blighting influence on the vicinity.

(7) Temporary Fences

Fences that are Temporary Uses, such as construction fences, shall be governed by the provisions for Temporary Uses in Chapter 6, Special Development Approvals, and shall not be subject to the provisions of this section.

(8) Interior Fences Allowed

In RS and RA Districts, Interior Fences as defined herein, shall be permitted only for fencing patios, residential swimming pools, satellite dish antennas, and dog runs, and as may be required under Chapter 8, Landscaping and Screening.

(9) Signs on Fences

No sign shall be displayed upon a fence except as permitted by the Bensenville Sign Ordinance.

### (10) Impairment of Drainage

No fence shall adversely affect drainage or create or significantly aggravate runoff problems on abutting lots.

### (11) Conflict With Screening Regulations

In any case in which the regulations of Section 13.10 and the provisions of Chapter 8, Landscaping and Screening, conflict, the provisions of the latter shall govern.

## (g) Permit Process

### (1) Permit Required

No fence shall be installed before the Director of Building and Zoning has issued a Fence Permit therefor.

### (2) Application Contents

An applicant for a Fence Permit shall submit with the application:

A. Name, address, and telephone number of:

1. the fence owner, and
2. the party that will erect the fence, if different from the owner

B. Street address of the property where the fence is to be erected

C. Written consent for fence erection from the owner of the property on which the fence is to be erected, if fence owner and property owner are different

D. Two copies of a sketch of the proposed fence showing the location and extent of the fence and the locations of gates.

E. A current plat of survey of the site on which the fence is to be installed.

F. Information disclosing:

1. The proposed fence height at all points upon installation, and

2. the ratio of the areas of the fence surface that are opaque and such areas that are open, and

3. the material(s) from which the fence is made and their color(s).

G. A complete application for a Building Permit for the fence.

H. A filing fee as prescribed by ordinance.

I. Any other information reasonably required by the Director of Building and Zoning to determine compliance with these and other applicable regulations.

### (3) Exemptions from Permit

No Fence Permit shall be required for repairs or replacements for all or parts of a fence that do not cumulatively exceed the percentage specified below of the linear length of the fence during any twelve-month period:

Nonconforming fence or sections thereof: 25 percent

All other fences or sections: 50 percent

No Fence Permit is required for a fence such as a construction fence that is a Temporary Use.

## 13.11 Garage Sales

### (a) Permit Required

Except during Pride Week, no garage sale as defined herein shall be conducted on any premises in a Residential District before a Temporary Use Permit has been issued therefor by the Director of Building and Zoning. No fee shall be charged for a Permit for a garage sale.

The Permit applicant must be an owner of the premises of the sale or must submit written permission for the conduct of the sale from an owner thereof.

Such Permit shall be valid only for the premises, time period, and sale operator for which it is issued. It shall be posted in the front yard of the sale premises so as to be easily seen by the public.

#### (b) Duration & Frequency

No garage sale shall be conducted:

- (1) for more than 3 consecutive days
- (2) before 8 AM or after 9 PM,
- (3) within 12 months of another garage sale conducted either on the same premises or by the same applicant, except during Pride Week.

#### (c) Location

No sale items or sales activities shall be located outside of the lot lines of the premises.

#### (d) Signs

Signs for garage sales shall be permitted only as provided in Table 4 of the Sign Ordinance.

#### (e) Amplification

No outdoor loudspeakers or other amplification equipment shall be used in connection with the sale.

### 13.12 Vehicle Sales in Residential Districts

On any lot within a Residential District, no more than 2 motor vehicles may be displayed for sale within any period of twelve consecutive months.

### 13.13 Carnivals

#### (a) Permit Required

No carnival as defined herein shall be conducted before its approval by the Village Board except for carnivals specifically licensed elsewhere in the Village Code.

#### (b) Contents of Application

An application for Village Board approval for a carnival shall include:

(1) All information required in an application for any Temporary Use Permit as provided in the Filing Procedures chapter of this Ordinance, and

(2) A fee as provided in Section 3-1-7A of the Village Code, except for a carnival sponsored or given for the benefit of a religious, educational, charitable, social, or fraternal organization, and

(3) a certificate of insurance stating that there is in effect public liability insurance in the amount of no less than \$1 million for each person and \$5 million for each accident, and

(4) Evidence of the applicant's intention and ability to:

- A. maintain public safety, and
- B. maintain the site clean and free of debris, and
- C. place an adequate number of trash receptacles in locations convenient for the public, and

(5) Any other information the Director of Building and Zoning judges to be reasonably required to determine conformance with applicable regulations.

#### (c) Public Safety

No carnival ride shall be placed in operation for public use before the Director of Building and Zoning has determined after an inspection thereof that the ride is free of mechanical,

structural, electrical, and other hazards.

The applicant shall establish safeguards to prevent both ride operators and the public from inadvertent contact with moving parts, belts, motor gears, electrical switches, and other potential hazards.

### (d) Prohibited Activities

No carnival shall include gambling, games of chance, lotteries, punchboards, or other activities violating Village ordinances.

## 13.14 Other Regulations

### (a) Golf Course Lighting

No golf course shall be lighted for night play in any Residential District.

*Chapter 14*  
**Definitions**

**14.01 Applicability**

The rules and definitions herein shall apply to provisions of all chapters of this Ordinance.

**14.02 Rules and Definitions**

**(a) Rules of Interpretation**

The definitions in this chapter and all other provisions of this Ordinance are subject to the following rules of interpretation:

- (1) The present tense includes the past and future tenses and the future tense the present.
- (2) The singular number includes the plural number and vice-versa.
- (3) The word "shall" is mandatory; the words "may" and "should" are permissive.
- (4) The masculine gender includes the feminine and neuter.
- (5) All measured quantities shall be to the nearest integral unit of measure. If a fraction is one-half or greater, the next highest integral unit shall be used.
- (6) The term "average," when the type of average is unspecified, shall signify the mean average.
- (7) The term "person" shall refer to any person, firm, partnership, association, corporation, or organization of any kind.
- (8) The terms "such as," "including," and similar terms shall be interpreted to mean without limitation.
- (9) Section and division headings and graphic materials other than the Zoning District Map are for the convenience of

the user only and should not be interpreted as conveying the regulations of this Ordinance.

(10) Any term not herein defined shall be as defined elsewhere in the Village Code. If not defined elsewhere in the Code, it shall be as defined in Black's Law Dictionary. If not defined therein, it shall be as defined in Webster's New Collegiate Dictionary.

**(b) Definitions**

**ACCESSORY BUILDING:**  
SEE BUILDING, ACCESSORY

**ACCESSORY STRUCTURE:**  
SEE STRUCTURE, ACCESSORY

**ACCESSORY USE:**  
SEE USE, ACCESSORY

**ADULT USE:**

Any commercial or recreational establishment from which minors are at all times excluded from admittance by virtue of their age and of the presentation therein of entertainment, goods, services, or activities that are obscene or harmful to juveniles as defined by Chapter 38, paragraphs 11-20(b) and 11-21(b)(1) of the Illinois Revised Statutes.

Adult uses include adult bookstores, adult video stores, adult motion picture and mini-motion picture theatres or arcades, adult drive-in theatres, adult motels, adult novelty stores, adult massage parlors, adult bathhouses, adult modeling studios, and eating and drinking places with sexually-oriented entertainment.

**AGRICULTURE:**

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary

## Definitions

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structure used for the takeoff and landing of helicopters exclusively, including such auxiliary facilities as helicopter parking areas, fueling and maintenance equipment, and a waiting room.

### **HOME OCCUPATION:**

A gainful pursuit conducted by one or more members of a family as an Accessory Use within their place of residence that would not otherwise be permitted as a Principal Use in the applicable zoning district.

### **HOSPITAL:**

An establishment that provides accommodations, facilities, and services over a continuous period of 24 hours or more for observation, diagnosis, and care, of two or more individuals not related by blood, marriage, or adoption to the operator, who are suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

### **HOTEL OR MOTEL:**

A building other than a tourist home that contains lodging rooms, as defined herein, each of which has an individual adjoining bathroom, where more than 50 percent of the lodging rooms are for rent to transient guests for a continuous period of less than 30 days. A hotel or motel may have restaurants, taverns, night clubs, gift shops, meeting rooms, and other facilities normally associated with lodging facilities as Accessory Uses.

### **HOTEL, APARTMENT:**

An establishment having the character of a hotel but in which at least 50 percent of the accommodations are for occupancy by guests staying 30 consecutive days or more.

### **INDUSTRIAL PARK:**

A special or exclusive type of planned

industrial area designed and equipped to accommodate a community of industries.

### **INSTITUTION, EDUCATIONAL:**

A public or private school, college, university, seminary, museum, library, or similar establishment devoted to educational or cultural purposes.

### **INSTITUTION, PHILANTHROPIC:**

An office or meeting hall used exclusively by a non-profit public service organization.

### **INSTITUTION, RECREATIONAL:**

A public or private facility for group recreational or social activity, including private clubs, lodges, recreation buildings, and community centers.

### **INSTITUTION, RELIGIOUS:**

A church, synagogue, temple, convent, monastery, or other premises devoted to religious activities and customary accessory uses.

### **INTERIOR LOT:**

SEE LOT, INTERIOR

### **JUNK YARD:**

An open area where waste or used or second-hand materials are bought, sold, collected, exchanged, salvaged, stored, baled, packed, disassembled, or handled, including scrap iron and other metals, paper, rags, rubber tires, and bottles. A wrecking yard is considered a junk yard, but uses carried on entirely within enclosed buildings, recycling centers, and recycling collection points are not considered junk yards.

### **KENNEL:**

Any lot or premises on which four or more animals commonly used as household pets that are more than four months of age are bred, groomed, boarded, sheltered, trained, offered for adoption, or sold for commercial or

humane purposes, including animal shelters.

**LIGHT ASSEMBLY:**

The assembly of premanufactured parts into finished products by use of small power tools and/or hand tools and such jigs and fixtures as are necessary, but specifically excluding any forging, metal stamping, bending, shearing, or casting operations.

**LIGHT COMMERCIAL DISTRICTS:**

The C-1 Neighborhood Commercial District.

**LOADING SPACE, OFF-STREET:**

A completely off-street space or berth located on the same lot, except as otherwise permitted herein, for the loading or unloading of freight carriers.

**LODGING ROOM:**

A room or suite in hotel, motel, apartment hotel, or rooming or boarding house that is rented for use by a single individual, family, or group as sleeping or living quarters.

**LOT:**

A parcel of land under the same ownership or control (whether or not subdivided as one or more contiguous parcels or parts of parcels) located within a single block, normally occupied by or suitable for occupancy by one principal building, and having its principal frontage upon a dedicated public street.

**LOT AREA:**

The area of a lot within its lot lines.

**LOT CONSOLIDATION:**

The conversion of multiple contiguous subdivided lots into a single subdivided lot through the vacation of the lot lines between them.

**LOT, CORNER:**

1. A lot located at the intersection of two or more streets, or
2. A lot located at the point where the alignment of a street curves or changes; provided that an interior angle of not more than 145 degrees is created by:

A. the right-of-way lines of the abutting street or streets or

B. in the case of a curving right-of-way, by straight lines projected tangent to the curve from the points of intersection between the curve and the lot lines.

**LOT COVERAGE:**

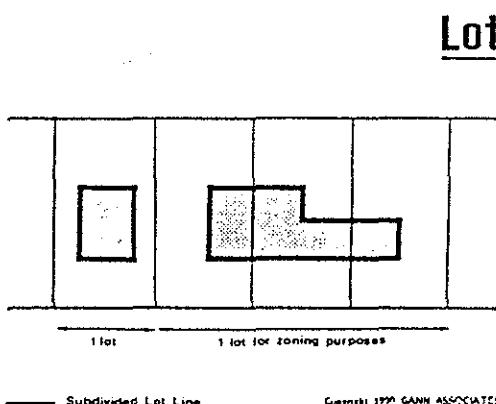
The percentage of a lot covered by all principal and accessory structures.

**LOT DEPTH:**

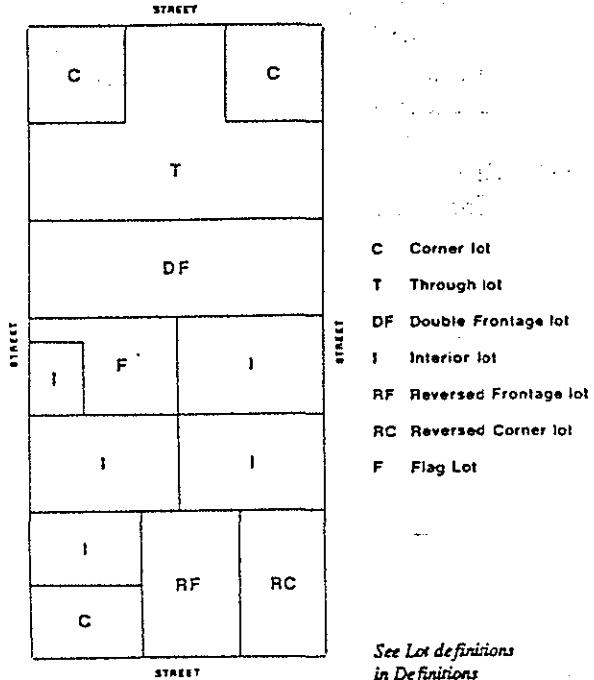
The mean average of the lengths of the side lot lines of a lot.

**LOT, DOUBLE-FRONTAGE:**

A through lot abutting only two streets.



### Types of Lots



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#### LOT LINE:

A property boundary line of any lot.

#### LOT LINE, CORNER SIDE:

Any street line that is not a front lot line.

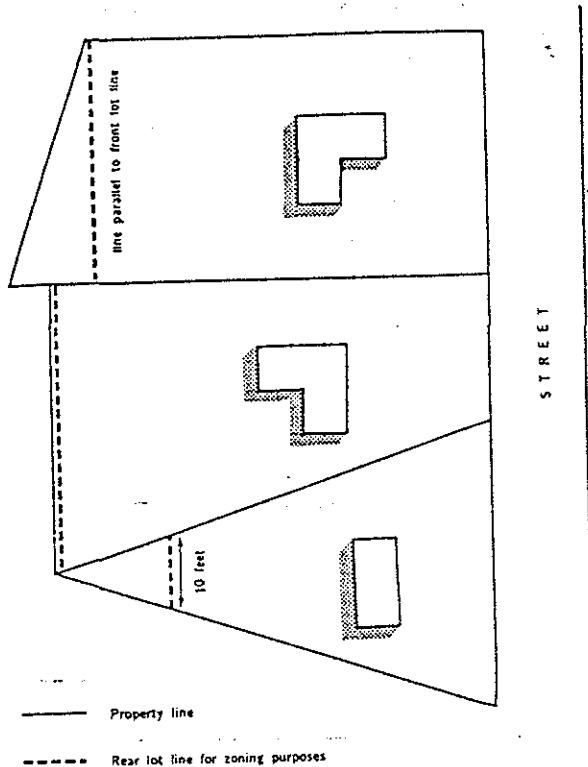
#### LOT LINE, FRONT:

- A. The only street line bordering a lot, or
- B. If the lot is a through lot, every street line, or
- C. If the lot is a corner lot:
  1. the shortest street line
  2. If more than one street line is the shortest:
    - a. the lot line designated as the front lot line on a plat of dedication or subdivision, or
    - b. Otherwise, the lot line

designated as the front lot line by the Director of Building and Zoning or

D. If the lot is fully or partially land-locked, the lot line that faces the access to the lot.

### Rear Lot Line



#### LOT LINE, REAR:

That lot line which is most distant from and is parallel to the front lot line or from a line tangent to a curving front lot line at its midpoint. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to and at the maximum distance from such front lot line or line tangent thereto.

**LOT LINE, SIDE:**

Any lot line that is not a front or rear lot line.

**LOT OF RECORD:**

A lot that is part of a subdivision, the plat of which was recorded in the office of the Cook or DuPage County Recorder of Deeds, or a parcel of land the deed to which was so recorded, prior to the date of effect of this Ordinance.

**LOT, REVERSED CORNER:**

A corner lot that is a reversed frontage lot.

**LOT, REVERSED FRONTAGE:**  
A lot with a front lot line at right angles or approximately right angles to the general pattern of front lot lines in the block.

**LOT, THROUGH:**

An interior lot with frontage on more than one street.

**LOT WIDTH:**

The horizontal distance between side lot lines measured at the applicable required front yard line.

**MENTAL HEALTH CENTER:**

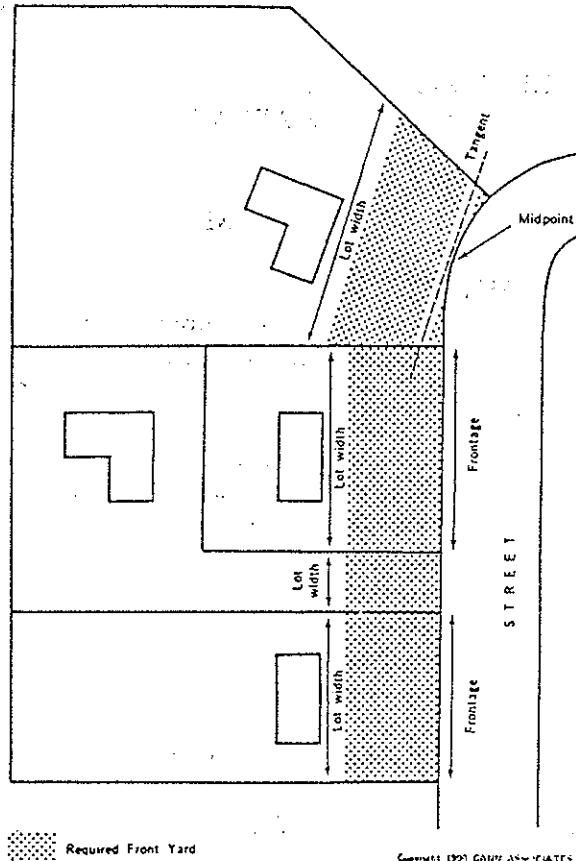
Any institution providing in-patient or out-patient care or therapy for the mentally ill, developmentally disabled, alcoholics, abusers of controlled substances, or others needing psychological therapy but which does not serve as a residence for such individuals.

**MORTUARY:**

An undertaking establishment or funeral parlor which may include a single residence as an accessory use.

**MOTOR FREIGHT TERMINAL:**

A building or premises the principal use of which is the receipt of freight for forwarding or trans-shipment or the dispatching of freight by motor vehicle.

**Lot Width****MOTOR VEHICLE:**

Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods on public streets. Motor vehicles include automobiles, buses, trucks, self-propelled recreational vehicles except boats, self-propelled farm and construction implements, and both the tractor and trailer portions of tractor-trailers. Motor vehicles exclude trains and train cars, aircraft, boats, trailers, and manufactured homes.

**MOTOR VEHICLE SALES USE:**

A premises used for the display and sale of new or used motor vehicles or recreational vehicles and for repair or service thereof as an Accessory Use.

## Definitions

## *Bensenville Zoning Ordinance*

**MULTI-FAMILY DWELLING:**  
SEE DWELLING, MULTI-FAMILY

**NET FLOOR AREA:**  
SEE FLOOR AREA, NET

**NET SITE AREA:**  
SEE SITE AREA, NET

**NIGHT CLUB:**  
Any tavern or restaurant offering live entertainment or dancing.

**NONCONFORMITY:**  
Any characteristic of a use, building, structure, or lot that was lawful under zoning regulations in effect immediately prior to the effective date of this Ordinance or of any amendment thereto but that does not conform to all applicable requirements of such Ordinance or amendment.

The issuance of a Building Permit or Certificate of Occupancy prior to such date shall establish the nonconforming status of a property. A nonconformity is considered lawful, and not a violation, subject to the restrictions of Chapter 10.

**NONCONFORMITY, STANDARDS:**  
Any Nonconformity that is not a Use Nonconformity.

**NONCONFORMITY, USE:**  
Any activity or function carried on at premises lawfully under zoning regulations in effect immediately prior to the effective date of this Ordinance or any applicable amendment thereto but that is not allowed by the Permitted or Conditional Uses of the zoning district in which the premises are currently located. Use Nonconformities include both Principal and Accessory Uses.

**NURSING HOME:**

An establishment providing full-time convalescent or chronic care or both for three or more individuals not related by blood, adoption, or marriage to the operator and which does not provide care for surgical or medical cases commonly treated in hospitals.

**OBSTRUCTION:**

Any building, structure, or object, or part thereof, located in the way of any yard or open space required by this Ordinance, excluding landscaping.

**OFF-STREET LOADING SPACE:**

SEE LOADING SPACE, OFF-STREET

**OFF-STREET PARKING SPACE:**

SEE PARKING SPACE, OFF-STREET

**OPACITY:**

The percentage of vision-obscuring solid materials visible when any portion of the surface is viewed at a right angle thereto. For screening required under this Ordinance, opacity shall be as measured upon installation or, for portions of screening that are live landscaping, starting no later than 12 months after installation.

**OPEN FENCE:**

SEE FENCE, OPEN

**OPEN SALES LOT:**

Open land that is used or occupied for the purpose of buying, selling, leasing, exchanging, or otherwise distributing motor vehicles, boats, trailers, manufactured homes, cemetery monuments, nursery plants or supplies, or other merchandise, or for storage of same prior to such distribution.

**OPEN SPACE:**

Uncovered area open to the sky on the same lot with a building.

**OPEN SPACE, COMMON:**

Land in a development that is not covered by buildings or by motor vehicle circulation, parking, loading, or service areas that is permanently set aside in public or private ownership for the common recreational use or aesthetic enjoyment of the residents or businesses within the development or for the community at large.

Common open space may include parks, playgrounds, and totlots; nature preserves; outdoor recreation areas; trails, walkways, and bikeways; landscaped street medians; landscaped green space; water bodies or water courses; and 75 percent of dry and 50 percent of wet stormwater retention or detention basins. Common open space shall not include private yard areas; other parts of street rights-of-way; motor vehicle circulation drives; or off-street parking or loading areas.

**ORNAMENTAL FENCE TYPES:**

1. Cast or wrought iron fences
2. Earth berms completely covered with sod or other ground cover that prevents erosion
3. Hedges or other landscape fences
4. Split rail fences
5. Wood bollards and metal chains
6. Wood picket fences
7. Other fences of an ornamental character approved by the Director of Building and Zoning as compatible with the character of the area in which the fence is to be established.

**OUTDOOR STORAGE:**

The keeping outside of an enclosed building for more than 24 consecutive hours---other than as a Temporary Use as regulated herein---of any goods, junk, or other materials other than parked motor vehicles or recreational vehicles used by the occupants of the premises or their visitors, customers, suppliers, or contractors.

**PARKING SPACE DEPTH:**

The longer of the two dimensions of a rectangular parking space. In the case of a space that is not rectangular, the depth shall be the length of the largest imaginary rectangle than can fit within the space.

**PARKING SPACE WIDTH:**

The shorter of the two dimensions of a rectangular parking space. In the case of a space that is not rectangular, the width shall be the width of the largest imaginary rectangle that can fit within the space.

**PARKING SPACE, OFF-STREET:**

An area permanently reserved for parking an automobile that is located outside of any public street or alley right-of-way.

**PARTY WALL:**

A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

**PAVER:**

A stone or unit of other material used in paving.

**PENTHOUSE:**

A structure attached to the top of a building used to cover the building's mechanical equipment, such as HVAC equipment, elevator equipment, or auxiliary water storage.

**PERMANENT USE:**

SEE USE, PERMANENT

**PERMIT, CONDITIONAL USE:**

A permit required for the use of any land, water area, or building as a Conditional Use.

**PERMITTED USE:**

SEE USE, PERMITTED

**PHILANTHROPIC INSTITUTION:**  
SEE INSTITUTION, PHILANTHROPIC

**PLANNED UNIT DEVELOPMENT:**  
A tract of land that is or will be developed as an integral unit based on a plan that allows for more flexible zoning standards than would normally apply in order to provide a higher quality of design and amenity than would otherwise be possible.

**PLAT OF SURVEY, CURRENT:**  
A plat prepared by a licensed surveyor containing the legal description of the premises thereon and showing, as they exist as of the date of filing with the Village, the following:

1. the boundary lines of the property, and
2. the locations of all improvements and monuments thereupon, and
3. all encroachments, and
4. the boundaries of all existing streets, easements, rights-of-way, and areas dedicated to public use within 200 feet of the property.

**PREMISES:**  
Any improved or unimproved real property.

**PRINCIPAL BUILDING:**  
SEE BUILDING, PRINCIPAL

**PRINCIPAL USE:**  
SEE USE, PRINCIPAL

**REAR LOT LINE:**  
SEE LOT LINE, REAR

**REAR YARD:**  
SEE YARD, REAR

**RECEPTION WINDOW:**

The space between the reflector of a satellite dish antenna and the orbiting satellite or other extraterrestrial object with which it is communicating.

**RECREATIONAL INSTITUTION:**

SEE INSTITUTION,  
RECREATIONAL

**RECREATIONAL VEHICLE:**

A boat or a vehicle primarily designed as temporary living quarters in conjunction with recreation, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles include boats on or off trailer, travel trailers, camping trailers, truck campers, motor homes, and similar vehicles.

**RECYCLING CENTER:**

A facility for separating and processing of used material prior to shipment elsewhere for use in manufacturing.

**RECYCLING COLLECTION POINT:**

A container or small structure used for drop-off and temporary storage of, but not processing of, small refuse materials to be recycled.

**REFUSE:**

All waste products resulting from human activity except sewage.

**RELIGIOUS INSTITUTION:**

SEE INSTITUTION, RELIGIOUS

**RESEARCH LABORATORY:**

A building or buildings housing facilities for scientific research, investigation, testing, or experimentation but not primarily housing facilities for the manufacture, sale, or storage of products.

**RESTAURANT, DRIVE-IN:**

A restaurant that is a drive-in facility, as defined herein.

**REST HOME:**

SEE NURSING HOME

**REVERSED CORNER LOT:**

SEE LOT, REVERSED CORNER

**REVERSED FRONTAGE LOT:**

SEE LOT, REVERSED FRONTAGE

**RIGHT-OF-WAY:**

A strip of land used for passage of motor vehicles, railroads, or pedestrians or for the location of utility or communications lines. An access easement shall not be considered a right-of-way.

**RIGHT-OF-WAY, PUBLIC:**

A right-of-way, as defined herein, dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way normally includes the curbs, planting strips, and lighting and drainage facilities.

**ROOF LINE:**

The top of the parapet of a building with a flat roof, the deck line of a mansard roof, or the eave line of a gable, gambrel, or hip roof.

**ROOMING HOUSE:**

A building or part thereof that is not a hotel, motel, or tourist home and that provides lodging rooms to three or more paying guests who are not members of the keeper's family and mainly to non-transients.

**SATELLITE DISH ANTENNA:**

A device used to transmit and/or receive microwave or other electromagnetic waves between the earth and satellites in earth orbit or other extraterritorial devices, that incorporates a parabolic, spherical, or horn-shaped reflector greater than 2 feet in diameter.

Satellite dish antennas include satellite earth stations, TVRO's (television reception only systems), DBS's (direct broadcast systems), VSAT's (very small aperture terminals), and satellite microwave antennas.

**SCREENING:**

A structure erected or vegetation planted to conceal wholly or partially the area behind it.

**SETBACK:**

The shortest horizontal distance between a lot line and the closest part or projection thereof of any structure or area. If no lot line is specified, the applicable lot line shall be the street line(s).

**SETBACK, FRONT:**

SEE YARD, FRONT

**SHOPPING CENTER:**

A group of three or more retail or personal service commercial uses characterized by any one or more of the following:

1. The uses are designed as a single commercial group, whether or not located on the same lot
2. The uses are contiguous and occupy premises that are under common ownership or management
3. The uses are connected by party walls, partitions, canopies, or other structural members to form one continuous structure
4. The uses are located in separate buildings but are interconnected by walkways or access ways designed to facilitate customer interchange between the uses
5. The uses share a common parking area other than through Shared Parking arrangements as provided in paragraph 7.02(a)(2) of Chapter 7, Off-Street Parking and Loading

## Definitions

## *Bensenville Zoning Ordinance*

6. The uses otherwise present the appearance of a single continuous commercial development.

### **SHRUB:**

A woody plant, usually multi-stemmed and low-branching, that grows to a mature height of 10 feet or less.

### **SIDE LOT LINE:**

SEE LOT LINE, SIDE

### **SIDE YARD:**

SEE YARD, CORNER SIDE AND YARD, INTERIOR SIDE

### **SINGLE-FAMILY DWELLING:**

SEE DWELLING, SINGLE-FAMILY

### **SINGLE-FAMILY ATTACHED DWELLING:**

SEE DWELLING, SINGLE-FAMILY ATTACHED

### **SINGLE-FAMILY DETACHED DWELLING:**

SEE DWELLING, SINGLE-FAMILY DETACHED

### **SITE AREA, NET:**

The acreage of land excluding the rights-of-way of streets within and bordering a development.

### **SOLID FENCE:**

SEE FENCE, SOLID

### **STORAGE GARAGE:**

SEE GARAGE, STORAGE

### **STORY:**

That portion of a building included between the top surface of any floor and the top surface of the floor next above, or, if there is no floor above, the ceiling next above. A basement shall be counted as a story but a cellar shall not.

### **STORY, HALF:**

A space under a sloping roof where the line of intersection of roof decking and wall is not more than three feet above the top floor level and in which space

not more than 60 percent of the floor area is completed for principal or accessory use.

### **STREET:**

A public or private right-of-way, as defined herein, intended or used primarily but not exclusively for the passage of motor vehicles.

### **STREET, ARTERIAL:**

Any street or street segment designated as an arterial in the Bensenville General Development Plan. As of the effective date of this Ordinance, such streets are Route 83, Irving Park Road, York Road, Grand Avenue, and Devon Avenue.

### **STREET FURNITURE:**

All appurtenances to streets and sidewalks located on or above the ground, including light standards, utility poles and wires, traffic signs and signals, tree guards, waste receptacles, telephone booths, bus shelters, benches, planters, canopies, and barricades.

### **STREET LINE:**

The dividing line between a lot or parcel of land and the right-of-way of a contiguous existing or dedicated street or planned street included in the Bensenville General Development Plan.

### **STRUCTURAL ALTERATION:**

Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls, columns, beams, or girders.

### **STRUCTURE:**

Anything erected the use of which requires more or less permanent location on the ground or attachment to something having such a location. A detached outdoor advertising or business sign or other advertising device shall be construed to be a separate structure. Structures also include

buildings, manufactured homes, walls, fences, driveways, paved parking spaces, and paved walkways..

**STRUCTURE, ACCESSORY:**

A structure that is an Accessory Use.

**STRUCTURE, PRINCIPAL:**

A structure that houses a Principal Use, as defined herein.

**STRUCTURE, TEMPORARY:**

A structure that is a Temporary Use, as defined herein.

**STUDIO APARTMENT:**

SEE EFFICIENCY UNIT

**SWIMMING POOL, PRIVATE:**

Any artificially constructed body or open tank of water usable for swimming or bathing, whether in or above the ground, that:

- A. is not located within a completely enclosed building, and
- B. contains or is normally capable of containing water to a depth at any point greater than 2 feet, and
- C. has a surface area of 250 square feet or more, and
- D. is intended for the exclusive use of the occupants of the principal use of the property on which it is located and their guests.

**SWIMMING POOL, RESIDENTIAL:**

Any temporary or permanent artificially constructed body or open tank of water together with all related equipment that:

- A. is usable for human wading, swimming, or bathing, and
- B. is located in or above the ground outside of a completely enclosed building, and
- C. is supplied with water from a

controlled water source, and

- D. is normally capable of containing water to a depth at any point exceeding 2 feet, and
- E. has a floor surface area of 250 square feet or more, and
- F. is intended for the exclusive not-for-profit use of the members of a single family residing on the same lot and their non-paying guests.

Residential swimming pools include children's pools of plastic or inflatable rubber conforming to the above specifications. They do not include outdoor hot tubs, jacuzzis, spas, whirlpool baths, pools serving multi-family developments, flood water detention or retention ponds, decorative or reflecting pools, or man-made lakes or artificial water features.

**SWIMMING POOL, RESIDENTIAL, PERMANENT:**

A residential swimming pool that cannot readily be disassembled and the structural parts of which are designed to remain in place throughout the year.

**TAVERN:**

Any commercial establishment selling alcoholic beverages by the drink for consumption on the premises, including restaurants serving alcohol.

**TEMPORARY BUILDING:**

SEE BUILDING, TEMPORARY

**TEMPORARY STRUCTURE:**

SEE STRUCTURE, TEMPORARY

**TEMPORARY USE:**

SEE USE, TEMPORARY

**THROUGH LOT: SEE LOT, THROUGH**

**TOURIST HOME:**

A building or part thereof other than a rooming house where lodging is

## Definitions

## *Bensenville Zoning Ordinance*

provided by a resident family to more than two paying guests and mainly to transients.

### TOWNHOUSE:

SEE DWELLING, TOWNHOUSE

### TRAILER:

Any portable structure or vehicle designed for highway travel and used on a short-term or interim basis for living, sleeping, or commercial purposes.

### TRAILER PARK:

Any site under single ownership or control on which three or more trailers or recreational vehicles are located in the open other than a construction site, trailer service or repair facility, trailer manufacturing plant, trailer sales or storage lot, or wrecking yard.

### TWO-FAMILY DWELLING:

SEE DWELLING, TWO-FAMILY

### UNIT: SEE DWELLING UNIT

### UNIT GROUPING:

A single detached building consisting of multiple dwelling units.

### USE:

The purpose or activity for which land or water areas or structures thereon are occupied, utilized, or maintained.

### USE, ACCESSORY:

A subordinate land use located on the same lot or parcel as a Principal Use (except for such accessory facilities as may be permitted to be located on a separate lot) and serving a purpose customarily incidental and subordinate to that of the Principal Use and commonly found in connection therewith.

### USE, CHANGE OF:

Any change from one Permitted or Conditional Use as classified in Chapter

3, Allowable Uses, to another.

### USE, COMMERCIAL:

A retail or service use of the kind normally first allowed in one or more Commercial Districts.

### USE, CONDITIONAL:

A use that because of its special character cannot be allowable generally in a particular zoning district but that may be allowed under special conditions and which is therefore subject to the prior approval of a Conditional Use Permit by the Village Board.

### USE, EXISTING:

A use in existence on the date of effect of this Ordinance.

### USE, INDUSTRIAL:

A manufacturing or related use of the kind normally allowed only in one or more Industrial Districts.

### USE, INSTITUTIONAL:

A religious institution, recreational institution, educational institution, philanthropic institution, or hospital.

### USE, OFFICE:

A business use not involving manufacturing, warehousing, or wholesale or retail sales on the premises, of the kind normally first allowed in one or more Office Districts.

### USE, PERMANENT:

Any use that is not a Temporary Use, as defined herein.

### USE, PERMITTED:

A use allowable generally within a zoning district without a Conditional Use Permit.

### USE, PRINCIPAL:

The main use and chief purpose of a parcel, as distinguished from an Accessory Use. A Principal Use may be

either a Permitted or Conditional Use.

**USE, RESIDENTIAL:**

A use confined to dwelling units and accessory uses thereto such as home occupations.

**USE, TEMPORARY:**

A Principal or Accessory Use that is established for a continuous period of 180 days or less.

**USE, WHOLESALE:**

A business engaged in selling to retailers or jobbers rather than to end users or consumers.

**VARIANCE:**

A modification of the provisions of this Ordinance in accordance with the provisions on zoning variations in the Illinois Revised Statutes.

**VILLAGE:**

The Village of Bensenville, Illinois.

**VILLAGE BOARD:**

The Board of Trustees of the Village.

**VISION CLEARANCE TRIANGLE:**

A triangular area located at the at-grade intersection of streets, railroads, driveways, or any combination thereof.

The Triangle is formed by the right-of-way lines (or the edge of the driveway or aisle in the case of a driveway) between their intersection and points 30 feet therefrom along each line (or 10 feet in the case of a driveway), and by a straight line connecting these two points.

**WALL, FRONT:**

The wall of a building nearest the front lot line that is parallel to or most nearly parallel to said line.

**WRECKING YARD:**

Any place where there are stored in the open 3 or more motor vehicles or recreational vehicles, trailers, or manufactured homes, that are not in operating condition and have not been restored to operation within 30 days of their arrival, or where parts thereof are stored in the open.

**YARD:**

An open space on a lot other than a court that either is ("Actual Yard") or is required hereunder to be ("Required Yard") unoccupied and unobstructed above ground level by any structure or part or projection thereof other than those permitted in yards by this Ordinance.

An Actual Yard may be larger than the corresponding Required Yard. Where a yard is not specified herein to be either a Required Yard or an Actual Yard, it shall be construed to be a Required Yard.

**YARD, CORNER SIDE:**

A yard extending the full depth of a lot between a corner side lot line and a line drawn parallel thereto (or parallel to a line tangent to a curving corner side lot line at its midpoint) at a distance therefrom equal to that established by the applicable corner side yard requirement of this Ordinance ("Required Corner Side Yard") or the building line ("Actual Corner Side Yard") but excluding any area included in a Required Front Yard or Actual Front Yard, respectively.

**YARD, COURT:**

An open space on a lot--other than a front, side, or rear yard--that is bounded on 2 or more sides by the walls of one or more buildings.

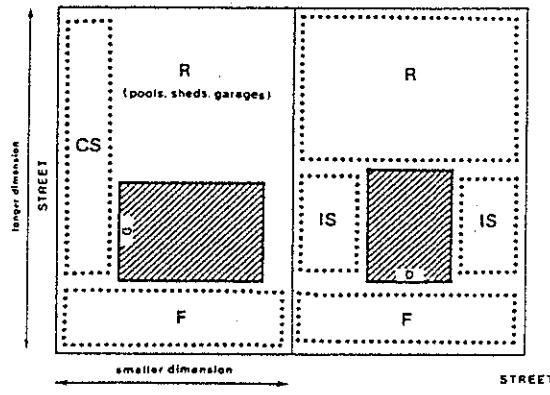
**YARD, FRONT:**

A yard extending the full width of a lot

between the front lot line, as defined herein, and a line drawn parallel thereto (or parallel to a line tangent to a curving front lot line at its midpoint) at a distance therefrom equal to that established by the applicable front yard requirement of this Ordinance ("Required Front Yard") or the building line ("Actual Front Yard").

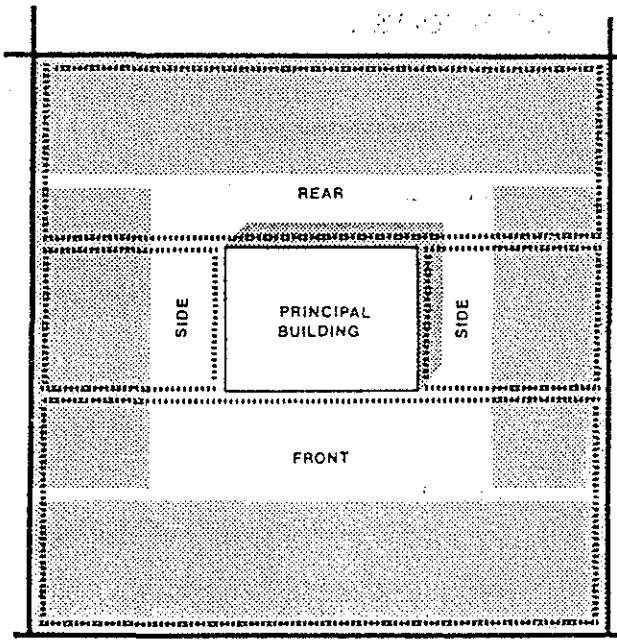
therefrom equal to that established by the applicable rear yard requirement of this Ordinance ("Required Rear Yard") or the building line ("Actual Rear Yard") but excluding any area included in a Required Corner Side Yard or Actual Corner Side Yard, respectively.

## Yards



F FRONT YARD  
R REAR YARD  
CS CORNER SIDE YARD  
IS INTERIOR SIDE YARD  
D FRONT DOOR

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### YARD, INTERIOR SIDE:

A yard extending the full depth of a lot between an interior side lot line and a line drawn parallel thereto at a distance therefrom equal to that established by the applicable interior side yard requirements of this Ordinance ("Required Interior Side Yard") or the building line ("Actual Interior Side Yard") but excluding any area included in a Required Front or Rear Yard or Actual Front or Rear Yard, respectively.

### YARD, REAR:

A yard extending the full width of a lot between the rear lot line and a line drawn parallel thereto at a distance

ACTUAL Yard (determined by siting of principal building)

REQUIRED Yard (determined by zoning regulations)

Unshaded area is sometimes called the Buildable Area

### YARD, SIDE:

A corner side or interior side yard.

### ZONING ADMINISTRATOR:

The Director of Building and Zoning of the Village of Bensenville, Illinois.

### ZONING CERTIFICATE:

A certification by the Director of Building and Zoning of conformity with all applicable provisions of this Ordinance.

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ORDINANCE # 10-88

AN ORDINANCE REGULATING STORMWATER MANAGEMENT  
WITHIN THE VILLAGE OF BENSENVILLE

Be it ordained by the President and the Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to this Village by Illinois Revised Statutes, Chapter 24, Section 1-2-1, 11-12-12, 11-30-2, 11-20-8, and 11-31-2 in order to accomplish the following purposes:

- a. to prevent unwise developments from increasing flood or drainage hazards to others;
- b. to protect new buildings and major improvements to buildings from flood damage;
- c. to protect human life and health from the hazards of flooding;
- d. to lessen the burden on the taxpayer for flood control projects, repair to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- e. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas;
- f. to make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program.

Section 2. Control of Storm Runoff.

This Ordinance has as its purpose the protection of the public health and safety by abating and attempting to prevent floods by regulating on-site storage of excess storm water.

- a. It is not the intent to take areas out of use for the sole purpose of storing excess water, nor is it the purpose of this Section to restrict land use or increase development costs. The basic purpose of this Section is to eliminate the storage or transportation of excess storm water in or through habitable structures. The use of flood routes or bypass flood routes for runoff is, therefore, encouraged. Since political and ownership boundaries often make the use of "natural" flood routes difficult, the earth moving that is accomplished to create the maximum land usage should also be planned to provide a bypass flood route for storm water that will not create a diversion of storm water drainage or radically change the watershed boundaries. The drainage scheme presented by those who wish to develop property should be planned to accomplish all of the storm water controls in this Section without major loss of land use.

- b. The controlled release and storage of excess storm water runoff shall be required in combination for all business and industrial development sites which exceed one (1) acre in area, and for all residential developments of fifty (50) lots or three (3) acres, whichever is less.
- c. The controlled release rate of storm water runoff from all developments described in subsection B shall not exceed the existing safe storm drainage capacity of the downstream outlet channel or storm sewer system. The release rate for any one development shall be the proportionate share by area of the safe storm drainage capacity for the tributary watershed area. This value shall not exceed, however, an average runoff rate of 0.10 inches per hour, which is compatible with the receiving drainage system. The rate at which storm water runoff is delivered to a designated storm water storage area shall be unrestricted. Control structure piping shall not be less than three (3) inches in diameter.
- d. A natural flood route or bypass route shall be designated with adequate capacity to convey through the development the storm water runoff from all tributary upstream areas.
  - (i) These flood routes shall be designated to carry the peak rate of runoff from a one hundred year storm, assuming all storm sewers are blocked and that the upstream areas are fully developed and have been saturated with antecedent rainfall. No habitable structures shall be constructed within this floodway; however, streets and parking or playground areas and utility easements shall be considered compatible uses.
  - (ii) The design of this floodway system shall also take into consideration control of storm water velocity to prevent erosion or other damage to the facility which will restrict its primary use. Depths of flow shall be kept to a minimum and the retention of channel configurations shall be totally under Village control. In the event that the area within these flood routes is reshaped or restricted for use as a floodway, the Village will cause any restrictions to be removed at the expense of the party or parties causing said restrictions.
  - (iii) If the development should contain an existing natural stream, the land configuration shall be preserved as part of the flood route system. Construction of a low flow system of storm sewers to carry the minor from runoff and reshaping of the stream channel with a maximum of four (4) horizontal to one vertical side slopes and a bottom of a width adequate to facilitate maintenance and carry the flood runoff without eroding velocities shall be included in the plans for land development.

- e. The required volume for storm water detention shall be calculated by means of a synthetic hydrograph and flood routing using technical release #55 (as published by the Soil Conservation Service) and supplemented by the U.S. Weather Bureau Technical Paper #40, or other acceptable methods approved by the DuPage County Public Works Department. (See Procedural Manual prepared by the DuPage County Department of Public Works, Appendix 1). This volume shall be provided for the excess storm water runoff that is tributary to the area designated for detention purposes. The storm water release rate shall be considered when calculating the storm water storage capacity. The control structure shall be designed to not exceed the storm water release rate. Storage capacity obtained by excavating the natural ground within the 100 year Flood Plan may not be considered effective for storm water management. The existing storm water volume shall be based upon accurately plotted one (1) foot contours and shall be determined by recognized flood routing methods taking into account the upstream tributary areas and the downstream hydraulic characteristics. The volume of the existing storm water storage shall be approved by the Village Engineer and shall be required in addition to the volume of storm water otherwise required by this Ordinance as a result of the development of land. Assuming one hundred (100) percent urbanization in accordance with existing and/or proposed zoning, this volume of storage shall be provided for the fully developed watershed that is, or will be, tributary to the area designated for detention purposes. The storm water release rate shall be considered when calculating the storm water capacity and the control structure designed to maintain a relatively uniform flow rate regardless of the depth of stormwater in the storage area.
- f. All dry bottom storm water storage areas shall be designated to serve a secondary purpose for recreation, open spaces or other types of uses that will not be adversely affected by occasional or intermittent flooding.
  - (i) A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive outlet to a natural channel or storm sewer with adequate capacity as described in subsection C of this Section.
  - (ii) The combination of storage of the water from a one hundred year storm and the designated release rate shall not result in a storage duration in excess of seventy-two (72) hours. Maximum depth of planned storm water storage shall not exceed four (4) feet unless the existing natural ground contours and other conditions lend to greater storage depth, and such as approved by the Village. Minimum grades for turf areas shall be two (2) percent and maximum slopes shall be ten (10) percent (ten (10) units horizontally to one unit vertically). Storage area side slope shall be kept as close to the natural land contours as practical and a ten (10)

percent slope or less shall be used wherever possible. If slopes greater than ten (10) percent are necessary to meet storage requirements or area restrictions, the approval shall be obtained from the Village and suitable erosion control provided, in addition to the protection required to insure public health, safety and welfare.

- (iii) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the one hundred-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the downstream flood route or bypass flood route system described in subsection D of this Section. Hydraulic calculations shall be submitted to substantiate all design features.
- (iv) Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Storm water runoff velocities shall be kept at a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and used only as a last resort when no other method is feasible.

g. Wet bottom storm water storage areas shall be designated with all of the items required for dry bottom storm water storage areas except that a low flow conduit and a system of drains with a positive gravity outlet shall be eliminated. Each such area shall comply with the following conditions:

- (i) Water surface area shall not exceed one-tenth of the tributary drainage area.
- (ii) Shoreline protection shall be provided to prevent erosion from wave action.
- (iii) Minimum normal water depth shall be four (4) feet. If fish are to be used to keep the pond clean, a minimum of ten (10) feet deep.
- (iv) Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
- (v) Control structures for storm water release shall be designed to operate at full capacity with only a minor increase in the water surface level. Hydraulic calculations shall be submitted to substantiate all design features.

- (vi) In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess storm water runoff shall still be sufficient to contain the one hundred-year storm runoff.
- h. Paved surfaces that are to serve as storm water storage areas shall have minimum grades of one (1) percent and shall be restricted to storage depths of a maximum of one (1) foot. Rooftop storage shall be designed with permanent control inlets and parapet walls to contain runoff on the rooftop. Emergency overflow areas shall be provided to insure that the weight of water stored will not exceed the structural capacity of the roof. Release rates and storage volume requirements for paved storage areas remain the same as outlined in subsections C and D of this Section. If a portion of an area within a storm water storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation within the storage area as possible. Maximum parking lot grades shall not exceed normal design parameters of three (3) to five (5) percent.
- i. Where developments form only a portion of a watershed or contain portions of several watersheds, the requirements for providing storage shall be based upon the proportion of the area being developed as compared to the remaining undeveloped watershed tributary to the storage area. All existing developed areas in the watershed tributary to the storage area shall be provided for pursuant to these regulations. Compensation storage will be acceptable whenever it is justified and feasible. As a watershed is developed with a series of storm water storage facilities, due consideration will be given for calculation of the allowable release rate and capacity of the natural flood route or bypass flood route system as described in subsection D of this Section.
- j. No new construction, addition or modification to existing waste treatment facilities shall be permitted within the flood plain unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Illinois Environmental Protection Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters. There shall be no disposal of garbage or solid waste materials within flood plain areas except upon issuance of a special use permit at sites approved by the State Environmental Protection Agency and subject to the requirements of subsection F of this Section. The Village will notify adjacent communities and the Illinois Department of Transportation, Division of Water Resources and the Federal Aviation Administration prior to any alterations or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

- k. Where development of property presents the threat of flooding or damage by flash runoff to downstream residents, the facilities for storm water runoff control shall be constructed prior to any earth moving or drainage construction on the project site.
- l. The ability to retain and maximize the ground water recharge capacity of the area being developed is encouraged. Design of the storm water runoff control system shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are examples of possible recharge methods.
- m. During the construction phases of land development, facilities shall be provided to prevent the erosion and washing away of earth. Silting of downstream areas can be prevented through the strategic use of stilling basins, sodding of runoff channels, and by limiting the period of time during which the earth is stripped of vegetation.
- n. Final engineering plans shall show complete details for all of the items covered in this Ordinance and shall be submitted for review and approved prior to the start of construction.

Section 3. Adoption of Suggested Guidelines.

The Village shall utilize the Soil Conservation Service "Urban Hydrology for Small Watersheds" Technical Release #55 and/or Technical Release #20 for more detailed analysis and the suggested guidelines for design of on-site storage in excess of storm water runoff and peak discharge which are attached as Appendix 1 and are made a part of this Ordinance and adopted herein together with the tables reflecting design of drainage structures, hydrologic data, runoff curve numbers, unit peak discharge tables, tabular hydrograph unit discharges and hydrologic soil groups for U.S. soils.

On-site storage shall be designed and constructed to hold the waters from a storm considered to be a once in 100 year intensity. The Village recommends the following rate of storage to be provided per acre of parcel for each of the land uses listed:

| <u>Land Use</u>          | <u>Rate of Storage/Acre of Site</u> |
|--------------------------|-------------------------------------|
| Single Family detached   | 0.250 acre-ft.                      |
| Townhouses/Manor Homes   | 0.285 acre-ft.                      |
| Multi-Family Residential | 0.300 acre-ft.                      |
| Commercial               | 0.320 acre-ft.                      |
| Industrial               | 0.320 acre-ft.                      |

The recommended storage for a specific development is determined by multiplying the rate list above for the appropriate land use by the size of the site in acres.

The required storage for a specific development may be modified from the recommended storage based on the preparation of a detailed analysis of the site and its development using the SCS method adopted by the Village. The analysis, along with calculations and plans, shall be prepared by a Professional Engineer and submitted for review and approval by the Village Engineer in compliance with Section 2 of this Ordinance. Modification of the recommended storage may be requested by either the applicant or the Village.

Section 4. Separability.

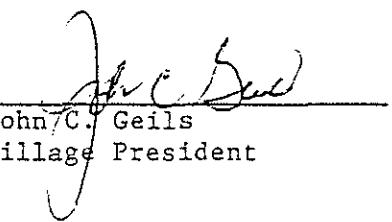
The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 5. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 17th day of March, 1988.

ATTEST:

  
John C. Geils  
Village President

  
Elvira L. Johnson  
Village Clerk

AYES: Freda, Hunt, Kolze, Krass, Strandt, Wanzung

NAYS: None

Published in Pamphlet Form

AN ORDINANCE REGULATING DEVELOPMENT  
IN SPECIAL FLOOD HAZARD AREAS

Be it ordained by the President and Board of Trustees of the Village of Bensenville, Counties of Du Page and Cook, Illinois, as follows:

Section I. Purpose.

This ordinance is enacted pursuant to the police powers granted to this Village by Illinois Revised Statutes, Chapter 24, Section 1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2 in order to accomplish the following purposes:

- a. to prevent unwise developments from increasing floor or drainage hazards to others;
- b. to protect new buildings and major improvements to buildings from flood damage;
- c. to protect human life and health from the hazards of flooding;
- d. to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- e. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas;
- f. to make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program.

Section 2. Definitions.

For the purpose of this ordinance, the following definitions are adopted:

- a. "Flood" means: a general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- b. "Base Flood" means: the flood having a one-percent probability of being equalled or exceeded in any given year. The base flood is also known as the 100 year flood. The base flood elevation at any location is as defined in Section 4 of this ordinance.

- c. "SFHA" or "Special Flood Hazard Area" means: those lands within the jurisdiction of the Village that are subject to inundation by the base flood. The SFHAs of the Village are generally identified as such on the Flood Insurance Rate Map of the Village prepared by the Federal Emergency Management Agency and dated 2-4-81. The SFHAs of those parts of unincorporated DuPage County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Map prepared for DuPage County by the Federal Emergency Management Agency and dated 4-15-82.
- d. "Riverine SFHA" means: any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.
- e. "Floodway" means: that portion of the SFHA required to store and convey the base flood. The floodway for the SFHAs of the Bensenville Ditch and the Addison Creek shall be as delineated on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency and dated 2-4-81. The floodway for each of the remaining SFHAs of the Village shall be according to the best date available to the Illinois State Water Survey Floodplain Information Repository.
- f. "FPE" or "Flood Protection Elevation" means: the elevation of the base flood plus one foot at any given location in the SFHA.
- g. "Development" means: any man-made change to real estate, including:
  - (i) construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
  - (ii) installing utilities, construction of roads, or similar projects;

- (iii) construction or erection of levees, walls, fences, bridges or culverts;
- (iv) drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;
- (v) storage of materials; or
- (vi) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include maintenance of existing buildings and facilities such as re-roofing; resurfacing roads; or gardening, plowing and similar agricultural practices that do not involve filling, grading, or construction of levees.

- h. "Building" means: a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank.

Section 3. Duties of the Village Engineer and the Director of Building and Zoning.

The Village Engineer and the Director of Building and Zoning shall be responsible for the general administration and enforcement of this ordinance, including but not limited to the following duties:

- a. Ensure that all development activities within the SFHAs of the jurisdiction of the Village meet the requirements of this ordinance.
- b. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- c. Ensure that construction authorization has been granted by the Illinois Department of Transportation, Division of Water Resources, for all development projects subject to Section 6 of this ordinance, and maintain a record of such authorization.
- d. Maintain a record of the "as built" elevation of the lowest floor (including basement) of all buildings subject to Section 7 of this ordinance.

- e. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 7.c of this ordinance.
- f. Inspect all development projects to ensure they comply with the provisions of this ordinance.
- g. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- h. Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and "as built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

Section 4. Base Flood Elevation.

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the State Water Survey.

- a. The base flood elevation for the SFHAs of Bensenville Ditch and Addison Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Village prepared by the Federal Emergency Management Agency and dated 8-4-80.
- b. The base flood elevation for each SFHA delineated as an "AH" Zone or "AO" Zone shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Village.
- c. The base flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository. When no base flood elevation exists, the base flood elevation shall be the 100 year flood depth calculated according to the formulas presented in Depth & Frequency of Floods in Illinois published by the U.S. Geological Survey, 1976.

d. The base flood elevation for the SFHAs of those parts of unincorporated DuPage County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of DuPage County prepared by the Federal Emergency Management Agency and dated 12-4-85.

Section 5. Development Permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the Director of Building and Zoning. The Building Official shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

a. The application for a development permit shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance.

b. Upon receipt of an application for a development permit, the Building Official shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not located in the SFHA and therefore not subject to the requirements of this ordinance. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

c. The Building Official shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity. The Building Official shall not issue the development permit unless all required federal and state permits have been obtained.

Section 6. Preventing Increased Damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

a. Within the floodway identified on the Flood Boundary Floodway Map, the following standards shall apply:

(i) except as provided in Section 6.a (ii), no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the base flood elevation. The specific development activities identified in Section 6.b(ii) shall be considered as meeting this requirement.

(ii) No increase in the base flood elevation may be permitted unless:

(a) the total cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the base flood elevation more than 1.0 foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;

(b) a permit has been issued by the Illinois Department of Transportation, Division of Water Resources as required in Section 6.b(i); and

(c) for all projects involving channel modifications of fill (including levees), the Village shall submit sufficient data to the Federal Emergency Management Agency to revise the regulatory flood data.

b. Within all other riverine SFHAs, the following standards shall apply:

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(i) In addition to the other requirements of this ordinance, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the Illinois Department of Transportation, Division of Water Resources issued pursuant to Illinois Revised Statutes, Chapter 19, Sections 52 et seq.

(ii) The following activities may be constructed without the individual permit required in subsection 6.b(i) in accordance with Statewide Permits issued by the Illinois Department of Transportation, Division of Water Resources provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this ordinance:

- (a) The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;
- (b) The construction of light poles, sign posts and similar structures;
- (c) The construction of sidewalks, driveways, athletic field (excluding fences), patios and similar surfaces which are built at grade.
- (d) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports;
- (e) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any dimension (e.g. animal shelters and tool sheds); and
- (f) The construction of additions to existing buildings which do not increase the first floor area by more than twenty (20) percent, which are located on the upstream or downstream

side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of flood waters.

(iii) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than 1.0 foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;

c. Public health standards in all SFHAs.

(i) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of subsection 15.d of this ordinance.

(ii) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

Section 7. Protecting Buildings.

In addition to the damage prevention requirements of Section 6, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

(i) construction or placement of a new building valued at more than \$1,000;

(ii) structural alterations made to an existing building that increase the floor area by more than 20%, or the market value of the building by more than 50%.

(iii) reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building before the damage occurred;

This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Section 3 of this ordinance.

a. A residential or nonresidential building may be constructed on permanent land fill in accordance with the following:

- (i) The fill shall be placed in layers no greater than 1 foot deep before compaction.
- (ii) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPE.
- (iii) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- (iv) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

b. A residential or nonresidential building may be elevated in accordance with the following:

- (i) The building or improvements shall be elevated on crawl space, walls, stilts, piles, or other foundation provided:
  - (a) the walls have permanent openings no more than one foot above grade; and
  - (b) The walls and floor are not subject to damage by hydrostatic pressures associated with the base flood.
- (ii) The foundation and supporting members shall be anchored and aligned to relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.

(iii) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.

c. Only a non-residential building may be flood-proofed in accordance with the following:

(i) A Registered Professional Engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the affects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.

(ii) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

Section 8. Other Development Requirements.  
The Village Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

a. New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall meet the requirements of Sections 6 and 7 of this ordinance. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDs) shall include a signed statement by a Registered Professional Engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (Illinois Revised Statues, Chapter 109, Section 2).

b. Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDs)

and additions to manufactured home parks, and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water Survey for review and approval at best available elevation data.

Section 9. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Director of Building and Zoning for a variance. The Director of Building and Zoning shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Village Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- a. No variance shall be granted unless the applicant demonstrates that:
  - (i) the development activity cannot be located outside the SFHA;
  - (ii) an exceptional hardship would result if the variance were not granted;
  - (iii) the relief requested is the minimum necessary;
  - (iv) There will be no additional threat to public health or safety or creation of a nuisance.
  - (v) there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; and
  - (vi) the provisions of subsection 5.c of this ordinance are met.
- b. The Director of Building and Zoning shall notify an applicant in writing that a variance from the requirements of Section 7 that would lessen the degree of protection to a building will:
  - (i) result in increased premium rates for flood insurance up to amounts that may be as high as \$25 for \$100 of insurance coverage.

- )
  - )
    - )
      - (ii) increase the risks to life and property;  
and
      - (iii) require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
  - c. Variances to the building protection requirements of Section 7 of this ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Subsection 9.a(i)-(v).

Section 10. Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This ordinance does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 11. Penalty.

Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this ordinance. Upon due investigation the Director of Building and Zoning may determine that a violation of the minimum standards of this ordinance exist. The Director of Building and Zoning shall notify the owner in writing of such violation.

- a. If such owner fails after ten days notice to correct the violation

- (i) The Village may make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
- (ii) Any person who violates this ordinance shall upon conviction thereof be fined not less than twenty-five dollars (\$25.00) nor more than two-hundred dollars (\$200.00).
- (iii) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

- b. The Director of Building and Zoning shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- c. Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 12. Abrogation and Greater Restrictions.  
This ordinance repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 13. Separability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 14. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Passed by the Village Board of the Village of Bensenville, Illinois, this 18th day of February, 1988.

John C. Gaid  
Village President

Elvira L. Johnson  
Village Clerk

ORDINANCE # 29-87  
AMENDING BUILDING CODE

BE IT ORDANINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

Section One: That Chapter 9-1-5, BUILDING FACTINGS, is hereby amended to read as follows:

ARCHITECTURAL DESIGN

SECTION A

Design Standards

All new construction of buildings and all alterations, modifications and improvements to existing buildings shall be of an architectural design, not manifestly inferior, radically different from, nor incompatible with existing buildings in the neighborhood (including buildings under construction). Such design shall:

1. Not cause a substantial depreciation of property values to such existing buildings in the neighborhood;
2. Not impair the marketability of neighborhood properties;
3. Preserve the taxable value of property within the Village;
4. Not cause or contribute to a deterioration of the health, sanitation, safety and public welfare of such neighborhood brought about by poor planning, indiscriminate and unregulated construction or inferior and unsuitable buildings.

SECTION B

Repetition of Design

1. It shall be unlawful for any contractor or builder to construct residential buildings of the same front exterior design on more than twenty percent (20%) of the lots on the same side of the street of any one block. In computing the twenty percent (20%) requirement referred to in the first sentence of subsection A, any part of a fraction shall be dropped.
2. Buildings with the same front exterior design may not be constructed adjacent to each other on the same side of the street or across the street from each other.
  - a. Change in front exterior design shall mean a substantial change of the roof line elevations or a set back variation in the front design of the building.
  - b. The addition of an attached garage shall be considered as a front exterior design change.

- c. Changes in windows, doors, shutters or color of brick or paint shall not be considered as front exterior design change.
- d. Reversal of plans shall not be considered front exterior design change.

#### SECTION C

##### Building Facings

All elevations facing any street on a new building, alteration or enlargement of an existing building shall be faced with stone, face brick or other decorative material, which is acceptable to the Director of Building and Zoning and conforms to the accepted codes of the Village. The same material must be extended a minimum of one foot (1') on all elevations facing interior lot lines and also on the elevation facing the rear lot line when on a corner lot.

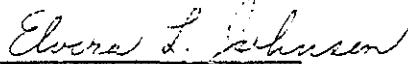
Section Two: All Ordinances in conflict herewith are repealed to the extent of said conflict.

Section Three: This Ordinance shall become effective from and after its passage and publication according to law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, December 17, 1987.

  
John C. Geils  
Village President

ATTEST:

  
Elvira L. Johnson  
Village Clerk

AYES: Freda, Hunt, Kolze, Krass, Wanzung, Strandt

NAYS: None

Published in Pamphlet Form

ORDINANCE  
AMENDING COMPREHENSIVE ZONING ORDINANCE  
MANUFACTURING DISTRICT

BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

SECTION ONE: That certain zoning ordinance heretofore adopted the 29th of September, 1964, as amended and further amended in May, 1976, is hereby amended.

SECTION TWO: That the property legally described as:

Lot 2 (except the most Westerly 259.0 feet, as measured along the Southerly line thereof, and except the most Southerly 319.0 feet thereof, and except that part dedicated for road purposes January 22, 1976, as Document No. 23366306) in Nuzzo's Subdivision of part of the Northwest fractional quarter of Section 19, Township 40 North, Range 12, East of the third principal meridian, in Cook County, Illinois, commonly known as 11945 Waveland Avenue.

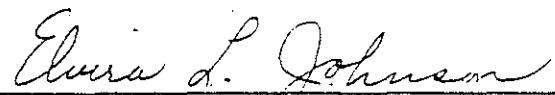
is hereby rezoned to M1, Limited Manufacturing District.

SECTION THREE: This ordinance shall be in full force and effect from and after its publication and passage according to law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this 20th day of March, 1986.

  
John C. Gells  
Village President

ATTEST:

  
Elvira L. Johnson  
Village Clerk

AYES: DiOrio, Eilrich, Freda, Strandt, Wanzung, Weber

NAYS: None

**VILLAGE OF BENSENVILLE  
700 WEST IRVING PARK ROAD  
BENSENVILLE, ILLINOIS 60106**

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**ORDINANCE NO. 28-98**

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois  
approving a Tax Increment Redevelopment Plan and Redevelopment Project for the  
Grand Avenue Redevelopment Project Area**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 19TH DAY OF MAY, 1998**

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**Published in pamphlet form by authority of the President and Board of Trustees of the  
Village of Bensenville, DuPage and Cook Counties, Illinois this 20th day of May, 1998.**



STATE OF ILLINOIS      )  
                            ) ss  
COUNTIES OF COOK      )  
AND DUPAGE              )

### CERTIFICATE

I, Marianne Tralewski, certify that I am the duly elected Municipal Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

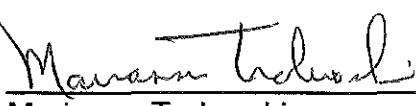
I further certify that on May 19, 1998, the Corporate Authorities of such municipality passed and approved Ordinance No. 28-98, entitled An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois, approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Grand Avenue Redevelopment Project Area, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 28-98, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on May 20, 1998 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Bensenville, Illinois, this 20th day of May, 1998.

SEAL

By:

  
\_\_\_\_\_  
Marianne Tralewski

Village Clerk

  
\_\_\_\_\_  
Lynn D. Hutcherson

Deputy Village Clerk



AN ORDINANCE of the Village of Bensenville, DuPage and Cook Counties, Illinois, approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Grand Avenue Redevelopment Project Area

WHEREAS, the President and Board of Trustees (the "*Corporate Authorities*") of the Village of Bensenville, DuPage and Cook Counties, Illinois (the "*Municipality*"), have heretofore determined that the stable economic and physical development of the Municipality is endangered by the presence of blighting factors as manifested by progressive and advanced deterioration of structures, by the lack of growth and development through investment by private enterprise, by flooding, by the presence of an unused disposal site, age, excessive vacancies, inadequate utilities, by a lack of physical maintenance of existing structures, by obsolete and inadequate community facilities and a lack of sound community planning, by obsolete platting, with a resulting decline of the Municipality which impairs the value of private investments and threatens the sound growth and the tax base of the Municipality and the taxing district having the power to tax real property in the Municipality (the "*Taxing Districts*") and threatens the health, safety, morals and welfare of the public; and

WHEREAS, the Corporate Authorities have heretofore determined that in order to promote and protect the health, safety, morals and welfare of the public that blighted conditions in the Municipality need to be eradicated and that redevelopment of the Municipality be undertaken and that to remove and alleviate adverse conditions in the Municipality it is necessary to encourage private investment and restore and enhance the tax base of the Municipality and the Taxing Districts by such redevelopment; and

WHEREAS, the Municipality has heretofore caused to be conducted an eligibility study to determine whether the proposed Grand Avenue Redevelopment Project Area (the "*Proposed Area*") qualifies as a "redevelopment project area" pursuant to the TIF Act, which study was conducted by Camiros, Ltd., Chicago, Illinois ("*Camiros*"); and

WHEREAS, the Municipality has heretofore evaluated various lawfully available programs to provide such assistance and has determined that the use of tax increment allocation financing is necessary to achieve the redevelopment goals of the Municipality for the Proposed Area; and

WHEREAS, Camiros is a planning and financial services firm having a national reputation for expertise in tax increment allocation and redevelopment financing in the State of Illinois; and

WHEREAS, Camiros has heretofore concluded and has advised the Municipality that the Proposed Area qualifies as a "redevelopment project area" under Section 11-74.4-3 of the TIF Act; and



WHEREAS, the Municipality has further caused the preparation of and made available for public inspection a proposed redevelopment plan and project for the Proposed Area (the "Plan" and "Project"); and

WHEREAS, the Plan and Project sets forth in writing the program to be undertaken to accomplish the objectives of the Municipality and includes estimated redevelopment project costs proposed for the Proposed Area, evidence indicating that the Proposed Area on the whole has not been subject to growth and development through investment by private enterprise, an assessment of the financial impact of the Area on or any increased demand for services from any taxing district affected by the Plan and any program to address such financial impact or increased demand, the sources of funds to pay costs, the nature and term of the obligations to be issued, the most recent equalized assessed valuation of the Area, an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the Area, and a commitment to fair employment practices and an affirmative action plan, and the Plan and Project accordingly complies in all respects with the requirements of the TIF Act; and

WHEREAS, pursuant to Section 11-74.4-5 of the Act, the Corporate Authorities by ordinance adopted the 17th day of March, 1998, called a public hearing (the "*Hearing*") relative to the Plan and Project and the designation of the Proposed Area as a redevelopment project area under the TIF Act and fixed the time and place for such Hearing, being the 5th day of May, 1998 at 7:30 p.m. at the Village Hall, 700 West Irving Park Road, Bensenville, Illinois; and

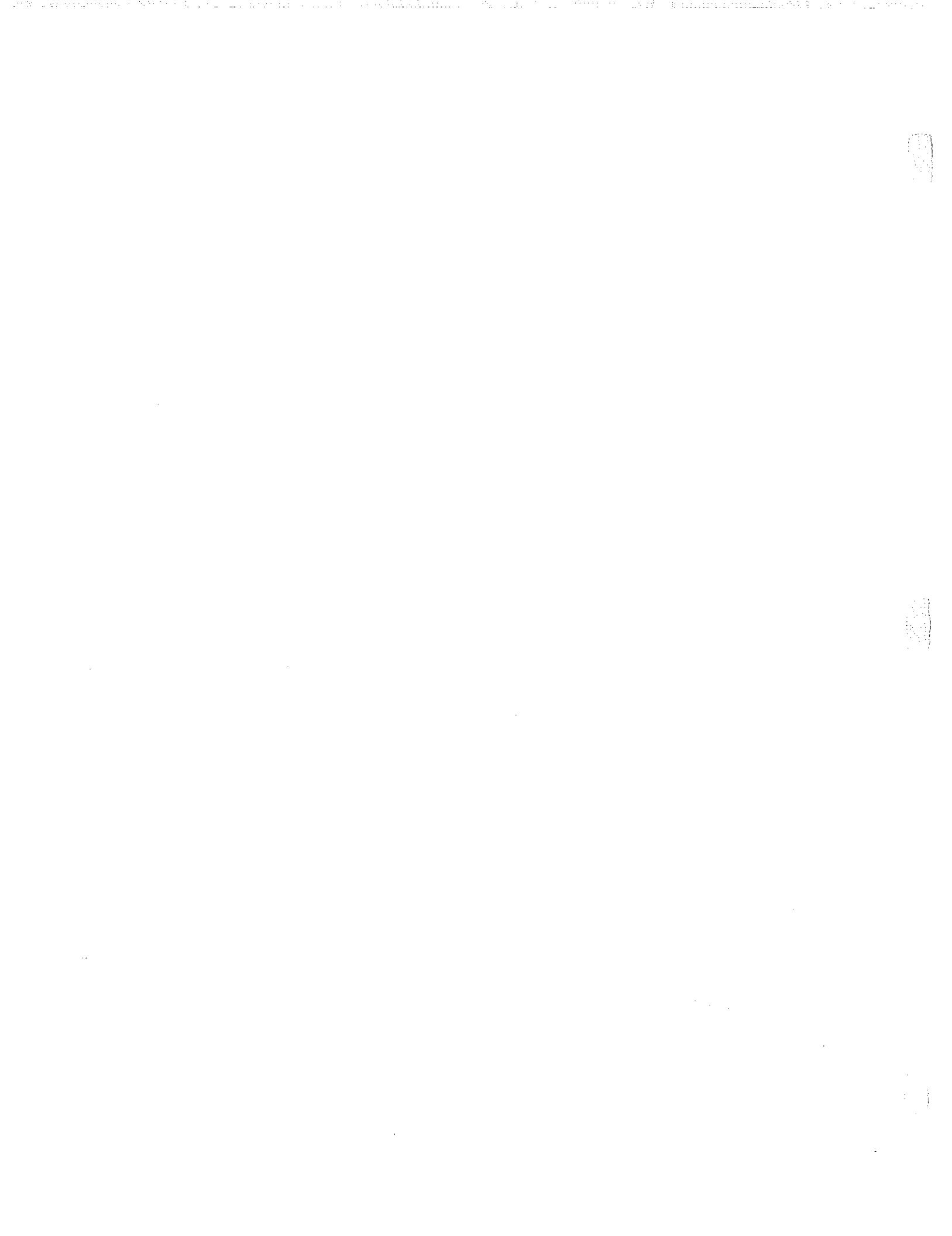
WHEREAS, due notice in respect to such Hearing was given pursuant to Section 11-74.4-5 of the TIF Act, said notice, together with a copy of the Plan, and the name of a person to contact for further information, being given to taxing districts and to the Department of Commerce and Community Affairs of the State of Illinois by certified mail on March 18, 1998, by publication on April 10, 1998 and April 17, 1998, and by certified mail to taxpayers within the Proposed Area on March 18, 1998; and

WHEREAS, the Municipality has heretofore convened a joint review board as required by and in all respects in compliance with the provisions of the TIF Act; and

WHEREAS, the joint review board has met at the times and as required by the TIF Act and has reviewed the public record, planning documents and a form of proposed ordinance approving the Plan and Project; and

WHEREAS, the joint review board has adopted by a majority vote an advisory, non-binding recommendation that the Municipality proceed to implement the Plan and Project and to designate the Proposed Area as a redevelopment project area under the TIF Act; and

WHEREAS, the joint review board based its decision to approve the proposal on the basis of the Proposed Area satisfying the eligibility criteria defined in Section 11-74.4-3 of the TIF Act, all as provided in Section 11-74.4-5(b) of the TIF Act; and



WHEREAS, the Municipality held the Hearing on May 5, 1998 at the Bensenville Village Hall, 700 West Irving Park Road, Bensenville, Illinois; and

WHEREAS, at the Hearing any interested person or affected taxing district was permitted to file with the Municipal Clerk written objections and was heard orally in respect to any issues embodied in the notice of said Hearing and the Municipality heard and determined all protests and objections at the Hearing; and

WHEREAS, the Hearing was finally adjourned on the 5th day of May, 1998; and

WHEREAS, the Plan and Project set forth the factors which cause the Proposed Area to be blighted, and the Corporate Authorities have reviewed the information concerning such factors presented at the Hearing and have reviewed other studies and are generally informed of the conditions in the Proposed Area which could cause the area to be a "blighted area" as defined in the TIF Act; and

WHEREAS, the Corporate Authorities have reviewed evidence indicating that the Proposed Area on the whole has not been subject to growth and development through investment by private enterprise and have reviewed the conditions pertaining to lack of private investment in the Proposed Area to determine whether private development would take place in the Proposed Area as a whole without the adoption of the proposed Plan; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the Proposed Area to determine whether contiguous parcels of real property and improvements thereon in the Proposed Area would be substantially benefited by the proposed Project improvements; and

WHEREAS, the Corporate Authorities have made an assessment of any financial impact of the Proposed Area on or any increased demand for services from any taxing district affected by the Plan and Project and any program to address such financial impact or increased demand; and

WHEREAS, the Corporate Authorities have reviewed the proposed Plan and Project and also the existing comprehensive plan for development of the Municipality as a whole to determine whether the proposed Plan and Project conform to the such comprehensive plan of the Municipality:

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois as follows:



*SECTION 1. Findings.* The Corporate Authorities hereby make the following findings:

- (a) The Proposed Area is described in *Exhibit A* attached hereto and incorporated herein as if set out in full by this reference. The street location (as near as practicable) for the Proposed Area is described in *Exhibit B* attached hereto and incorporated herein as if set out in full by this reference. The map of the Proposed Area is depicted on *Exhibit C* attached hereto and incorporated herein as if set out in full by this reference.
- (b) There exist conditions which cause the Proposed Area to be subject to designation as a redevelopment project area under the TIF Act and to be classified as a blighted area as defined in Section 11-74.4-3(a) of the TIF Act.
- (c) The Proposed Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Plan.
- (d) The Plan and Project conform to the comprehensive plan for the development of the Municipality as a whole.
- (e) As set forth in the Plan and in the testimony at the public hearing, the estimated date of completion of the Project is May 19, 2021 and the estimated date of the retirement of all obligations incurred to finance redevelopment project costs as defined in the Plan is May 19, 2021.
- (f) The parcels of real property in the Proposed Area are contiguous, and only those contiguous parcels of real property and improvements thereon which will be substantially benefited by the proposed Project improvements are included in the Proposed Area.

*Section 2. Exhibits Incorporated by Reference.* The Plan and Project which were the subject matter of the public hearing held on the 5th day of May 1998, are hereby adopted and approved. A copy of the Plan and Project is set forth in *Exhibit D* attached hereto and incorporated herein as if set out in full by this reference.

*Section 3. Invalidity of Any Section.* If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.



*Section 4. Superseder and Effective Date.* All ordinances, resolution, motions or orders in conflict herewith be, and the same hereby are, repealed to the extent of such conflict, and this ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and approval as provided by law.

Passed: this 19<sup>th</sup> day of May , 1998.

Approved: this 20<sup>th</sup> day of May , 1998.



John C. Geils, Village President

AYES: Basso, Krass, Strandt, Walberg, Wanzung, Weber

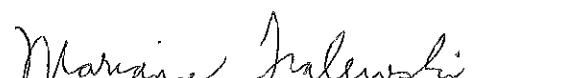
None

NAYS: \_\_\_\_\_

ABSENT: None

Recorded in Municipal Records: May 20, 1998.

Attest:



Marianne Tralewski  
Marianne Tralewski, Village Clerk



**EXHIBIT A**  
**Legal Description of Grand Avenue Redevelopment Project Area**

THAT PART OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING IN THE NORTH LINE OF SAID SECTION AT A POINT 1019.04 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 AS A POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 388417, 1573.55 FEET TO THE CENTER LINE OF GRAND AVENUE; THENCE EASTERLY ON THE CENTER LINE OF GRAND AVENUE 1392.28 FEET TO THE EAST LINE OF SAID NORTHEAST 1/4; THENCE NORtherly ALONG THE EAST LINE OF SAID NORTHEAST 1/4 1641.55 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 1614.80 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST 1/4 AND THE WESTERLY RIGHT OF WAY LINE OF 66 FOOT WIDE MT. PROSPECT ROAD; THENCE SOUTH ALONG SAID WESTERLY RIGHT OF WAY LINE, 10 FEET; THENCE NORTHWESTERLY TO A POINT OF SAID NORTH LINE, SAID POINT BEING 10 FEET WEST OF THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING), IN DU PAGE COUNTY, ILLINOIS.

Commonly known as the Sexton Landfill located at the northwest corner of Grand Avenue and County Line Road

Containing 53 acres of land, more or less



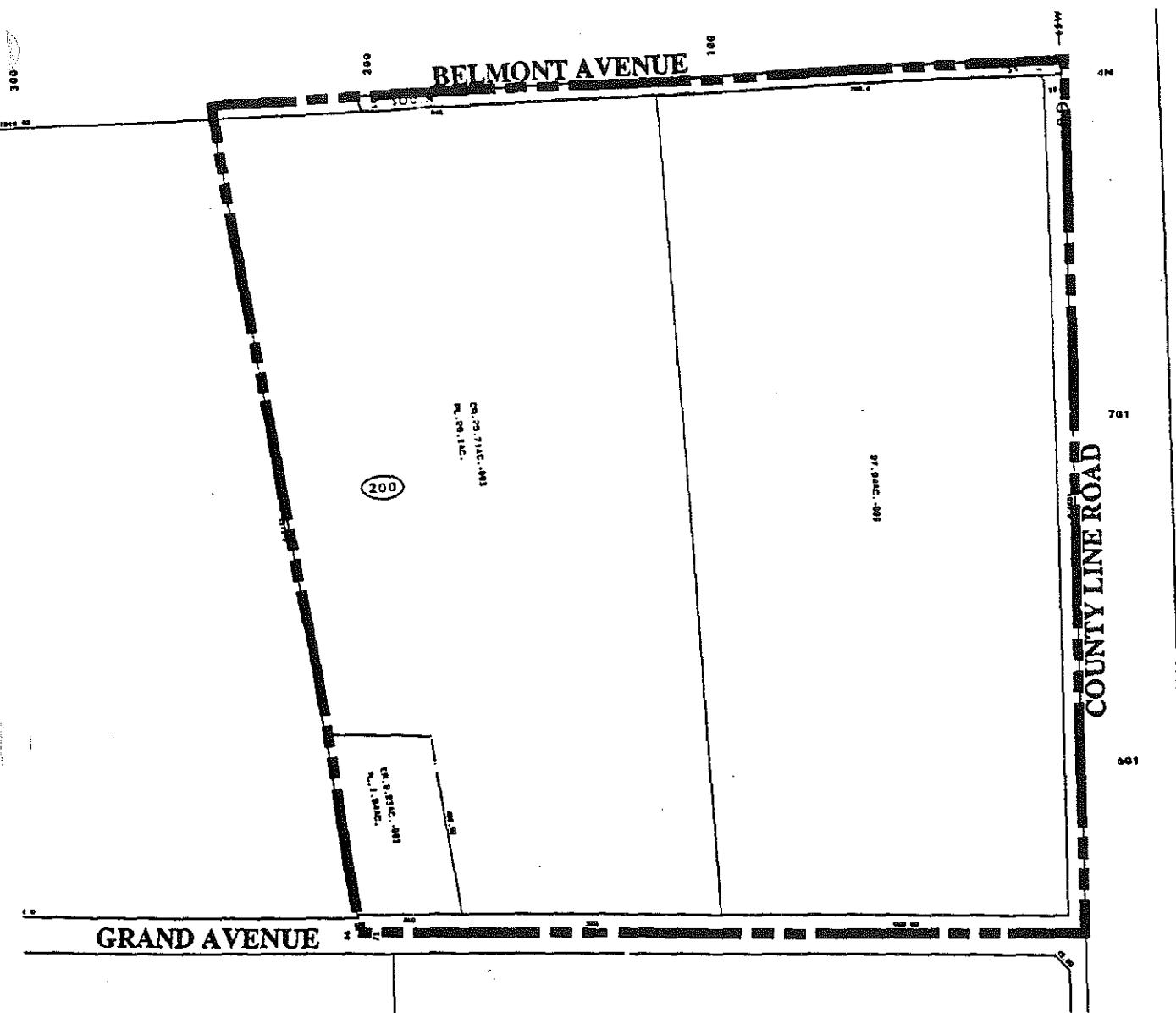
## EXHIBIT B - STREET LOCATION

Commonly known as the Sexton Landfill located at the northwest corner of Grand Avenue and County Line Road - Bensenville, Illinois



EXHIBIT C - MAP





## LEGEND

REDEVELOPMENT PROJECT  
AREA BOUNDARY

FIGURE 1 - BOUNDARY MAP

**GRAND AVENUE REDEVELOPMENT PROJECT AREA**  
**VILLAGE OF BENSENVILLE, ILLINOIS**

Prepared by **CAMIROS**





EXHIBIT D - PLAN AND PROJECT



# **GRAND AVENUE REDEVELOPMENT PROJECT AREA**

## **REDEVELOPMENT PLAN AND PROJECT**

**Prepared for:  
The Village of Bensenville**

**By:  
Camiros, Ltd.**

**March, 1998**

**This plan is subject to review and may be revised after comment and public hearing**



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## **1. INTRODUCTION**

This document presents the Grand Avenue Tax Increment Redevelopment Plan and Project (hereinafter referred to as the "Redevelopment Plan and Project") for the former County Line Landfill site (the "Redevelopment Project Area"), which was annexed into the Village of Bensenville, Illinois in February 1998. The Redevelopment Project Area consists of a closed landfill and adjacent residential property located at the northwest corner of Grand Avenue and County Line Road. The Redevelopment Project Area lies within the area generally bounded by County Line Road on the east, Grand Avenue on the south, the River Forest Country Club on the west, and Belmont Avenue on the north. The Plan and Project responds to conditions within the Redevelopment Project Area, that affect appropriate reuse of the site, and reflects a commitment by the Village to improve and revitalize the Redevelopment Project Area.

### **Tax Increment Financing**

In adopting the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.1 et. seq.) (the "Act") the Illinois State Legislature found that

"...there exist in many municipalities within this State blighted, conservation and industrial park conservation areas; that the conservation areas are rapidly deteriorating and declining and may soon become blighted areas if their decline is not checked...It is hereby found and declared that in order to promote and protect the health, safety, morals, and welfare of the public, that blighted conditions need to be eradicated and conservation measures instituted, and that redevelopment of such areas be undertaken...The eradication of blighted areas and treatment and improvement of conservation areas and industrial park conservation areas is hereby declared to be essential to the public interest."

In order to use the tax increment financing technique, a municipality must first establish that the proposed redevelopment project area meets the statutory criteria for designation as a "blighted area," a "conservation area" or an "industrial conservation area." A redevelopment plan must then be prepared which describes the development or redevelopment program intended to be undertaken to reduce or eliminate those conditions which qualified the redevelopment project area as a "blighted area," "conservation area," or combination thereof, or "industrial conservation area", and thereby enhance the tax bases of the taxing districts which extend into the redevelopment project area. Redevelopment projects are defined as any public or private development projects undertaken in furtherance of the objectives of the redevelopment plan.

The legislation requires that each redevelopment plan set forth in writing the program that will be undertaken to accomplish the municipality's redevelopment objectives. The Act also states that

"No redevelopment plan shall be adopted by a municipality without findings that (1) the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably be anticipated to be developed without

the adoption of the redevelopment plan, (2) the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality, (3) stating the estimated dates, which shall not be more than 23 years from the adoption of the ordinance approving the redevelopment project area ... of completion of the redevelopment project and retirement of obligations incurred to finance redevelopment project costs, (4) in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area, and (5) in the event that any incremental revenues are being utilized pursuant to Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, (a) a finding that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, (b) a finding that such incremental revenues will be exclusively utilized for the development of the redevelopment project area."

Pursuant to the provisions contained in the Act, the Village of Bensenville has authorized an evaluation of whether property within the Village of Bensenville qualifies as a "blighted area" and preparation of a redevelopment plan for the redevelopment project area in accordance with the requirements of the Act.

### **The Grand Avenue Redevelopment Project Area**

The Grand Avenue Redevelopment Project Area consists of a closed landfill site and adjacent residential property located on the northwest corner of Grand Avenue and County Line Road. The Redevelopment Project Area lies within the area generally bounded by County Line Road on the east, Grand Avenue on the south, the River Forest Country Club on the west and Belmont Avenue on the north. The Redevelopment Project Area is approximately 55.2 acres in size and includes three contiguous tax parcels and public rights-of-way.

The majority of the Redevelopment Project Area consists of primarily of vacant land that was formerly used as a disposal site. There are three structures located within the Redevelopment Project Area. One is a residential structure that is currently vacant. The other structures include a storage shed adjacent to the house, and a small concrete block building at the entrance to the landfill site.

Improvements on the unused disposal site are limited to monitoring wells associated with closure of the landfill, chain link fencing enclosing various portions of the site, a concrete culvert associated with Addison Creek, areas of broken asphalt pavement that reflect former driveways accessing the site and other minor improvements.

As a result of the conditions present, the Redevelopment Project Area is in need of redevelopment. In recognition of the unrealized potential of the Redevelopment Project Area, the Village of Bensenville is taking action to facilitate its revitalization.

The purpose of this Redevelopment Plan and Project is to create a mechanism to allow for the development of new recreational facilities and associated commercial uses on underutilized land. The redevelopment of the Redevelopment Project Area is expected to encourage the development of appropriate land use mix that expands the community's economic base and recreational facilities.

The Redevelopment Project Area as a whole has not been subject to growth and development by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Plan and Project. The eligibility analysis, attached hereto as Appendix B, concluded that the majority of the land consists of an unused disposal site and that the improved property in this area is experiencing deterioration. The analysis of conditions within the Redevelopment Project Area indicates that it is appropriate for designation as a "blighted area" in accordance with the Act.

The Plan and Project have been formulated in accordance with the provisions of the Act. This document is a guide to all proposed public and private actions in the Redevelopment Project Area.

## **2. PROJECT AREA DESCRIPTION**

The land to be designated the Grand Avenue Redevelopment Project Area is shown in Figure 1. The Redevelopment Project Area is approximately 55.2 acres in size, including public rights-of-way. A legal description of the Grand Avenue Redevelopment Project Area is included as Appendix A of this document. The Grand Avenue Redevelopment Project Area is not adjacent to any other tax increment financing districts at the present time.

The proposed Redevelopment Project Area includes only contiguous parcels and qualifies for designation as a "blighted area." The proposed Redevelopment Project Area includes only that area which is expected to be substantially benefited by the proposed redevelopment project improvements.

### **Land Use and Zoning**

The Redevelopment Project Area includes three tax parcels. One parcel contains a single family residence. The other two parcels contain a closed landfill. Improvements on these parcels are limited to deteriorated areas of asphalt paving and a small dilapidated structure at the entrance to the site. The three tax parcels were recently acquired by the Village of Bensenville from the Sexton Filling and Grading Contractors Corporation.

The County Line Landfill began operations in 1957, with a permit for excavation of the property to provide fill for highway construction. The excavated areas were subsequently used as a landfill site. In 1970, the DuPage County Health Department informed Sexton that it could not continue filling the excavated areas because it lacked the necessary permits and the property was zoned R-3 Residential. Sexton sued, and was subsequently permitted to continue its fill operation subject to certain conditions established by the DuPage County Circuit Court.

In 1973, permission was granted to allow the installation of a wood chipping machine and an incinerator to burn wood, trees and branches. In 1977, an extension was granted to allow landfill operations to continue until July 24, 1982. Sexton subsequently requested a second extension to permit operation of the landfill until July 24, 1992. The Court granted an extension only until July 24, 1987, however.

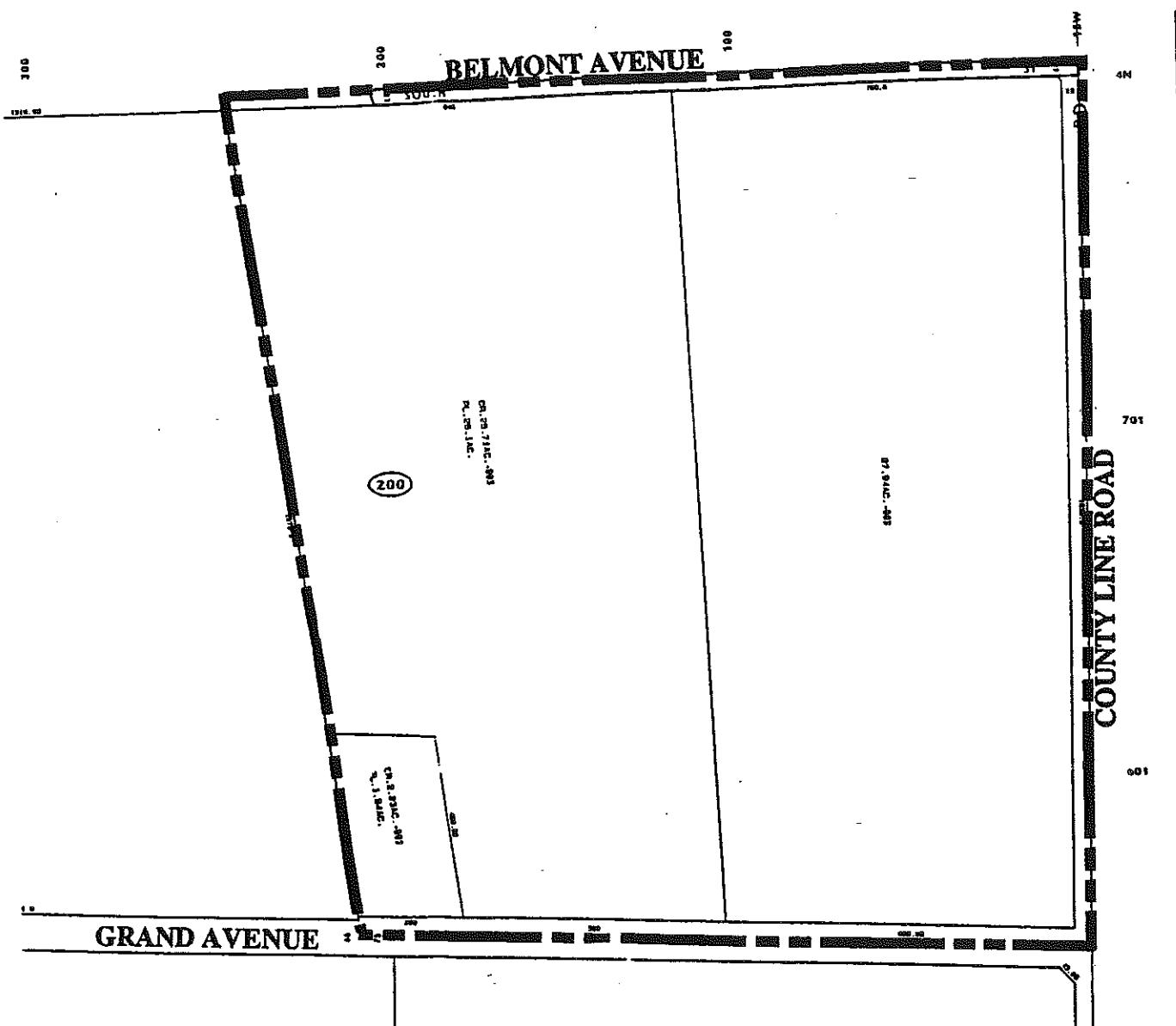
Records indicate that at the time it closed, the County Line Landfill was used to store concrete rubble and construction debris and logs, brush, tree limbs and trimmings from forestry operations of the surrounding communities. These materials appear to have been recycled to a limited extent.

Prior to its annexation, the Redevelopment Project Area was subject to DuPage County's land use and zoning designations. Following the closure of the landfill, the property within the Redevelopment Project Area was zoned as R-3 Single Family Residential. The Countywide Land Use Plan Map of DuPage County, adopted by the DuPage County Regional Planning Commission on October 13, 1993, designates the property within the Redevelopment Project Area as open space.

In February, 1998, Redevelopment Project Area was annexed into the Village of Bensenville. The site will be designated on Bensenville's official land use plan as general commercial. This designation is consistent with the Village's intent to develop a mixed use commercial/recreational development.

### **Surrounding Land Use and Access**

The Redevelopment Project Area is surrounded by a mix of uses that include a cemetery, a golf course, single family residential neighborhoods and industrial uses. Large scale industrial uses are found on the east side of County Line Road, in the Village of Franklin Park. Mt. Emblem Cemetery is located on the south side of Grand Avenue. The River Forest Country Club is located immediately to the west of the Redevelopment Project Area. A single family residential neighborhood, with a few industrial intrusions, is located to the north of the Redevelopment Project Area.



## LEGEND

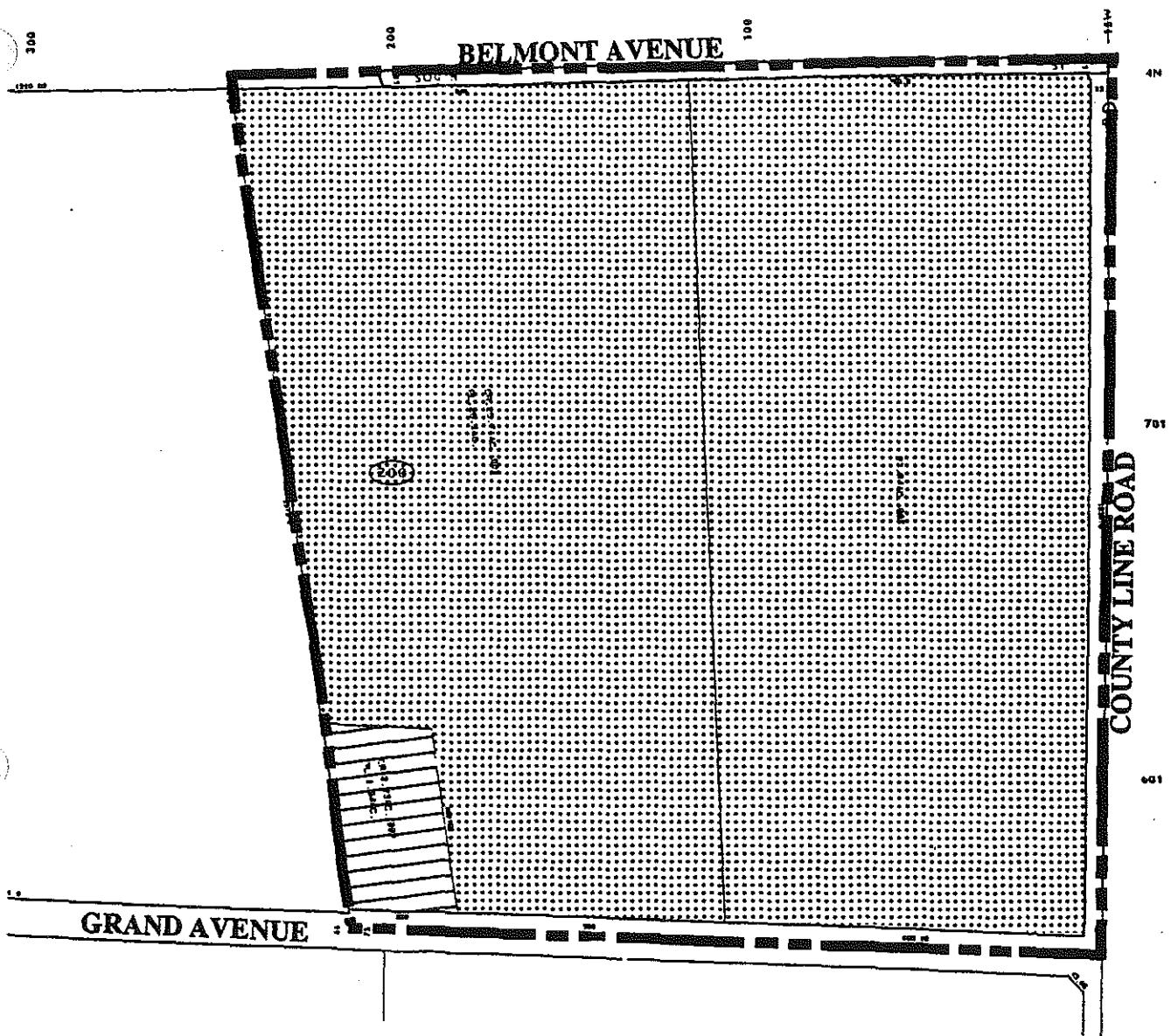
REDEVELOPMENT PROJECT  
AREA BOUNDARY

FIGURE 1 - BOUNDARY MAP

**GRAND AVENUE REDEVELOPMENT PROJECT AREA**  
**VILLAGE OF BENSENVILLE, ILLINOIS**

Prepared by **CAMIROS**





## LEGEND

The legend consists of three entries. The first entry shows a black dotted line with the text 'REDEVELOPMENT PROJECT AREA BOUNDARY'. The second entry shows a black rectangle with a dotted pattern inside, labeled 'CLOSED LANDFILL'. The third entry shows a black rectangle with diagonal hatching, labeled 'RESIDENTIAL'.

**FIGURE 2 - EXISTING LAND USE**

**GRAND AVENUE REDEVELOPMENT PROJECT AREA**  
**VILLAGE OF BENSENVILLE, ILLINOIS**

Prepared by CAMIROS



### **3. ELIGIBILITY OF THE REDEVELOPMENT PROJECT AREA FOR DESIGNATION AS A BLIGHTED AREA**

The Grand Avenue Redevelopment Project Area on the whole has not been subject to significant growth and development through investment by private enterprise. Based on the conditions present, the area is not likely to be comprehensively or effectively developed without the adoption of the Redevelopment Plan and Project.

In January, 1998, a study was undertaken to establish whether the proposed Redevelopment Project Area is eligible for designation as a blighted area in accordance with the requirements of the Tax Increment Allocation Redevelopment Act (65ILCS 5/11-74.1 et seq.), (the "Act"). This analysis concluded that the Redevelopment Project Area so qualifies.

The Redevelopment Project Area consists primarily of vacant land, that most recently was used as the County Line Landfill operated by the Sexton Filling and Grading Contractors Corporation. Addison Creek runs through the middle of the former landfill property. A review of flood plain maps indicates that certain portions of the Redevelopment Project Area are subject to flooding.

Establishing the eligibility of vacant land as a blighted area under the Act requires the presence of two or more of certain conditions or the presence of one of certain other factors. The following conditions were found to be present with respect to vacant land within the Redevelopment Project Area:

- Flooding on all or part of such vacant land
- The area consists of an unused disposal site

Because the Redevelopment Project Area includes one improved residential property, which is distinct from the landfill, the eligibility analysis also considered the presence of the criteria for improved property. The improved portion of the Redevelopment Project Area qualifies as blighted based on the presence of six of the 14 blighting characteristics related to improved property listed in the Act. These include:

- Age
- Depreciation of physical maintenance
- Excessive vacancies
- Lack of community planning
- Inadequate utilities
- Obsolescence

These conditions are present to a major extent within the Redevelopment Project Area. The specific basis upon which eligibility for designation as a blighted area was established is presented in the Grand

Avenue Redevelopment Project Area Eligibility Report which is presented as Appendix B of this document.

### Need for Public Intervention

Redevelopment of property within the Redevelopment Project Area is not likely to occur in a timely manner without public intervention and the use of tax increment financing. While Bensenville has been successful in obtaining State grant funds for acquisition of property within the Redevelopment Project Area to ensure the provision of adequate public open space, the Village has no funds available to extend water and sewer lines to the site or make other needed public improvements. Such improvements must be made before appropriate sites within the Redevelopment Project Area can be made ready for private development.

Land within the Redevelopment Project Area will become exempt from property taxes by virtue of the Village's ownership of the County Line Landfill property. Expansion of community open space and the provision of recreational amenities have been long standing community objectives. However, local funds needed to make such improvements are limited. A public/private development effort is viewed as the best means of undertaking the recreation/commercial project proposed as the central element of the Redevelopment Plan and Project.

In order to expand the tax base of the Village as well as other taxing districts, Bensenville intends to seek a private developer to undertake commercial/recreational development in all or a portion of the Redevelopment Project Area. In keeping with the community's open space objectives, the Redevelopment Project Area is expected to remain accessible to the public. The use of tax increment financing is expected to be necessary in order to attract private investment, so that property can be returned to the tax rolls as quickly as possible. Thus, further development of the site within a reasonable period of time is not possible without the use of incremental tax revenues.

## **4. REDEVELOPMENT PLAN GOALS AND OBJECTIVES**

The proposed Grand Avenue Redevelopment Plan and Project is consistent with Village plans for the area as reflected in the Village's official land use plan for the area. The property has been annexed into the Village under the general commercial land use designation. The land use designation is consistent with the uses anticipated to be part of the Redevelopment Plan and Project.

The following goals and objectives are provided to guide development in the Grand Avenue Redevelopment Project Area.

### **General Goals:**

- Enhance the tax base of the area.
- Reduce or eliminate deleterious conditions within the Redevelopment Project Area.
- Provide for the orderly transition from obsolete land use patterns, to more appropriate land use patterns.
- Retain existing semi-public properties that are predominantly open in character.
- Create an attractive environment that provides community open space and recreational amenities, and encourages new commercial development.
- Link the local open space system with community facilities and other activity centers to improve access and increase utilization of recreational facilities.

### **Redevelopment Objectives:**

- Encourage private investment in the area.
- Direct development activities to appropriate locations within the Redevelopment Project Area in accordance with the land use plan and general land use strategies.
- Facilitate development of underutilized property for uses that have demonstrated market support.
- Support the construction of community recreational facilities through the use of complimentary commercial development.

## **5. REDEVELOPMENT PLAN**

The Village proposes to achieve its redevelopment goals and objectives for the Redevelopment Project Area through the use of public financing techniques, including tax increment financing, and by undertaking some or all of the following actions:

1. Assembling sites for redevelopment through appropriate land assembly techniques. The Village may determine that it is necessary to participate in property acquisition or may use other means to induce transfer of such property to a private developer.
2. Providing public improvements and facilities needed to stimulate private investment.
3. Entering into redevelopment agreements for the construction of allowable private improvements in accordance with the Redevelopment Plan and Project.
4. Incurring or reimbursing redevelopers for other eligible redevelopment project costs as provided in the Act.
5. Incurring other eligible redevelopment project costs allowed under the Act in implementing the Redevelopment Plan and Project.

## **6. REDEVELOPMENT PROJECT DESCRIPTION**

In furtherance of its open space objectives, the Village of Bensenville has purchased the former County Line Landfill property located at the northwest corner of County Line Road and Grand Avenue. The Village intends to pursue development of a recreational/commercial development that may include construction of a nine-hole golf course, golf learning center, and hotel. Commercial development within the Redevelopment Project Area is expected to support the public investments that are needed to make the project feasible.

In order to stimulate private investment in the Redevelopment Project Area, the following activities and actions may be undertaken.

### **Development Strategies/Redevelopment Activities**

#### *Site Assembly*

To achieve the redevelopment of the Grand Avenue Redevelopment Project Area, property identified in the Redevelopment Project Area may be acquired by purchase or long term lease and either sold or leased for private redevelopment or sold, leased or dedicated for construction of public improvements.

#### *Analysis, Professional Services and Administrative Activities*

The Village may undertake or engage professional consultants, engineers, architects, attorneys, and others to conduct various analyses, studies, administrative or legal services to establish, implement and manage this Redevelopment Plan and Project.

#### *Provision of Public Improvements and Facilities*

Adequate public improvements and facilities may be provided to service the entire Redevelopment Project Area. Public improvements and facilities may include upgrading streets, provision of streetscape amenities, parking improvements and utility improvements.

#### *Redevelopment Agreements*

Terms of redevelopment as part of this redevelopment project may be incorporated in appropriate redevelopment agreements. For example, the Village may agree to reimburse a redeveloper for incurring certain eligible redevelopment project costs under the Act. Such agreements may contain more specific controls than those stated in this Redevelopment Plan.

*Financing Costs Pursuant to the Act*

Interest on any obligations issued under the Act accruing during the estimated period of construction of the redevelopment project and other financing costs may be paid from the incremental tax revenues pursuant to the provisions of the Act.

*Interest Costs Pursuant to the Act*

Pursuant to the Act, the City may allocate a portion of the incremental tax revenues to pay or reimburse redevelopers for interest costs incurred in connection with redevelopment activities in order to enhance the redevelopment potential of the Redevelopment Project Area.

## **7. GENERAL LAND USE PLAN AND MAP**

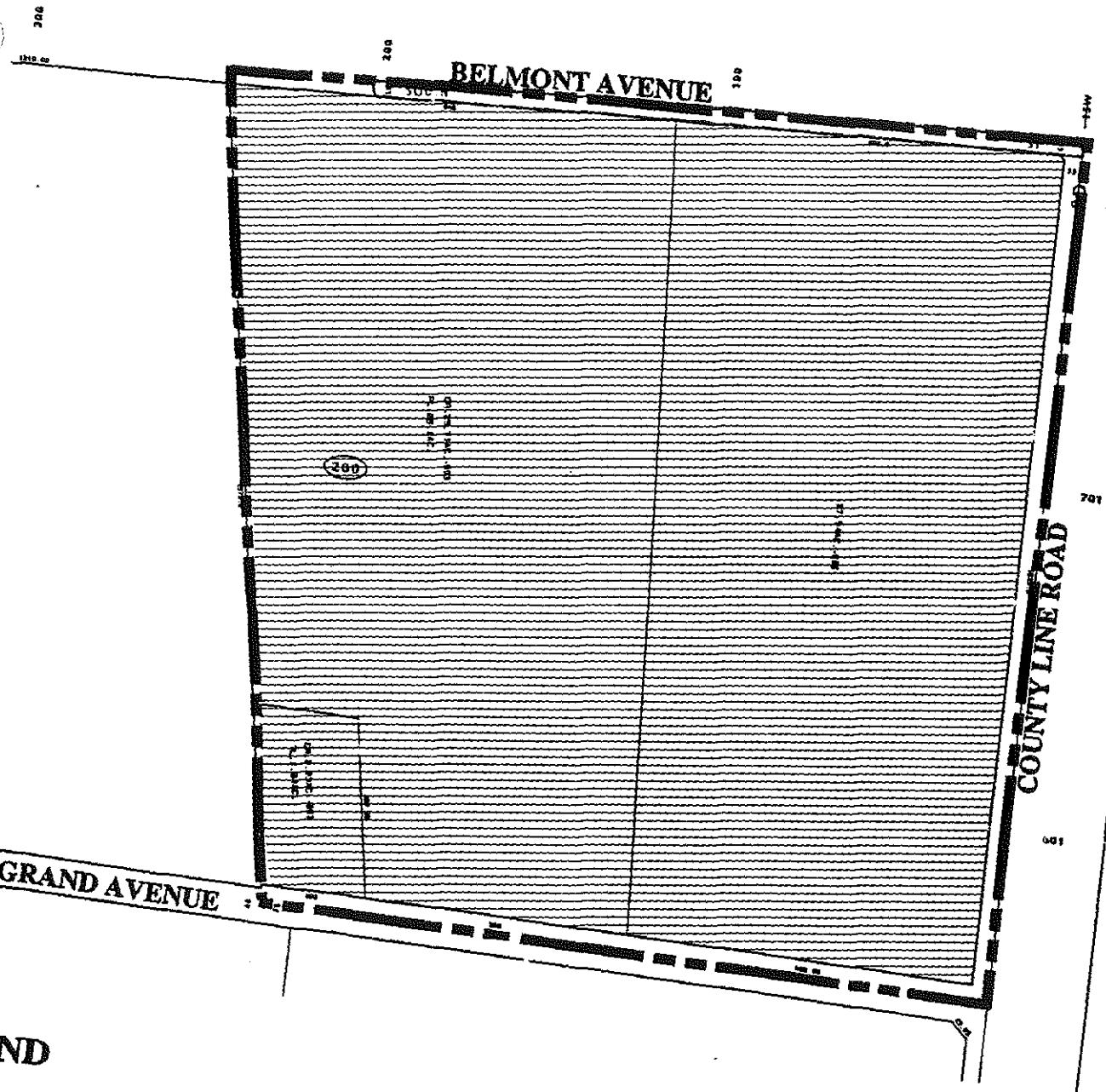
The land uses proposed for the Grand Avenue Redevelopment Project Area conform to the Bensenville Comprehensive Plan and land uses permitted under the Bensenville Zoning Ordinance. The General Land Use Plan is also consistent with the Countywide Land Use Plan Map of DuPage County.

The Redevelopment Project Area was annexed into the Village of Bensenville in February, 1998. The site is being designated on Bensenville's official land use plan as general commercial. This designation is consistent with the Village's intent to develop the area primarily for recreational use with complimentary commercial uses.

The General Land Use Plan, Figure 4, identifies land uses expected to result from implementation of the Redevelopment Plan and Project in the Redevelopment Project Area. The general land use plan designates the Redevelopment Project Area as recreation and commercial mixed use. The land use plan is intended to provide a guide for future land use improvements and developments within the Redevelopment Project Area, and focuses on improving and expanding recreational facilities and commercial land uses within Bensenville.

The Grand Avenue Redevelopment Plan and Project seeks to create a recreation/commercial mixed use development that includes significant open space and recreational amenities for Bensenville residents.

It is anticipated that expenditures for redevelopment project costs will be carefully staged in a reasonable and proportional basis to coincide with expenditures for redevelopment by private developers and the projected availability of tax increment revenues.



## LEGEND

- REDEVELOPMENT PROJECT AREA BOUNDARY
- RECREATION/COMMERCIAL MIXED USE

FIGURE 3 - GENERAL LAND USE PLAN  
**GRAND AVENUE REDEVELOPMENT PROJECT AREA**  
 VILLAGE OF BENSENVILLE, ILLINOIS

Prepared by **CAMIROS**

## **8. REDEVELOPMENT PLAN AND PROJECT FINANCING**

Tax increment financing is an economic development tool designed to facilitate the redevelopment of blighted areas and to arrest decline in areas that may become blighted without public intervention. It is expected that tax increment financing will be an important, although not necessarily the only, means of financing improvements and providing development incentives in the Redevelopment Project Area.

Tax increment financing can only be used when desired private investment would not reasonably be expected to occur without public assistance. The enabling legislation allowing the use of tax increment financing in Illinois sets forth the range of public assistance that may be provided.

### **Eligible Project Costs**

Redevelopment project costs mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to this Redevelopment Plan and Redevelopment Project. Eligible costs may include, without limitation, the following:

1. Professional services including: costs of studies and surveys, development plans and specifications, implementation and administration of the Redevelopment Plan and Project including but not limited to staff and professional service costs including but not limited to architectural, engineering, legal, marketing, financial, planning or other special services, provided however, that no charges for professional services may be based on a percentage of the tax increment collected;
2. Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
3. Costs of rehabilitation, reconstruction, repair or remodeling of existing public or private buildings and fixtures;
4. Costs of the construction of public works or improvements;
5. Costs of job training and retraining projects;
6. Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued under the Act accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;
7. All or a portion of a taxing district's capital costs resulting from the Redevelopment Project necessarily incurred or to be incurred in furtherance of the Redevelopment Plan and Project, to the extent the municipality, by written agreement, accepts and approves such costs;
8. Relocation costs to the extent that the municipality determines that relocation costs shall be paid or that the municipality is required to make payment of relocation costs by State or Federal law;

9. Payment in lieu of taxes;
10. Costs of job training, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts as provided in the Act;
11. Interest costs incurred by a developer related to the construction, renovation or rehabilitation as provided in the Act.

The cost of constructing new privately-owned buildings is not an eligible redevelopment project cost, unless specifically authorized by the Act.

### **Estimated Project Costs**

A range of activities and improvements will be required to implement the Grand Avenue Redevelopment Plan and Project. The proposed eligible activities and their costs are briefly described below and also shown in Table 1.

1. Professional services including: planning, legal, surveys, fees and other related development costs. This budget element provides for studies and survey costs for planning and implementation of the project, including planning and legal fees, architectural and engineering, marketing, financial and special service costs. (*Estimated cost: \$2,000,000*)
2. Property assembly costs, including acquisition of land and other property, real or personal or rights or interests therein, and other appropriate and eligible costs needed to prepare the property for redevelopment. Land acquisition may include acquisition of property in order to achieve goals and objectives of this redevelopment plan. Property assembly costs also include: demolition of existing improvements, including clearance of blighted properties or clearance required to prepare sites for new development; site preparation, including grading, and other appropriate and eligible site activities needed to facilitate new construction; and environmental clean up costs associated with property assembly which are required to render the property suitable for redevelopment. (*Estimated cost: \$4,000,000*)
3. Construction of public improvements and facilities. These improvements are intended to improve access within the Redevelopment Project Area, stimulate private investment, and address other identified public improvement needs. (*Estimated cost: \$15,000,000*)
4. Financing costs pursuant to the provisions of the Act. (*Estimated cost: \$6,400,000*)
5. Interest costs pursuant to the provisions of the Act. (*Estimated cost: \$300,000*)

The estimated gross eligible project cost is \$27.7 million. All project cost estimates are in 1998 dollars.

Any bonds issued to finance portions of the project may include an amount of proceeds sufficient to pay customary and reasonable charges associated with issuance of such obligations as well as to provide for capitalized interest and reasonably required reserves. Adjustments to estimated line items are expected and may be made without amendment to the Redevelopment Plan and Project.

**Table 1**  
**ELIGIBLE REDEVELOPMENT PROJECT COSTS**

| <b>Program Action/Improvement</b>                        | <b>Budget</b>       |
|--|---------------------|
| Planning, Legal, Surveys and Related Development Costs   | \$2,000,000         |
| Property Assembly, Demolition, Environmental Remediation | \$4,000,000         |
| Public Improvements and Facilities                       | \$15,000,000        |
| Financing Costs  | \$6,400,000         |
| Interest Costs   | \$300,000           |
| <b>TOTAL</b>   | <b>\$27,700,000</b> |

### Sources of Funds

Funds necessary to pay for redevelopment project costs and municipal obligations which have been issued to pay for such costs are to be derived principally from tax increment revenues and proceeds from municipal obligations which have as their revenue source tax increment revenue. To secure the issuance of these obligations, the Village may permit the utilization of guarantees, deposits and other forms of security made available by private sector developers.

The tax increment revenue which will be used to fund tax increment obligations and redevelopment project costs shall be the incremental real property taxes. Incremental real property tax revenue is attributable to the increase in the current equalized assessed value of each taxable lot, block, tract or parcel of real property in the Redevelopment Project Area over and above the initial equalized assessed value of each such property in the Redevelopment Project Area. Other sources of funds which may be used to pay for redevelopment costs and obligations issued, the proceeds of which are used to pay for such costs, are land disposition proceeds, state and federal grants, investment income, and such other sources of funds and revenues as the municipality may from time to time deem appropriate.

The municipality may incur redevelopment project costs which are paid for from funds of the municipality other than incremental taxes, and the municipality may then be reimbursed from such costs from incremental taxes.

The Grand Avenue Redevelopment Project Area may become contiguous to other redevelopment project areas. The Village may find that it is in the best interests of the Village, and in furtherance of the purposes of the Act, that net revenues from each such redevelopment project area be made available to support the other. The Village may, therefore, propose to utilize net incremental revenues received from one redevelopment project area to pay eligible redevelopment project costs or obligations issued to pay such costs in another redevelopment project area, and vice versa. The amount of revenue from the Grand Avenue Redevelopment Project Area made available to support such contiguous redevelopment project areas, when added to all amounts used to pay eligible redevelopment project costs within the Grand Avenue Redevelopment Project Area, shall not at any time exceed the total Redevelopment Project Costs described in Table 1 above.

Development of the Redevelopment Project Area would not be reasonably expected to occur without the use of the incremental revenues provided by the Act. Redevelopment project costs include those eligible

project costs set forth in the Act. Tax increment financing or other public sources will be used only to the extent needed to secure commitments for private redevelopment activity.

#### **Nature and Term of Obligations to be Issued**

The Village of Bensenville may issue obligations secured by the tax increment special tax allocation fund established for the Redevelopment Project Area pursuant to the Act or such other funds or security as are available to the Village by virtue of its powers pursuant to the Illinois State Constitution and are available under the Act.

All obligations issued by the Village of Bensenville in order to implement this Redevelopment Plan and Project shall be retired within twenty-three (23) years from the adoption of the ordinance approving the original area, the Grand Avenue Redevelopment Project Area. The final maturity date of any such obligations which are issued may not be later than twenty (20) years from their respective dates of issue. One or more series of obligations may be sold at one or more times in order to implement this Redevelopment Plan and Project. The Village may also issue obligations to a developer as reimbursement for project costs incurred by the developer on behalf of the Village.

Revenues shall be used for the scheduled and/or early retirement of obligations, and for reserves, bond sinking funds and redevelopment project costs, and, to the extent that the real property tax increment is not used for such purposes, shall be declared surplus and shall then become available for distribution annually to taxing districts in the Redevelopment Project Area in the manner provided by the Act.

#### **Most Recent Equalized Assessed Valuation**

As of the 1996 tax year, the total equalized assessed valuation (EAV) for property within the Redevelopment Project Area is \$115,390. This shall serve as the "initial equalized assessed valuation" for the Redevelopment Project Area. The equalized assessed valuation for each of the parcels contained within the Redevelopment Project Area is presented below:

| <b>Real Estate Index Number</b> | <b>1996 Assessed Value</b> | <b>1996 Equalized Assessed Value</b> |
|---------------------------------|----------------------------|--------------------------------------|
| 03-25-200-002                   | \$56,410                   | \$56,410                             |
| 03-25-200-003                   | \$31,930                   | \$31,930                             |
| 03-25-200-005                   | \$27,050                   | \$27,050                             |
| <b>Total</b>                    | <b>\$115,390</b>           | <b>\$115,390</b>                     |

The initial equalized assessed valuation is subject to final determination and verification by the DuPage County Assessor. After verification, the correct figure shall be certified by the County Clerk of DuPage County, Illinois.

#### **Anticipated Equalized Assessed Valuation**

Once the project has been completed and the property is fully assessed, the equalized assessed valuation of real property within the Grand Avenue Redevelopment Project Area is estimated at \$21 million. This estimate has been calculated assuming that the Redevelopment Project Area will be developed in accordance with the general land use plan described in Figure 4 of this document.

The estimated equalized assessed valuation assumes that the assessed value of property within the study area will increase substantially as a result of new development within the Redevelopment Project Area.

Calculation of the projected equalized assessed valuation is based on several other assumptions, including: 1) redevelopment of the Grand Avenue Redevelopment Project Area will occur in a timely manner; and 2) the application of a State Multiplier of 1.0 to the projected assessed value of property within the study area.

### **Financial Impact on Taxing Districts**

In 1994, the Tax Increment Allocation Redevelopment Act was amended to require an assessment of any financial impact of the Redevelopment Project Area on or any increased demand for services from any taxing district affected by the plan and a description of any program to address such financial impacts or increased demand.

Prior to annexation to the Village of Bensenville, the following taxing districts had authority to levy taxes on properties located within the Redevelopment Project Area:

|  |                                   |
|--|-----------------------------------|
| County of DuPage                       | College of DuPage District 502    |
| County of DuPage Health Department     | Bensenville Park District         |
| DuPage County Forest Preserve District | Bensenville Fire District No. 1   |
| DuPage Airport Authority               | Unit School District 205          |
| Addison Township                       | DuPage Water Commission (no levy) |
| Addison Township Road and Bridge       |                                   |

With annexation to Bensenville, the Village of Bensenville will also levy taxes on property within the Redevelopment Project Area. Since Bensenville maintains a municipal fire department, the Bensenville Fire District No. 1 will no longer levy taxes on property within the Redevelopment Project Area.

The 1996 tax rate for property in the Redevelopment Project Area was 5.5556. This rate does not reflect annexation to the Village of Bensenville, but does include the levy for Bensenville Fire District No. 1 which will no longer provide services to the Redevelopment Project Area. The Village's tax levy was 0.8536 for the 1996 tax year. The tax levy for Bensenville Fire District No. 1 was 0.3668.

Because the property within the Redevelopment Project Area is municipally owned, an exemption has been filed with DuPage County to reclassify the property as tax exempt beginning in the 1998 tax year. Thus, no property tax revenues will be generated by the Redevelopment Project Area after collection of the 1997 property taxes.

The Village expects that all or a portion of the Redevelopment Project Area will become taxable as a result of the proposed commercial development. Without implementation of the Redevelopment Plan and Project, the Village's ability to stimulate private investment within the Redevelopment Project Area is expected to be limited, and it is likely that the property within the Redevelopment Project Area will remain tax exempt for an extended period of time. Through the Redevelopment Plan and Project, the Village of Bensenville is seeking to mitigate the negative financial impacts on local taxing districts that resulted from the Village's acquisition of the County Line Landfill property.

Redevelopment of the area may result in changes to the level of required public services. The required level of these public services will depend upon the uses that are ultimately included within the Redevelopment Project Area. While the specific nature and timing of the private investment expected to

be attracted to the area cannot be precisely quantified at this time, a general assessment of financial impact can be made based upon the level of development and timing anticipated by the proposed Redevelopment Plan and Project.

When completed, developments in the Redevelopment Project Area will generate property tax revenues for a variety of taxing districts. The costs of some services such as water and sewer are typically covered by user charges. However, others are not and should be subtracted from the estimate of property tax revenues to arrive at some sense of the financial impact of the Redevelopment Plan and Project on the affected taxing jurisdictions.

For most of the taxing jurisdictions levying taxes on property within the Redevelopment Project Area, increased service demands are expected to be negligible because they are already serving the area. The only tax district that is expected to be significantly impacted is the Village of Bensenville, which will be responsible for providing police and fire protection services for the anticipated commercial development. Because residential development is not envisioned under the general land use plan, no long term negative impacts on local schools are anticipated.

Upon completion of the Redevelopment Plan and Project, all taxing jurisdictions are expected to share the benefits of a substantially improved tax base. Real estate tax revenues resulting from increases in the equalized assessed value over and above the certified initial equalized assessed value established with the adoption of this Redevelopment Plan and Project will be used to pay eligible redevelopment costs in the area. At the end of such period, the real estate tax revenues attributable to the increase in the equalized assessed value over the certified initial equalized assessed value will be distributed to all taxing districts levying property taxes against property located in the Redevelopment Project Area. Successful implementation of this Redevelopment Plan and Project is expected to result in new development and private investment on a scale sufficient to overcome blighted conditions and substantially improve the long-term economic value of the area.

#### **Completion of the Redevelopment Project and Retirement of Obligations to Finance Redevelopment Project Costs**

This Redevelopment Plan and Project will be completed, including the retirement of any obligations issued to finance improvements, on or before a date twenty-three (23) years from the adoption of the ordinance designating the Grand Avenue Redevelopment Project Area. Improvements will be phased and scheduled to facilitate redevelopment of the Redevelopment Project Area in accordance with the Grand Avenue Redevelopment Plan and Project.

## **9. PROVISIONS FOR AMENDING THE PLAN**

This Grand Avenue Redevelopment Plan and Project may be amended pursuant to the provisions of the Tax Increment Allocation Redevelopment Act.

## **10. VILLAGE OF BENSENVILLE COMMITMENT TO FAIR EMPLOYMENT PRACTICES AND AFFIRMATIVE ACTION**

As part of any Redevelopment Agreement entered into by the Village and a private developer, both will agree to establish and implement an affirmative action program that serves appropriate sectors of the Village of Bensenville. Developers or redevelopers will meet Village of Bensenville standards for participation of Minority Business Enterprises and Woman Business Enterprises as required in Redevelopment Agreements.

With respect to the public/private development's internal operations, both entities will pursue employment practices which provide equal opportunity to all people regardless of sex, color, race or creed. Neither party will countenance discrimination against any employee or applicant because of sex, marital status, national origin, age, or the presence of physical handicaps. These nondiscriminatory practices will apply to all areas of employment, including hiring, upgrading and promotions, termination's, compensation, benefit programs and educational opportunities.

Anyone involved with employment or contracting activities for this Redevelopment Plan and Project will be responsible for conformance with this policy and the compliance requirements of applicable state and federal regulations.

The Village and the private developers involved in the implementation of this Redevelopment Plan and Project will adopt a policy of equal employment opportunity and will include or require the inclusion of this statement in all contracts and subcontracts at any level for the Project being undertaken in the Redevelopment Project Area. Any public/private partnership established for the development project in the Redevelopment Project Area will seek to ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which employees are assigned to work. It shall be specifically ensured that all on-site supervisory personnel are aware of and carry out the obligation to maintain such a working environment, with specific attention to minority and/or female individuals. The partnership will utilize affirmative action to ensure that business opportunities are provided and that job applicants are employed and treated in a nondiscriminatory manner.

Underlying this policy is the recognition that successful affirmative action programs are important to the continued growth and vitality of the Village of Bensenville.



**APPENDIX A:**  
**LEGAL DESCRIPTION OF THE**  
**GRAND AVENUE REDEVELOPMENT PROJECT AREA**

THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING IN THE NORTH LINE OF SAID SECTION AT A POINT 1,019.04 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST  $\frac{1}{4}$  AS A POINT OF BEGINNING, THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 388417, 1,573.55 FEET TO THE CENTERLINE OF GRAND AVENUE; THENCE EASTERLY ON THE CENTER LINE OF GRAND AVENUE 1,392.28 FEET TO THE EAST LINE OF SAID NORTHEAST  $\frac{1}{4}$ ; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST  $\frac{1}{4}$  1,641.55 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST  $\frac{1}{4}$ ; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST  $\frac{1}{4}$  1,614.80 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 25, TOWNSHIP 40 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST  $\frac{1}{4}$  AND THE WESTERLY RIGHT OF WAY LINE OF 66 FOOT WIDE MT. PROSPECT ROAD, THENCE SOUTH ALONG SAID WESTERLY RIGHT OF WAY LINE 10.0 FEET; THENCE NORTHWESTERLY TO A POINT ON SAID NORTHLINE SAID POINT BEING 10 FEET WEST OF THE POINT OF BEGINNING: THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING), IN DUPAGE COUNTY.



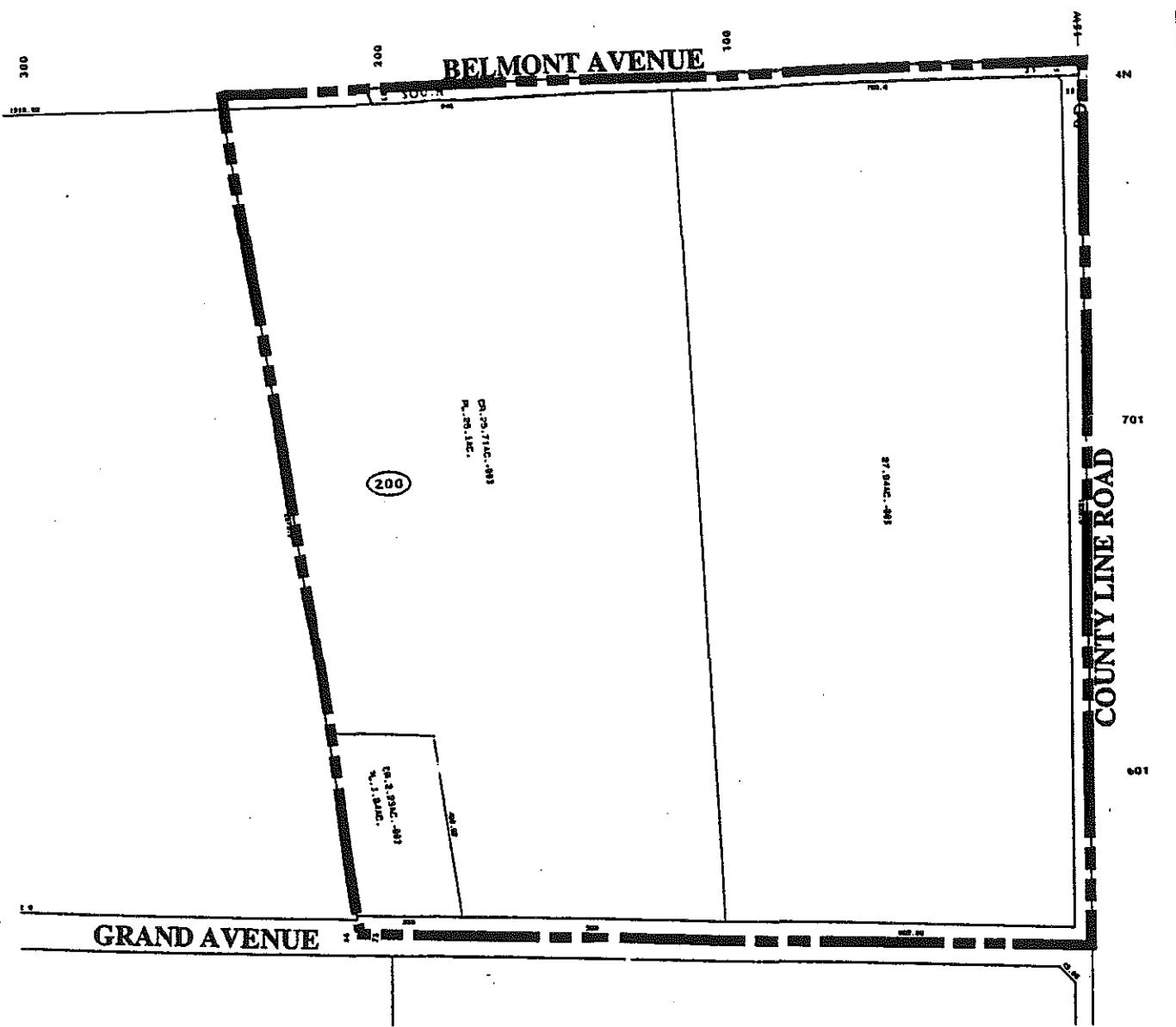
## **APPENDIX B**

### **GRAND AVENUE REDEVELOPMENT PROJECT AREA ELIGIBILITY REPORT**

The purpose of this analysis is to determine whether a portion of the Village of Bensenville identified as the Grand Avenue Redevelopment Project Area qualifies for designation as a tax increment financing district within the definitions set forth under 65 ILCS 5/11-74.4 contained in the "Tax Increment Allocation Redevelopment Act" (65 ILCS 5/11-74.1 et seq.), hereinafter referred to as the "Act." This legislation focuses on the elimination of blighted or rapidly deteriorating areas through the implementation of a redevelopment plan. The Act authorizes the use of tax increment revenues derived in a project area for the payment or reimbursement of eligible redevelopment project costs.

The area proposed for designation as the Grand Avenue Redevelopment Project Area is hereinafter referred to as the "Study Area" and is shown in Figure A.

The Study Area is approximately 55.2 acres in size and includes three tax parcels. The Study Area includes only contiguous parcels and street right-of way.



## LEGEND

REDEVELOPMENT PROJECT  
AREA BOUNDARY

**FIGURE 1 - BOUNDARY MAP**

**GRAND AVENUE REDEVELOPMENT PROJECT AREA**  
**VILLAGE OF BENSENVILLE, ILLINOIS**

Prepared by CAMIROS



## **1. INTRODUCTION**

The Tax Increment Allocation Redevelopment Act permits municipalities to induce redevelopment of eligible "blighted", "conservation" or "industrial park conservation areas" in accordance with an adopted redevelopment plan. The Act stipulates specific procedures that must be adhered to in designating a redevelopment project area. One of those procedures is the determination that the area meets the statutory eligibility requirements. By definition, a redevelopment project area is:

"... an area designated by the municipality, which is not less in the aggregate than 1-1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or combination of both blighted areas and conservation areas."

In adopting this legislation, the Illinois General Assembly found:

1. That there exists in many municipalities within the State blighted and conservation areas; and
2. That the eradication of blighted areas and the treatment and improvement of conservation areas by redevelopment projects are essential to the public interest.

The legislative findings were made on the basis that the presence of blight or conditions which lead to blight is detrimental to the safety, health, welfare and morals of the public. The Act specifies certain requirements which must be met before a municipality may proceed with implementing a redevelopment project in order to ensure that the exercise of these powers is proper and in the public interest.

Before the tax increment financing technique can be used, the municipality must first determine that the proposed redevelopment area qualifies for designation as a blighted area, conservation area, or an industrial park conservation area. The Act defines a "blighted area" as any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where, because of a combination of factors, an improved area is detrimental to the public safety, health, morals or welfare, or if vacant, the sound growth of the taxing districts is impaired.

### **Blighted Areas**

If the property under consideration is improved, a combination of five or more of the following 14 factors must be present for designation as a blighted area:

- Age
- Deleterious land use or layout
- Depreciation of physical maintenance
- Dilapidation

- Deterioration
- Excessive land coverage
- Illegal use of individual structures
- Excessive vacancies
- Inadequate utilities
- Lack of community planning
- Lack of ventilation, light or sanitary facilities
- Obsolescence
- Overcrowding of structures and community facilities
- Presence of structures below minimum code standards.

If the property is vacant, a combination of two or more of the following factors qualifies the area as blighted.

- Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land
- Diversity of ownership of vacant land
- Flooding on all or part of such vacant land
- Obsolete platting of vacant land
- Tax or special assessment delinquencies on such land.

Vacant property also qualifies as "blighted" if any one of the following factors is present:

- The area qualified as blighted immediately before it became vacant
- The area consists of an unused quarry or quarries
- The area consists of unused railyards, tracks or rights-of-way
- The area consists of an unused disposal site containing debris from construction demolition, etc.
- The area is subject to chronic flooding which adversely impacts on real property in the area, and such flooding is substantially caused by one or more improvements in or near the area in existence for at least five years
- The area is 50 to 100 acres, 75 percent vacant, shows deleterious qualities and was designated as a town center before 1982, but not developed for that purpose.

### **Conservation Areas**

Conservation areas are areas which are rapidly deteriorating and declining. Such areas are not yet blighted, but may soon become blighted areas if their decline is not checked. Establishing an area as a "conservation area" under the Act requires that 50 percent or more of the structures in the area must be 35 years of age or older, and the presence of three or more of the following 14 factors:

- Abandonment
- Deleterious land use or layout
- Deterioration
- Depreciation of physical maintenance
- Dilapidation

- Excessive land coverage
- Illegal use of individual structures
- Excessive vacancies
- Lack of community planning
- Lack of ventilation, light, or sanitary facilities
- Obsolescence
- Overcrowding of structures and community facilities
- Presence of structures below minimum code standards
- Inadequate utilities.

### **Industrial Park Conservation Area**

In order to qualify for designation as an “industrial park conservation area”, a redevelopment project area must meet all of the following conditions:

- Be within a labor surplus area (unemployment for the municipality for the last 6 months was higher than the national average and was also greater than 6 percent)
- Be within the territorial limits of the municipality or within 1-1/2 miles of the territorial limits of the municipality and is annexed and zoned as industrial
- Include both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

Although the Act defines blighted and conservation areas, it does not define when the factors present qualify an area for such designation. Therefore, it is necessary to establish reasonable and defensible criteria to support each local finding that serves to qualify an area as either a blighted or conservation area.

The presence and documentation of the minimum number of factors may be sufficient to establish eligibility for designation as a blighted or conservation area. However, this evaluation was made on the basis that such factors should be present to an extent which would lead reasonable persons to conclude that public intervention is appropriate or necessary in the proposed redevelopment project area. In other words, each factor identified should be present to a meaningful degree so that a local governing body may reasonably find that the factor is clearly present within the intent of the Act. Similarly, blighting factors should be reasonably distributed throughout the redevelopment project area so that basically good areas are not arbitrarily found to be blighted because of their proximity to areas which are blighted.

The test of eligibility of the study area is based on the conditions of the area as a whole. The Act does not require that eligibility be established for each and every property in the Study Area.

## **2. ELIGIBILITY STUDIES AND ANALYSIS**

An analysis was undertaken to determine whether any or all of the blighting factors listed in the Act are present in the Study Area, and if so, to what extent and in which locations.

In order to accomplish this evaluation the following tasks were undertaken:

1. Exterior survey of the condition and use of each building.
2. Field survey of environmental conditions involving public infrastructure, site access, fences and general property maintenance.
3. Analysis of existing land uses and their relationships.
4. Comparison of surveyed properties to zoning regulations.
5. Analysis of the current platting, building size and layout.
6. Analysis of building floor area and site coverage.
7. Review of previously prepared plans, studies, inspection reports and other data.
8. Analysis of real estate assessment data.

The site conditions survey and exterior building condition survey of the area were undertaken in January 1998.

A statement that a factor is not present indicates that either no information was available or that no evidence was documented as a result of the various surveys and analyses. A factor described as being present to a limited extent indicates that the factor is present, but that the distribution or impact of the blighting condition is limited. Where a factor is described as being present to a major extent, the factor is present throughout major portions of the Study Area. The presence of such conditions have a major adverse impact or influence on adjacent and nearby development.

Each factor identified in the Act for determining whether an area qualifies as a conservation area or blighted area is discussed below and a conclusion is presented as to whether or not the factor is present in the study area to a degree sufficient to warrant its inclusion as a blighting factor in establishing the eligibility of the area as a "blighted area" under the Act. These findings describe the conditions that exist and the extent to which each factor is present.

Since the Study Area consists primarily of vacant property, eligibility was established largely on the basis of blighting factors present with respect to vacant land. However, because the Redevelopment Project Area also includes one tax parcel that is clearly improved, the analysis also considered the criteria for improved property.

## **VACANT LAND**

Vacant land is generally defined under the Act as property without buildings. Under this definition, only parcel 03-25-200-005 would be classified as vacant since, there is a small, approximately 250 square foot building on parcel 03-25-200-003. However, since this structure represents such a small proportion of this 25 acre parcel, the eligibility of parcel 03-25-200-003 was based primarily on the presence of the blighting factors for vacant land.

If the property is vacant, a combination of two or more of the following factors qualifies the area as blighted vacant land:

- Deterioration of structures and improvements in neighboring areas adjacent to the vacant land
- Diversity of ownership of vacant land
- Flooding on all or part of such vacant land
- Obsolete platting of vacant land
- Tax or special assessment delinquencies on such land.

Vacant property also qualifies as "blighted" if any one of the following circumstances is present:

- The area qualified as blighted immediately before it became vacant
- The Area consists of an unused quarry or quarries
- The area consists of unused railyards, tracks or rights-of-way
- The area consists of an unused disposal site containing debris from construction, demolition, etc.
- The area is subject to chronic flooding which adversely impacts real property in the area, and such flooding is substantially caused by one or more improvements in or near the area in existence for at least five years
- The area is 50 to 100 acres, 75 percent vacant, shows deleterious qualities and was designated as a town center before 1982, but not developed for that purpose.

This discussion focuses on those conditions which either singly or in combination qualify vacant land as blighted.

### **Deterioration of structures or site improvements in neighboring areas**

The condition of improved property can have a significant impact on the development potential of vacant land. This condition exists when buildings on adjacent parcels show evidence of physical deterioration, depreciation of physical maintenance or other blighting conditions that apply to improved property.

This factor is not present with respect to vacant land in the Study Area.

### **Diversity of ownership**

Diversity of ownership can make the assembly of redevelopment sites involving vacant land more difficult. The costs of land assembly can also be a significant issue where there is a combination of vacant and improved property with multiple owners.

This factor is not present in the Study Area since all three parcels are held by a single owner.

### **Flooding**

The presence of this factor is indicated when the parcel lies within the 100 year flood plain as indicated on official flood plain maps. Either all or a portion of the vacant land may be subject to periodic flooding. Flooding, in combination with one other factor pertaining to vacant land, qualifies the vacant land as blighted. If the area is subject to chronic flooding which adversely impacts on real property in the area, and such flooding is substantially caused by one or more improvements in or near the area that have been in existence for at least five years, then flooding alone is sufficient to qualify the vacant land as blighted.

This factor is present to a major extent with respect to parcel 03-25-200-005. Addison Creek runs through this parcel. The original stream line was revised and channelized in 1990 to reduce the amount of property located in the 100 year flood zone. However, the northern portion of the parcel as well as the southern portion of Addison Creek continue to be shown within the 100 year flood plain zone.

### **Obsolete platting**

Obsolete platting corresponds to the deleterious land use or layout criterion for improved property. This factor is present when the platting of the vacant land limits or precludes development of the property in accordance with contemporary standards of development. Examples of obsolete platting include parcels that are too small or lack sufficient street frontage to be developed under current zoning or readily marketed for development, or parcels that must be subdivided to accommodate appropriate land uses and development densities.

This factor is not present within the Study Area.

### **Tax or special assessment delinquencies**

This factor is present when tax records indicate that the taxes on the property have been sold in any of the last three years. The presence of this factor indicates a significant lack of market interest in the development potential of the area.

This factor is not present in the Study Area.

### **Area qualified as blighted immediately before it became vacant**

Many vacant parcels became vacant as a result of demolition of deteriorated or dilapidated buildings. Evidence of the presence of this factor may be indicated in previous condition analyses of the area or in code enforcement records.

This factor is not present within the Study Area.

### **Area consists of an unused quarry or quarries**

The presence of unused quarries presents significant challenges for redevelopment and reuse. The historic transformation of quarry to landfill is no longer an appropriate reuse model, particularly in developed urban areas.

This factor is not present within the Study Area.

### **Area consists of unused railyards, tracks or rights-of-way**

Under the Act, unused railyards, tracks and rights-of-way qualify as blighted. Former railroad property frequently presents significant challenges to redevelopment as a result of environmental conditions, platting and other land use issues. Evidence that this condition may apply to vacant land includes property ownership records and the presence of abandoned track or rail sidings that have been partially buried or paved over.

This factor was not found to be present in the Study Area.

### **Area consists of an unused disposal site containing debris from construction demolition, etc.**

This condition applies to disposal sites which have ceased to operate but which have not been appropriately closed by grading, landscaping or other appropriate improvements. Such sites include officially designated disposal facilities as well as those created as the result of illegal dumping.

According to a review of DuPage County records a landfill operated within the Study Area between 1957 and 1987. While landfill operations appear to have been limited to parcels 03-25-200-003 and 03-25-200-005, the Sexton Filling and Grading Contractors Corporation owned all three parcels prior to their acquisition by the Village of Bensenville. This factor is present to a major extent within the Study Area.

### **Designation as a town center**

This blighting factor is defined as an area 50 to 100 acres in size that is 75 percent vacant, shows deleterious qualities and was designated as a town center before 1982, but was not developed for that purpose.

This factor does not apply to vacant land within the Study Area.

## **IMPROVED PROPERTY**

Improved property includes parcels that contain buildings, structures, parking or other physical improvements. Two tax parcels contain buildings. Parcel 03-25-200-002 is improved with a single family residential structure and storage shed. A small structure is located on parcel 03-25-200-002, which appears to have been used as a checkpoint for the landfill operation. The eligibility of this parcel for inclusion in a blighted area was established using both the factors listed for improved property and vacant land.

### **Age**

The age of a structure is often a key indicator of the relative usefulness of a piece of property. Older structures frequently require extensive maintenance in order to maintain mechanical systems or maintain

structural integrity. The costs involved in maintaining and upgrading aging buildings often create adverse impacts on existing users and create impediments to the marketability and reuse of industrial or commercial structures.

In establishing a conservation area under the Act, 35 years is used as an indication of the point at which age becomes a potentially blighting factor with respect to structures within a study area. For buildings intended for long-term occupancy, this is the point at which building systems can be expected to begin to fail, and building types may become obsolete as a result of changing technology or use. For buildings that are designed for a shorter life span, age can become a blighting factor even in relatively new buildings.

Age is a factor that is present to a major extent within the Study Area. The residential structure appears to date to the 1920's, and is definitely more than 35 years old. The small structure located on the landfill site is of more recent vintage, but was clearly not designed for long term occupancy. Consequently, age is also a blighting factor with respect to this building.

### **Deleterious Land Use or Layout**

Deleterious land uses include instances of incompatible land use relationships, single-purpose buildings converted to accommodate other activity, buildings occupied by inappropriate mixed uses, or uses which may be considered noxious, offensive, or environmentally unsuitable. This condition also exists if any of the following are present:

- Platting does not conform to the current subdivision code with respect to lot size, configuration and public access.
- Parcels are of inadequate size or shape for contemporary development.
- Land uses are nonconforming with respect to current zoning.
- There are land use conflicts with adjacent land uses.
- Single purpose buildings have been converted to accommodate another activity, or buildings are occupied by inappropriate mixed uses.
- Residential uses front on or near heavily traveled streets, thus causing susceptibility to noise, fumes and glare;
- Structures are located in a 100 year flood plain; or
- Environmental contamination is present which hampers reuse.

Available data indicates that this factor is not present to a significant extent within the Study Area.

### **Depreciation of Physical Maintenance**

This factor refers to the effects of deferred maintenance or lack of maintenance of buildings, improvements and grounds. This condition is present where buildings have unpainted or unfinished surfaces, peeling paint, limited amounts of loose or missing materials, broken windows, deteriorated gutters and downspouts, or are in need of minor tuck pointing. Deterioration of streetlights, sidewalks, curbs and gutters adjacent to the building, the presence of construction debris, deteriorated parking areas or parking areas that exhibit an accumulation of trash or debris also are indicative of depreciation of physical maintenance.

This condition is present to a major extent within the improved portions of the Study Area. The residential building shows signs of minor deterioration, including minor foundation cracks and the need

for minor tuckpointing. The small office on the landfill site is deteriorated, as are areas of pavement within the landfill site.

### **Deterioration**

This condition is present when there are physical deficiencies in buildings or site improvements requiring treatment or repair. Deterioration may be present in basically sound buildings that contain defects that can be corrected. Deterioration that is not easily correctable and cannot be accomplished during the course of normal maintenance may also be evident. Examples of conditions that indicate deterioration include loose or missing materials, major cracks in masonry walls, rusted support beams and columns, and deteriorated roofs requiring replacement or major repair. Such defects may involve either primary building components (foundations, walls, roofs) or secondary building components (doors, windows, porches, fascia materials, gutters and downspouts). All buildings classified as dilapidated are also deteriorating.

Deterioration is present with respect to the small office located on parcel 03-25-200-003. However, because this building is only about 250 square feet in size, deterioration was not considered to be present to a significant extent within the Study Area.

### **Dilapidation**

This factor reflects a substandard condition of a building's foundation, wall or roof elements where deterioration has occurred to such an extent that rehabilitation is not practical or economically feasible. Such structures typically exhibit major structural fatigue such as leaning or warped walls, bowed or sagging roofs, or cracked or missing foundation walls.

Dilapidation was not found to be present within the Study Area to a significant extent.

### **Excessive Land Coverage**

This condition is present when buildings occupy all or most of the lot, leaving little or no space for off-street parking, off-street loading and open space amenities. Problem conditions include buildings that are improperly situated on the parcel or buildings that are located on parcels of inadequate size and shape in relation to contemporary standards of development, health or safety. The resulting inadequate conditions include insufficient provision for light and air, increased threat of the spread of fires due to the close proximity of nearby buildings, lack of adequate or proper access to a public right-of-way, lack of required off-street parking or inadequate provision for loading and service. Excessive land coverage frequently has an adverse or blighting influence on nearby development.

This factor is not present within the Study Area.

### **Illegal Use of Individual Structures**

Illegal use of individual structures refers to the presence of uses or activities which are not permitted by law. This condition also exists when the use of a structure does not conform to the requirements of the existing zoning code.

This condition was not found to be present within the Study Area.

## **Excessive Vacancies**

This condition is present when the occupancy or use level of a building is low for frequent or lengthy periods. The presence of buildings or sites which are unoccupied or underutilized generally represents an adverse influence on the area. Excessive vacancies include abandoned properties which evidence no apparent effort directed toward their occupancy or utilization.

All buildings within the Study Area are vacant. Thus, this factor is present to a major extent within the Study Area.

## **Lack of Community Planning**

This factor is present if the proposed redevelopment project area developed prior to or without the benefit and guidance of a community plan. This means that no plan for the overall development of the community existed, the community's plan was inadequate, or that the plan was ignored at the time the area was developed.

Conditions resulting from a lack of community planning include the existence of incompatible land uses, the lack of proper development of vacant or improved sites, and the presence of inconsistent platting including parcels of small or irregular shapes, the presence of nonconforming uses with respect to zoning, inadequate street layout or improper subdivision.

Lack of community planning is also indicated when there are inadequate public utilities or plans for utility improvements that would allow the property to be developed in accordance with the intensity of use identified in the municipality's comprehensive plan or zoning ordinance or other economic development plans for the area. This factor is also present if public improvements serving the site including streets, streetlights and other utility systems do not meet current municipal standards. Similarly, lack of community planning is indicated if private improvements including parking lots, screening and organization of buildings within the site do not meet accepted community development standards.

This condition is present to a major extent in the Study Area. All development occurred prior to 1960, and was not subject to either local or community planning for the area. Existing land uses are not consistent with either the DuPage County or Bensenville land use plans for the area.

## **Lack of Ventilation, Light, or Sanitary Facilities**

Conditions, such as lack of indoor plumbing or lack of adequate windows or other means of providing ventilation or light, can negatively influence the health and welfare of a building's residents or users. Typical requirements for ventilation, light, and sanitary facilities include:

- Adequate mechanical ventilation for air circulation in rooms without windows such as bathrooms, and dust, odor, or smoke producing activity areas;
- Adequate natural light and ventilation by means of skylights or windows for interior rooms with proper window sizes and amounts by room area to window area ratios; and
- Adequate sanitary facilities, including garbage storage, bathroom facilities, hot water and kitchens.

This condition only affects the small office located on the landfill site. Because this building is only about 250 square feet in size, lack of ventilation, light or sanitary facilities was not considered to be present to an extent sufficient to warrant inclusion as a blighting factor.

## **Obsolescence**

Functional obsolescence is characterized by buildings designed for a single or specific purpose or use, buildings of inadequate size to accommodate alternative uses, or buildings using a type of construction which limits long term use and marketability. Site improvements such as water and sewer lines, public utility lines, roadways, parking areas, parking structures, sidewalks, curbs and gutters, and lighting may be inadequate or obsolete in relation to contemporary standards for such improvements. Functional obsolescence includes poor design or layout, improper orientation of the building on the site, inadequate loading facilities, height, or other factors which detract from the overall usefulness or desirability of the property. As an inherent deficiency, functional obsolescence results in a loss in value of the property.

Economic obsolescence may be evidenced by a variety of factors including deterioration of the physical environment, streets of inadequate width or parcels of inadequate size or irregular shape which prevent reasonable development. This condition is often a result of adverse conditions which cause some degree of market rejection and, therefore, a depreciation of market values.

Obsolescence is present to a major extent with respect to both the improved and vacant portions of the Study Area, although this factor applied only to improved property under the Act. The small office on the landfill site, besides being deteriorated, is not suitable for reuse because of its size and configuration. The single family residence is also obsolete in view of the Village's commercial land use designation the property.

## **Overcrowding of Structures and Community Facilities**

This condition exists when a structure or community facility has reached a level of use beyond a designed or legally permitted level. Overcrowding is often found in buildings originally designed for a specific use and later converted to accommodate a more intensive use without adequately meeting requirements for minimum floor area, privacy, ingress and egress, loading and services, or the capacity of building systems. Evidence of this condition may include the outside storage of materials that cannot be contained in enclosed buildings or vehicles that cannot be stored in buildings or enclosed storage yards.

This condition was not found to be present within the Study Area, since the buildings in the Study Area are vacant.

## **Presence of Structures below Minimum Code Standards**

This factor is present when structures do not conform with local standards of building, fire, housing, zoning, subdivision or other applicable governmental codes. Structures below minimum code standards include all buildings which do not meet the standards of zoning, subdivision, building, housing, fire, property maintenance or other governmental codes applicable to the property. The principal purposes of such codes are to require that buildings be constructed in such a way that they can sustain the loads expected from the type of occupancy and are safe for occupancy against fire and similar hazards, and/or to establish minimum standards for safe and sanitary habitation. Buildings below minimum code are characterized by defects or deficiencies which threaten health and safety.

Insufficient information was available to establish the presence of this condition in the Study Area.

### **Inadequate Utilities**

This factor exists in the absence of one or more of the following utilities serving the site: gas, electricity, water, sanitary sewer or storm sewer. This factor is also present when the existing utilities are inadequate to accommodate the level of development permitted under current zoning or envisioned under the comprehensive plan or adopted redevelopment plan for the area.

None of the tax parcels within the Study Area are served by water or sewer service. Thus, this factor is present to a major extent within the Study Area.

### **3. DETERMINATION OF STUDY AREA ELIGIBILITY**

The Study Area qualifies for designation as a “blighted area.”

The Redevelopment Project Area consists primarily of vacant land, that most recently was used as the County Line Landfill operated by the Sexton Filling and Grading Contractors Corporation. Addison Creek runs through the middle of the former landfill property. A review of flood plain maps indicates that certain portions of the Redevelopment Project Area are subject to flooding.

Establishing the eligibility of vacant land as a blighted area under the Act requires the presence of two or more of certain conditions or the presence of one of certain other factors. The following conditions were found to be present with respect to vacant land within the Redevelopment Project Area:

- Flooding on all or part of such vacant land
- The area consists of an unused disposal site

The presence of the closed County line landfill, by itself, qualifies the vacant parcels as blighted.

Because the Redevelopment Project Area includes one improved residential property, which is distinct from the landfill, and one small structure associated with the landfill operation the eligibility analysis also considered the presence of the criteria for improved property. The improved portion of the Redevelopment Project Area qualifies as blighted based on the presence of six of the 14 blighting characteristics related to improved property listed in the Act. These include:

- Age
- Depreciation of physical maintenance
- Excessive vacancies
- Lack of community planning
- Inadequate utilities
- Obsolescence

These factors are reasonably distributed throughout the Study Area. Based on the conditions present, the area is not likely to be developed without the designation of all or part of the study area as a “blighted area” and the adoption of a tax increment redevelopment plan and project. The distribution of deleterious conditions within the Study Area is presented in Table A on the following page.

**Table A**  
**DISTRIBUTION OF BLIGHTING FACTORS**

| Eligibility Factor  | 03-25-<br>200-002 | 03-25-<br>200-003 | 03-25-<br>200-005 |
|---|-------------------|-------------------|-------------------|
| <i>Vacant Land (presence of 2 factors qualifies area)</i>   |                   |                   |                   |
| Deterioration of structures or site improvements in neighboring areas                                 |                   |                   |                   |
| Diversity of ownership  |                   |                   |                   |
| Flooding on all or part of vacant land  |                   |                   | •                 |
| Obsolete platting   |                   |                   |                   |
| Tax or special assessment delinquencies   |                   |                   |                   |
| <i>Vacant Land (presence of 1 factor qualifies area)</i>  |                   |                   |                   |
| Area qualified as blighted before becoming vacant   |                   |                   |                   |
| Area consists of an unused quarry or quarries   |                   |                   |                   |
| Area consists of unused railyards, tracks or rights-of-way  |                   |                   |                   |
| Area consists of an unused disposal site  |                   | •                 | •                 |
| Area is subject to chronic flooding caused by man made improvements in existence for at least 5 years |                   |                   |                   |
| Designated, unused town center 50 to 100 acres  |                   |                   |                   |
| <i>Improved Property (presence of 5 factors qualifies area)</i>                                       |                   |                   |                   |
| Age   | •                 | •                 |                   |
| Deleterious land use or layout  |                   |                   |                   |
| Depreciation of physical maintenance  | •                 | •                 |                   |
| Dilapidation  |                   |                   |                   |
| Deterioration   |                   | •                 |                   |
| Excessive land coverage   |                   |                   |                   |
| Illegal use of individual structures  |                   |                   |                   |
| Excessive vacancies   | •                 | •                 |                   |
| Inadequate utilities  | •                 | •                 |                   |
| Lack of community planning  | •                 | •                 |                   |
| Lack of ventilation, light or sanitary facilities   |                   | •                 |                   |
| Obsolescence  | •                 | •                 |                   |
| Overcrowding of structures and community facilities   |                   |                   |                   |
| Presence of structures below minimum code standards   |                   |                   |                   |

EXTRACT OF MINUTES of a regular public meeting of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois held at 700 West Irving Park Road, Bensenville, Illinois, at 7: 30 o'clock p.m., on the 19day of May , 1998.

\* \* \*

The President called the meeting to order and directed the Municipal Clerk to call roll.

Upon roll call, the following answered present: The President and Trustees Basso,  
Krass, Strandt, Walberg, Wanzung, Weber

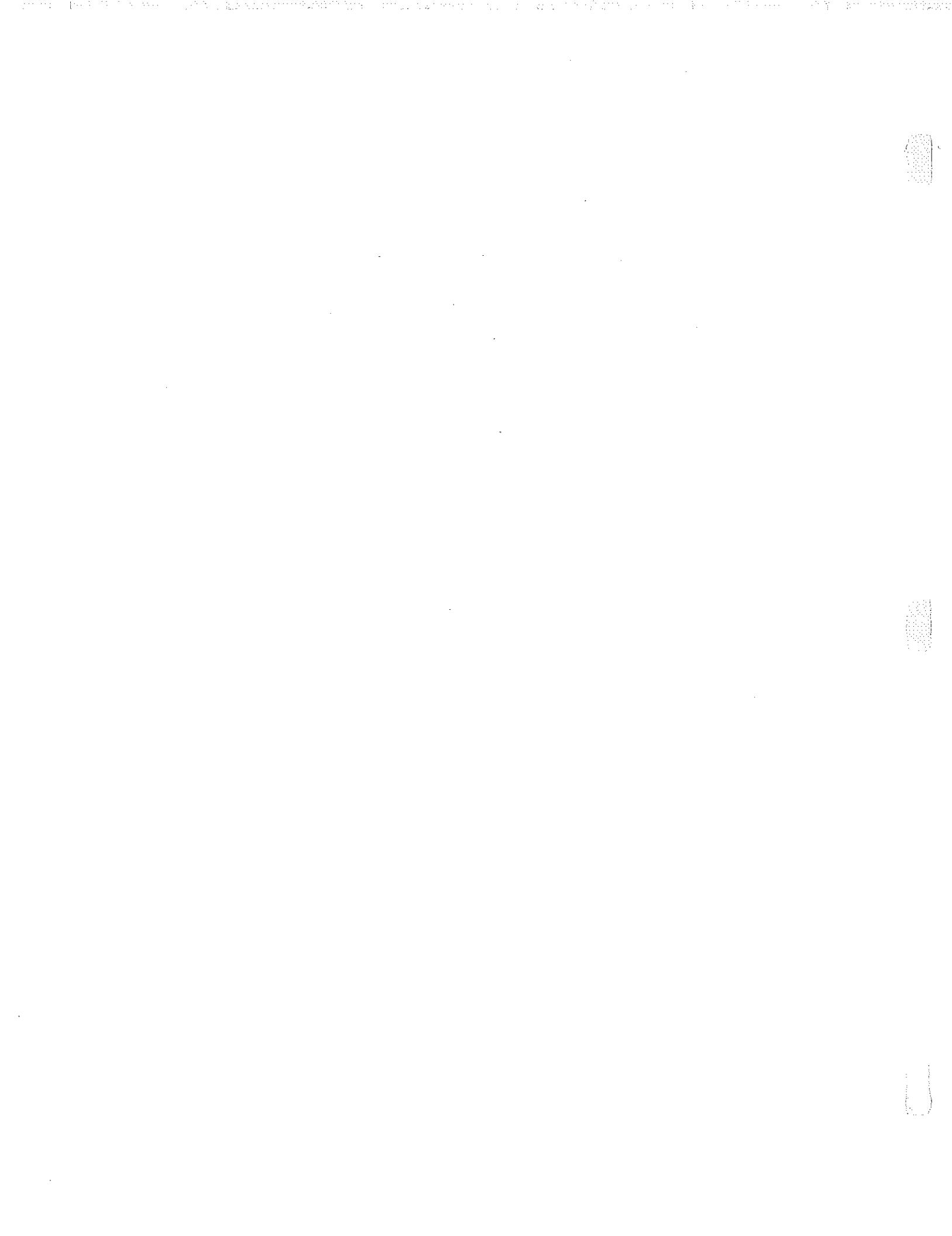
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The following were absent: None

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The President and Board of Trustees then discussed the redevelopment objectives of the Municipality relating to certain territory located therein and the need for governmental assistance to alleviate blighted conditions in said territory, thereby facilitating such redevelopment.

Trustee Wanzung presented and the Village Attorney explained the following ordinance:



Trustee Wanzung moved and Trustee Walberg seconded the motion that a second reading of the ordinance as required by Rule 6 of the Bensenville Village Code, Section 1-5-7 be waived. After a full and complete discussion thereof, a voice vote was called, and the following Trustees voted AYE:

Basso, Krass, Strandt, Walberg, Wanzung, Weber

NAY: None

Trustee Wanzung moved and Trustee Walberg seconded the motion that said ordinance as presented and read by the Municipal Clerk be adopted.

After a full and complete discussion thereof including a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, the President directed that the roll be called for a vote upon the motion to adopt the ordinance as read.

Upon the roll being called, the following voted AYE:

Basso, Krass, Strandt, Walberg, Wanzung, Weber

NAY: None

Whereupon the President declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the Municipal Clerk to record the same in full in the records of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois.

Other business not pertinent to the adoption of said ordinance was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

  
Marianne Tralewski  
Village Clerk  
Village of Bensenville, DuPage and Cook  
Counties, Illinois



STATE OF ILLINOIS )  
 )  
COUNTY OF DUPAGE )

## **CERTIFICATION OF ORDINANCE AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois (the "Village"), and that as such official I am the keeper of the records and files of the President and Board of Trustees of the Village (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the Corporate Authorities held on the 19th day of May, 1998, insofar as same relates to the adoption of an ordinance entitled:

AN ORDINANCE of the Village of Bensenville, DuPage and Cook Counties, Illinois, approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Grand Avenue Redevelopment Project Area.

a true, correct and complete copy of which said ordinance as adopted at said meeting appear in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 48 hours in advance of the holding of said meeting; that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village, the 19<sup>th</sup> day of May, 1998.

Marianne Tralewski  
Marianne Tralewski, Village Clerk

