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January 23, 2026

Mr. Kiril Dimitrov  
215 South Hale Street, Apt. 1A  
Addison, Illinois 60101

Re: January 16, 2026 FOIA Request

Dear Mr. Dimitrov:

I am pleased to help you with your January 16, 2026 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on January 16, 2026. You requested copies of the items indicated below:

*"I would like to obtain a previous version of a zoning ordinance that sets the minimum multifamily residential parking spaces per unit ratios. The current version of the zoning code is Table 10-8-2 which requires 1.5 space per unit based on ordinances 67-2018, 12-18-2018. Was the multiple-unit dwelling ratio 1.5 spaces per dwelling always the same? What year was it first required? Any info after 1970 would be appreciated."*

Your FOIA is hereby granted in full. No redactions have been made.

Records Responsive to your FOIA can be downloaded from the following link:  
<https://app.box.com/s/vp3wtq65chbeyaz4kh33qrlcbyiztil3>

**Due to the size of file, the above link will expire on January 30, 2026. Please download and save these files to your computer.**

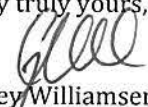
Based on what the Village was able to find, the minimum parking requirement for multi-family units was in place by 1964. At that time, the requirement was 1.5 spaces per unit. The Village was not been able to locate any documentation indicating when the minimum was first introduced prior to 1964.

Regarding amendments to the requirement after 1970, the Village found:

- 0-36-1991: minimum increased to 2 spaces per unit
- 0-7-1999: minimum remained at 2 spaces per unit (per a physical copy)
- 0-67-2018: minimum reduced to 1.5 spaces per unit

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

# TABLE OF CONTENTS

<u>ARTICLE</u>	<u>SUBJECT</u>	<u>PAGE</u>
I	TITLE	1
II	INTENT AND PURPOSE	1
III	DEFINITIONS	3
	Rules	3
	Definitions	3
IV	GENERAL REGULATIONS	21
	Allowable Use of Land and Structures	21
	Prohibited Uses of Land and Structures	21
	Control Over Use	21
	Control Over Bulk	21
	Building On Lot	21
	Accessory Structures and Uses	22
	Yards, General	22
	Permitted Obstructions in Required Yards	23
	1    In All Yards	23
	2    In Front Yards and Side Yards Abutting a Street	23
	3    In Rear Yards	24
	4    In Interior Side Yards	25
	Trailers and Mobile Homes	25
	Flood Plain Area	25
	Structure Height	26
	Storage of Immobilized Automobiles, Junk, Debris and Other Materials	26
V	ZONING DISTRICTS	27
	Establishment of Districts	27
	Zoning District Map and Boundaries of Districts	27
	1    Zoning District Map	27
	2    Boundaries of Districts	27
	Annexed Territory	28
	Utility Exemption	28
VI	RESIDENCE DISTRICTS	
	General Regulations	29
	1    Signs	29
	2    Conversions	30
	3    Lot Area, Lot Width, and Side Yard Regulations Applicable to Lots for Single - Family Detached Dwellings in Subdivisions Containing Qualifying Permanent Open Spaces	30

R1 Single Family Residence District	32
1 Permitted Uses	32
2 Conditional Permitted Uses	32
3 Lot Area	33
4 Lot Width	33
5 Floor Area Ratio	33
6 Structure Height	33
7 Ground Floor Area Per Dwelling	33
8 Yards	34
a Front Yards	34
b Side Yards	34
c Rear Yard	34
d Yards, General	34
9 Off-Street Parking and Off Street Loading	34
R2 Single-Family Residence District	
1 Permitted Uses	34
2 Conditional Permitted Uses	34
3 Lot Area	34
4 Lot Width	35
5 Floor Area Ratio	35
6 Structure Height	35
7 Ground Floor Area Per Dwelling	35
8 Yards	35
a Front Yard	35
b Side Yards	35
c Rear Yard	36
d Yards, General	36
9 Off-Street Parking and Off-Street Loading	36
R3 Single-Family Residence District	36
1 Permitted Uses	36
2 Conditional Permitted Uses	36
3 Lot Area	36
4 Lot Width	36
5 Floor Area Ratio	36
6 Structure Height	36
7 Ground Floor Area Per Dwelling	36
8 Yards	36
9 Off-Street Parking and Off-Street Loading	36
R4 General Residence District	37
1 Permitted Uses	37
2 Conditional Permitted Uses	37
3 Lot Area	38
4 Lot Width	39
5 Floor Area Ratio	39
6 Structure Height	39
7 Ground Floor Area Per Dwelling	39

	8	Yards	40
	9	Spacing Between Buildings	40
	10	Off-Street Parking and Off-Street Loading	41
VII		OFFICE DISTRICT	42
		A-0 OFFICE DISTRICT	42
	1	General Requirements	42
	2	Permitted Uses	42
	3	Conditional Permitted Uses	42
	4	Lot Area	43
	5	Lot Width	43
	6	Floor Area Ratio	44
	7	Yards	44
		a Front Yards	44
		b Side Yards	44
		c Rear Yards	44
		d Yards, General	44
	8	Awnings, Marquees and Signs	44
	9	Off-Street Parking and Off-Street Loading	44
VIII		BUSINESS DISTRICTS	45
		B1 Retail Business District	45
	1	General Requirements	45
	2	Permitted Uses	45
	3	Conditional Permitted Uses	48
	4	Floor Area Ratio	50
	5	Yards	51
	6	Awnings, Marquees, and Signs	51
	7	Off-Street Parking and Off-Street Loading	53
		B2 General Business District	53
	1	General Requirements	53
	2	Permitted Uses	53
	3	Conditional Permitted Uses	55
	4	Floor Area Ratio	56
	5	Yards	56
	6	Awnings, Marquees, and Signs	57
	7	Off-Street Parking and Off-Street Loading	57
		B3 Restricted Service Business District	57
	1	General Requirements	57
	2	Permitted Uses	57
	3	Floor Area Ratio	58
	4	Yards	58
	5	Awnings, Marquees, and Signs	58
	6	Off-Street Parking and Off-Street Loading	58



B4 General Service Business District	58
1 General Requirements	59
2 Permitted Uses	59
3 Conditional Permitted Uses	61
4 Floor Area Ratio	62
5 Yards	62
6 Awnings, Marquees, and Signs	62
7 Off-Street Parking and Off-Street Loading	62
 IX MANUFACTURING DISTRICTS	63
General Requirements	63
1 Prohibited Structures and Uses	63
2 Uses Licensed by Village Board	63
3 Operations Within Enclosed Buildings	63
4 Yards Adjoining Residence Districts	64
5 Performance Standards - Noise	64
6 Performance Standards - Vibration	65
7 Performance Standards - Smoke and Particulate Matter	67
8 Performance Standards - Toxic Matter	69
9 Performance Standards - Odors	70
10 Performance Standards - Fire and Explosive Hazards	70
11 Performance Standards - Glare and Heat	72
12 Performance Standards - Radiation Hazards	72
13 Performance Standards - Landscaping	73
M1 Limited Manufacturing Districts	73
1 Permitted Uses	73
2 Conditional Permitted Uses	75
3 Floor Area Ratio	75
4 Yards	75
5 Signs	76
6 Off-Street Parking and Off-Street Loading	76
M1A Office, Engineering and Research Laboratory District	76
1 Permitted Uses	76
2 Floor Area Ratio	76
3 Yards	76
4 Signs	76
5 Off-Street Parking and Off-Street Loading	76
M2 General Manufacturing District	76
1 Permitted Uses	76
2 Conditional Permitted Uses	77
3 Floor Area Ratio	77
4 Yards	77
5 Signs	77
6 Off-Street Parking and Off-Street Loading	78

X	OFF-STREET PARKING AND OFF-STREET LOADING	79
	Scope of Regulations	79
	Existing Parking Facilities	79
	Permissive Parking and Loading Facilities	79
	Damage or Destruction	79
	Control of Off-Site Parking Facilities	80
	Off-Street Parking	80
	1 Use	80
	2 Exemption	80
	3 Computation	80
	4 Collective Provision	81
	5 Area	81
	6 Access	81
	7 In Yards	81
	8 Design and Maintenance	81
	9 Location	82
	10 Employee Parking	82
	11 Required Spaces	82
	a Dwelling and Lodging Uses	82
	b Schools, Institutions and Auditoriums or Other Places of Assembly	83
	c Recreational Uses - Commercial or Non-Commercial	84
	d Business, Commercial and Industrial Uses	84
	Off-Street Loading	86
	1 Location	86
	2 Size	86
	3 Access	86
	4 Surfacing	86
	5 Repair and Service	86
	6 Space Allowed	87
	7 Off-Street Loading Space Requirement	87
XI	NON-CONFORMING STRUCTURES AND USES	88
	Statement of Purpose	88
	Authority to Continue Non-Conforming Structures and Uses	88
	1 Repairs and Alterations	88
	2 Additions and Enlargements	88
	3 Moving	88
	4 Restoration of Damaged Non-Conforming Structures	88
	5 Discontinuance of Use of Non-Conforming Structure	89
	6 Change of Use in Non-Conforming Structure	89
	7 Non-Conforming Use of Conforming Structure	89
	8 Non-Conforming Use of Land	89

XII	ADMINISTRATION AND ENFORCEMENT	90
	The Office of the Building Inspector	90
	Zoning Certificates	90
	Filing Plans	91
	Certificate of Occupancy	91
	Zoning Board of Appeals	92
	1    Creation and Procedure	92
	2    Jurisdiction and Authority	93
	Appeals	93
	1    Authority	93
	2    Initiation	93
	3    Processing	94
	Variations	94
	1    Authority	94
	2    Initiation	94
	3    Processing	94
	4    Standards	95
	Plan Commission	95
	Amendments	96
	1    Authority	96
	2    Initiation of Amendment	96
	3    Processing	96
	4    Decisions	97
	Fees	97
	Violation, Penalty, and Enforcement	97
XIII	INTERPRETATION	98
XIV	SEPARABILITY	99
XV	EFFECTIVE DATE	100
	APPENDIX I	
	APPENDIX II	

NOW, THEREFORE, BE, AND IT IS HEREBY ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BENSENVILLE, ILLINOIS AS FOLLOWS:

that the ordinance known as the Comprehensive Amendment to the Zoning Ordinance of the Village of Bensenville, Illinois, prepared August, 1964 and approved by the President and Board of Trustees of the Village of Bensenville, Illinois on the 29th day of September, 1964, as amended, is herewith revised and amended April 1966 in its entirety by the substitution thereof of the following.

## ARTICLE I

### TITLE

This ordinance shall be known as the Zoning Ordinance of 1964, 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;
  - 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;

## II — INTENT AND PURPOSE

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

### ARTICLE III

#### RULES AND DEFINITIONS (as amended April 7, 1966)

In the construction of this ordinance the rules and definitions in this Article III shall be observed and applied, except when the context clearly indicates otherwise:

#### A RULES

- 1 words used in the present tense shall include the future tense;
- 2 the singular number shall include the plural number and the plural number the singular number;
- 3 the word "structure" shall include the word "building";
- 4 the word "shall" is mandatory and not directory; and
- 5 the word "may" is permissive.

#### B DEFINITIONS

- 1 ABUTS, ABUTTING: The word "abuts" or "abutting" shall mean having a common property line or district line.
- 2 ACCESSORY BUILDING: An accessory building is a subordinate building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building.
- 3 ACCESSORY USE: See Use, Accessory.
- 4 ADJACENT: To lie near or close to; in the neighborhood or vicinity of.
- 5 ADJOINING: Touching or contiguous, as distinguished from lying near or adjacent.
- 6 AIRPORT: Any area of land which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use as airport structures or rights-of-way, together with all airport structures located thereon.
- 7 ALLEY: Any right-of-way, with a width of not less than 16 feet nor more than 24 feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.
- 8 ALTERATION: Any change in size, shape, occupancy or use of a structure.
- 9 ANIMAL HOSPITAL: A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

### III — DEFINITIONS

- 10 AUTOMOBILE LAUNDRY: A building or portion thereof containing facilities for washing more than two motor vehicles, using production-line methods.
- 11 AUTOMOBILE SERVICE STATION: A building or portion thereof or premises used for dispensing or offering for sale at retail to the public of motor vehicle fuels stored on the premises; and where lubricating oil and grease, tires, batteries and similar accessories and parts also may be offered for sale on the premises at retail; including minor services and installations customarily incidental thereto. When such dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage. Automobile service stations do not include open sales lots or the commercial parking of vehicles.
- 12 AUTOMOBILE WRECKING YARD: See Junk Yard.
- 13 AWNING: A roof-like mechanism, retractable in operation, which projects from the wall of a building.
- 14 BASEMENT: A story having part but not more than one-half of its floor to clear ceiling height below grade. When a basement is used for storage, garages for use of occupants of the building, or other facilities common for the rest of the building, it shall not be counted as a story.
- 15 BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation. A block may be located in part beyond the boundary lines of the corporate limits of the Village of Bensenville.
- 16 BOARD OF TRUSTEES: The President and Board of Trustees of the Village of Bensenville.
- 17 BOARDING HOUSE: See Lodging House.
- 18 BUILDING: Any structure having a roof designed or built for the enclosure, shelter or protection of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When any portion thereof is separated from every other portion by a party wall, then such portion shall be deemed to be a separate building.
- 19 BUILDING, ACCESSORY: See Accessory Building.
- 20 BUILDING, PRINCIPAL: A non-accessory building in which is conducted the principal use of the lot.
- 21 BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors or such exterior walls and party walls.

### III — DEFINITIONS

- 22    BUILDING, TEMPORARY: Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.
- 23    BUILDING, DETACHED: A building surrounded by open space.
- 24    BUILDING INSPECTOR: The official of the Village of Bensenville, duly appointed and designated as the Building Inspector.
- 25    BULK: The term used to indicate the size and setback of structures, and the location of same with respect to one another, and includes the following (a) size and height of structures; (b) location of exterior walls at all levels in relation to lot lines, streets, or to other structures; (c) floor area ratio; (d) all open space allocated to structures; and (e) amount of lot area and lot width provided per dwelling unit.
- 26    BUSINESS: An occupation, employment, or enterprise which occupies times, attention, labor, and materials; or wherein merchandise is exhibited or sold, or where services are offered.
- 27    CAPACITY IN PERSONS: The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety.
- 28    CARPORT: A roofed automobile shelter, with two or more open sides.
- 29    CELLAR: A story having more than one-half of its floor to clear ceiling height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
- 30    CLINIC, MEDICAL OR DENTAL: A building or portion thereof, the principal use of which is for offices of an organization or group practice of specializing physicians or dentists or both, and contains facilities for examination and treatment of patients but without facilities for overnight lodging.
- 31    CLOSED CUP FLASH POINT: The lowest temperature at which a combustible liquid under the most favorable conditions, will give off a flammable vapor which will burn momentarily.
- 32    CLUB OR LODGE, PRIVATE: A non-profit association of persons who are bonafide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.
- 33    CONFORMING STRUCTURE: Any structure which: (a) complies with all the regulations of this comprehensive amendment or of any amendment thereto governing bulk of the district in which said structure is located; or (b) is designed or intended for a permitted or special use as applicable in the district in which it is located.



### III — DEFINITIONS

- 34    CONTIGUOUS: In actual contact.
- 35    COURT: An open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.
- 36    DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in "decibels" as specified by the American Standards Association standard Z 24.3.
- 37    DISTRICT: A portion of the Village of Bensenville within which on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this ordinance, or within which certain yards and other open spaces are required or within certain lot areas, dwelling sizes and density requirements are established or within which a combination of such aforesaid regulations are applied.
- 38    DOMESTIC PET SERVICE: An establishment where clipping, bathing, and other services except that of a veterinary nature are rendered to dogs, cats, and domestic pets. No boarding shall be permitted.
- 39    DRIVE-IN ESTABLISHMENT: An establishment or part thereof in which are provided facilities where serving or consuming commodities or both are intended to occur primarily in patrons' automobiles parked on the premises.
- 40    DWELLING: A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile homes, or other trailers or lodging rooms in hotels, motels, or lodging houses.
- 41    DWELLING, ATTACHED: A dwelling joined to two other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.
- 42    DWELLING, DETACHED: A dwelling which is surrounded on all sides by open space on the same lot.
- 43    DWELLING, MULTIPLE-FAMILY: A dwelling containing three or more dwelling units.
- 44    DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit only.
- 45    DWELLING, SEMI-DETACHED: A dwelling joined to one other dwelling by a party wall, or vertical cavity wall, and above-ground physically unifying horizontal structural element.

### III -- DEFINITIONS

- 46 DWELLING, TWO-FAMILY: A dwelling containing two dwelling units only, one above the other.
- 47 DWELLING UNIT: One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each "dwelling unit."
- 48 EFFICIENCY UNIT: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing that such dining alcove does not exceed 90 square feet in area.
- 49 ELECTRIC DISTRIBUTION CENTER: A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.
- 50 ELECTRIC SUBSTATION: A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.
- 51 ENGINEER, VILLAGE: The official of the Village of Bensenville, duly appointed and designated as the Village Engineer.
- 52 ESTABLISHMENT, BUSINESS: A place of business carrying on operation, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.
- 53 FALLOUT SHELTER: An accessory building and use which incorporate the fundamentals for fallout protection -- shielding mass, ventilation, and space to live -- and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radio-active fallout.
- 54 FAMILY: One person or two or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than four persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two roomers, boarders, or permanent guests -- whether or not gratuitous.
- 55 FENCE: A structure, or tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement.
- 56 FENCE, OPEN: A fence including gates which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford a direct view through the fence.

### III — DEFINITIONS

- 57 FENCE, SOLID: A fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.
- 58 FLOOD-CREST ELEVATION: The elevation of the highest flood level as designated by the Village Engineer.
- 59 FLOOD-PLAIN AREA: That continuous area adjacent to a stream or stream bed, or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood-crest elevation including also land less than ten acres in area having an elevation higher than flood-crest elevation and which is surrounded by land in a flood-plain area, or land, less than five acres in area having an elevation equal to or higher than flood-crest elevation and bordered on three sides by land in a flood-plain area.
- 60 FLOOR AREA — FOR DETERMINING FLOOR AREA RATIO: The sum of the gross horizontal areas of the several floors including also the basement floor of a building -- measured from the exterior faces of the exterior walls, or from the center lines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells; (b) mechanical equipment, except if located on the roof, when either open or enclosed -- i.e. bulkheads, water tanks, and cooling towers; (c) habitable attic space as permitted by the Building Code of the Village of Bensenville; (d) interior balconies and mezzanines; (e) enclosed porches; and (f) accessory uses. The "floor area" of structures used for bulk storage of materials -- i.e., grain elevators, petroleum tanks, shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one floor for each ten feet of structure height and if such structure measures less than ten feet but not less than five feet over such floor height intervals, it shall be construed to have an additional floor.

The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area".

- 61 FLOOR AREA — FOR DETERMINING OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS: "Floor area" when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior faces of the walls.

### III — DEFINITIONS

- 62 FLOOR AREA, USABLE: Any floor area within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.
- 63 FLOOR AREA RATIO: The numerical value obtained by dividing the "floor area" within a building or buildings on a lot by the area of such lot. The floor area ratio requirement as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible "floor area" for the building or buildings on the lot.
- 64 FREE BURNING: The rate of combustion described by a material which burns actively, and easily supports combustion.
- 65 FREIGHT TERMINAL: A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intra-state or inter-state shipment by motor trucks or railroad freight cars.
- 66 FREQUENCY: Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.
- 67 GARAGE, PRIVATE: An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on. Not more than one of the motor vehicles may be a commercial vehicle of not more than one and one-half ton capacity.
- 68 GARAGE, PUBLIC: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, or repairing motor vehicles. Hiring, selling, or storing of motor vehicles may be included.
- 69 GARAGE, STORAGE, OR OFF-STREET PARKING: A building or portion thereof designed or used or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired, or sold.
- 70 GRADE: The established grade of the street or sidewalk is as prescribed by the Village of Bensenville. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line, except in cases of unusual topographic conditions as determined by the Building Inspector grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure.

### III — DEFINITIONS

- 71 GUEST, PERMANENT: A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.
- 72 HOME OCCUPATION: Any gainful occupation or profession conducted entirely within a dwelling unit by a member of the family residing in the dwelling unit and when such "home occupation" is incidental and secondary to the use of the dwelling unit for dwelling purposes, and in connection with which: (a) a sign is not used other than a nameplate, not more than 96 square inches or less in area, and there is no other display or activity conducted that will indicate from the exterior of the dwelling unit that it is being utilized in whole or in part for any purpose other than a residential use; (b) there is not sold or conducted a commodity or service that requires receipt and delivery of merchandise, goods, or equipment by other than letter carrier, United States mail service, or passenger motor vehicle of the occupant of the dwelling unit conducting the "home occupation," (c) there is not employed or otherwise engaged more than one person, in addition to one member of the family residing in the dwelling unit in the pursuit of such "home occupation;" and (d) an accessory building is not used in whole or in part for such "home occupation." A professional person may use his dwelling for consultation or performance of religious rites, but not for the general practice of the profession. Teaching of musical instruments or singing to not more than two pupils at one time and dancing, academic or religious instructions to not more than six pupils at one time shall be permitted, but only in a single-family detached dwelling.
- 73 HOTEL: An establishment containing lodging rooms, for occupancy by transient guests in contradistinction to a lodging house, boarding house, or a rooming house, and is commonly known as a hotel in the Village of Bensenville, and which provides customary hotel services such as: maid, telephone and secretarial, bellboy and desk services; and the use and upkeep of furniture; and furnishings and laundry of linens.
- 74 HOTEL, APARTMENT: A combined hotel and multiple-family dwelling where more than 50 percent of the accommodations are in dwelling units occupied or intended for occupancy by permanent guests securing such accommodations by pre-arrangement for a continuous period of 30 days or more.
- 75 INTENSE BURNING: The rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
- 76 INSTITUTION: A building occupied by a non-profit corporation wholly for public or semi-public use.
- 77 JUNK YARD: An open area of land and any accessory building or structure thereon which are used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tires, and bottles.

### III -- DEFINITIONS

A "junk yard" does not include an establishment, located in the applicable Manufacturing District, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

- 78 KENNEL: Any premise or portion thereof on which more than three dogs, cats, or other household domestic animals over one year of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.
- 79 LABORATORY: See Research Laboratory.
- 80 LAUNDERETTE: A business that provides coin operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that: (a) not more than four persons, including owners, are employed on the premises; and (b) no pick-up or delivery service is maintained.
- 81 LOADING SPACE: A space within the principal building or on the same lot as the principal building providing for the standing, loading or unloading of trucks and with access to a street or alley.
- 82 LODGING HOUSE: A building originally designed for and used as a single or two-family dwelling, all or a portion of which contains lodging rooms which accomodate persons who are not members of the keeper's family. Lodging, or meals, or both are provided for compensation for three or more but not more than ten persons.
- 83 LODGING ROOM: A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this ordinance.
- 84 LOT: A single parcel of land which is legally described and recorded as such, or which is one or two or more numbered lots or parts of such lots legally described and recorded as a part of a recorded subdivision plat, and in any case is located within a single block and occupied by or intended for occupancy by a principal building for a principal use together with accessory structures and uses, yards, and other open spaces as required by this ordinance and having its principal frontage on a street. A "lot" is one or two or more lots or parts of lots or record comprising the tract of land which is designated by the owner at the time of application for a building permit as the site to be used, developed or built upon as a unit under single-ownership or control. Therefore a "lot" may or may not coincide with a single "lot or record."
- 85 LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

### III — DEFINITIONS

- 86 LOT, CORNER: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two chords of which form an angle of 120 degrees or less measured on the lot side.
- 87 LOT COVERAGE: The part or percent of the lot occupied by structures, including accessory structures.
- 88 LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- 89 LOT, INTERIOR: A lot that is not a corner lot.
- 90 LOT LINE, FRONT: That boundary of a lot which abuts a street line. On a corner lot the lot line having the shortest length abutting a street line shall be the front lot line.
- 91 LOT LINE, INTERIOR: A lot line which does not abut a street.
- 92 LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- 93 LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.
- 94 LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Deeds of DuPage County, Illinois; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of DuPage County, Illinois prior to the Bensenville Zoning Ordinance adopted July 11, 1946.
- 95 LOT, REVERSED CORNER: A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- 96 LOT, THROUGH: A lot having a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.
- 97 LOT WIDTH: The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width within the 30 feet of depth immediately in back of the front yard line.
- 98 MANUFACTURING ESTABLISHMENT: An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products.
- 99 MARQUEE OR CANOPY: A roof-like structure of a permanent nature which projects from the wall of a building.

### III — DEFINITIONS

- 100 MICRON: A unit of length, equal to one-thousandth part of one millimeter — .001 millimeter.
- 101 MODERATE BURNING: Implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns.
- 102 MOTEL: An establishment consisting of a group of attached or detached lodging rooms with bathrooms, and where more than 50 percent of the lodging rooms are occupied or designed for occupancy by transient automobile tourists. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone, secretarial and desk service, and the use and upkeep of furniture. Cooking facilities shall not be included in any of the lodging rooms, but one dwelling unit may be included for occupancy by the owner or manager of the motel.
- 103 MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is assembled or stored for routing in intra-state or interstate shipment by motor truck.
- 104 NAMEPLATE: A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.
- 105 NON-CONFORMING STRUCTURE: Any structure lawfully established which: (a) does not comply with all the regulations of this ordinance or of any amendments hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.
- 106 NON-CONFORMING USE: Any structure and the use thereof or the use of land that does not conform with the regulations of this ordinance or any amendment hereto governing use in the district in which it is located but conformed with all of the codes, ordinances, and other legal requirements applicable at the time such structure was erected, enlarged, or altered, and the use thereof or the use of land was established.
- 107 NOXIOUS MATTER OR MATERIAL: A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.
- 108 NURSERY, CHILD-CARE OR SCHOOL: An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.
- 109 NURSING HOME: A home for aged, chronically ill, care of children, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three or more persons not members of the family residing on the premises are received, and provided with food, shelter and care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.



### III — DEFINITIONS

- 110 OCTAVE BAND: A method of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.
- 111 OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.
- 112 ODOR THRESHOLD: The minimum concentration of odorous matter in the air that can be detected as an odor. Odor thresholds for many materials and compounds can be found in Table III, Chapter 13, of "Air Pollution Abatement Manual", Copyrighted 1964, by the Manufacturing Chemists Association, Inc., Washington, D. C. (as amended April 7, 1966).
- 113 OPEN SALES LOT: Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, motor scooters, trucks, motorcycles, boats, or similar commodities.
- 114 PARKING SPACE: An area, enclosed in a building, or unenclosed, reserved for the parking of one motor vehicle and which is accessible to and from a street or alley.
- 115 PARTICULATE MATTER: Finely divided solid or liquid matter, other than water, which is released into the atmosphere.
- 116 PARTY WALL: A common wall which extends from its footing below grade to the underside of the roof and divides buildings.
- 117 PERFORMANCE STANDARD: A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.
- 118 PLAN COMMISSION: The Plan Commission of the Village of Bensenville, Illinois.
- 119 PLANNED DEVELOPMENT: A parcel or tract of land having a minimum area, as hereinafter set forth in district regulations initially under single ownership or control which is the site for a development which contains or is intended to contain two or more principal buildings and one or more principal use, together with accessory buildings, structures, and uses - planned and constructed as a unified development and for which an application for a zoning certificate has been or is intended to be processed in accordance with conditional permitted use regulations of this ordinance.
- 120 PYROPHORIC DUST: A dust in a finely-divided state that is spontaneously combustible in air.

### III — DEFINITIONS

- 121 RADIATION HAZARDS: The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include, but are not limited to, electro-magnetic radiations such as X-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons, and alpha particles.
- 122 RAILROAD RIGHT-OF-WAY: A strip of land containing railroad tracks and customary auxiliary facilities for tracks operations, serving as the main line for trains not necessarily having Bensenville and its immediate surrounding areas as points of destination. For the purposes of this ordinance, a "railroad right-of-way" does not include land used or intended to be used for switching, spur, lead, team, or siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.
- 123 RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 124 RESERVOIR STANDING SPACES: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.
- 125 RINGELMANN CHART: The chart described in the U. S. Bureau of Mines information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke — smoke density.
- 126 RINGELMANN NUMBER: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of smoke.
- 127 ROADWAY: That portion of a street which is used or intended to be used for the travel of motor vehicles.
- 128 SETBACK: The minimum horizontal distance between a street line and the nearest wall of a building or side of a structure facing such street line.
- 129 SETBACK, ESTABLISHED: When 40 percent or more of the lots fronting on one side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this ordinance.
- 130 SIGN: A name, identification, description, illustration, display or device which is affixed to, painted or represented upon a building, structure or land and which directs attention to a product, place, activity, person,

### III — DEFINITIONS

institution or business. For purpose of definition, a sign structure may be single face or double face. However, a sign shall not include any display of any court, public or official notice, nor shall it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign shall also include a permanent sign located within an enclosed building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

- 131 SIGN, ADVERTISING: A structure including a billboard on which is portrayed information which directs attention to a business, commodity, service, or entertainment or other activity not necessarily related to the other uses permitted on the premises upon which the sign structure is located.
- 132 SIGN, BUSINESS: A sign which directs attention to a business, commodity, service, entertainment or other activity conducted upon the premises upon which such sign is located.
- 133 SIGN, FLASHING: An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. For the purpose of this ordinance, a revolving sign, or any advertising device, which attracts attention by moving parts, operated by mechanical equipment or movement is caused by natural sources, whether or not illuminated with artificial lighting, shall be considered a flashing sign.
- 134 SIGN, GROSS SURFACE AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a sign. Only one side of a double-face sign shall be considered in determining the gross surface area. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- 135 SIGN, GROUND: A sign which is supported by one or more uprights or braces in or upon the ground.
- 136 SIGN, PROJECTING: A sign which is affixed to any building wall or structure and extends beyond the building wall or parts thereof or structure more than 12 inches.
- 137 SIGN, ROOF: A sign erected, constructed, and maintained above the roof of any building.
- 138 SINGLE-OWNERSHIP: A lot in single-ownership is one where the owner does not own adjoining vacant property.
- 139 SIGN, WALL: A sign which is affixed to an exterior wall of any building, when such sign shall project not more than 12 inches from the building wall or parts thereof.
- 140 SMOKE: The visible discharge from a chimney, stack, vent, exhaust, or combustion process which is made up of particulate matter.

### III — DEFINITIONS

- 141 SMOKE UNIT: The number obtained when the smoke density in the Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation: (a) a Ringelmann density reading shall be made at least once a minute during the period of observation; (b) each reading is then multiplied by the time in minutes during which it is observed; and (c) the various products are then added together to give the total number of "smoke units" observed during the entire observation period.
- 142 SOUND LEVEL: The intensity of sound of an operation or use as measured in decibels.
- 143 SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of the intensity of sound.
- 144 STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there are not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story and a mezzanine floor shall be counted as a story when it covers over one-third the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
- 145 STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.
- 146 STREET: Any right-of-way containing a roadway which affords the primary means of vehicular access to abutting properties. When such right-of-way is not an existing or dedicated public "street," it shall be not less than 40 feet in width, unless otherwise herein regulated. An alley shall not be considered a street.
- 147 STREET, FRONTAGE: All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.
- 148 STREET LINE: The street right-of-way line abutting a property line of a lot.
- 149 STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, back stops for tennis courts, and pergolas; but not including utility poles.

### III — DEFINITIONS

- 150 STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.
- 151 STRUCTURE HEIGHT: The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers, electric and telephone service poles and similar projections other than signs shall not be included in calculating structure height.
- 152 TAVERN: An establishment where liquors are sold to be consumed on the premises but not including restaurants where the principal business is the serving of food.
- 153 THREE-COMPONENT MEASURING SYSTEM: Instruments which measure simultaneously earthborne vibrations in horizontal and vertical planes.
- 154 TOXIC MATTER OR MATERIAL: Those materials which are capable of causing injury to living organisms by chemical means.
- 155 TRAILER: Any vehicle or portable structure constructed so as to permit occupancy thereof for lodging or dwelling purposes or for the use as an accessory building or structure in the conduct of business, trade, or occupation, and which may be used as a conveyance on streets and highways, by its own or other motive power.
- 156 TRAILER, TRAVEL: A trailer designed and constructed for travel and temporary lodging purposes and which does not exceed a gross weight of 4,500 pounds when factory equipped for the road and which is intended for use only for camping, recreational travel, or vacation use.
- 157 USE: The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.
- 158 USE, ACCESSORY: An accessory use is one which is incidental to the dominant use of the premises.
- 159 USE, CONDITIONAL PERMITTED: A use that has unique characteristics and is deemed desirable or necessary in a district or districts for public convenience and welfare; but due to its unique characteristics, might have an adverse influence on adjoining properties. Its location and development in a district are conditioned up-on conformance with special standards herein set for each conditional permitted use.
- 160 USE, LAWFUL: The use of any building, structure, or land that conforms with all of the regulations of this ordinance or any amendment hereto and

### III — DEFINITIONS

which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this ordinance or any amendment thereto, for the structure or land that is being examined.

- 161 USE, NON-CONFORMING: See Non-Conforming Use.
- 162 USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable performance standards of this ordinance for the district in which such use is located.
- 163 USE, PRINCIPAL: The dominant use of land or buildings as distinguished from a subordinate or accessory use.
- 164 VEHICLE, MOTOR: Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- 165 VENDING MACHINE: A machine for dispensing merchandise or services designed to be operated by the customer.
- 166 VIBRATION: The periodic displacement, measured in inches, of earth at designated frequency -- cycles per second.
- 167 YARD: An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance.
- 168 YARD, FRONT: A yard which is bounded by the side lot lines, front lot line, and the front yard line, or the established setback line when 40 percent or more of the lots fronting on one side of a street within a block are improved with principal buildings or uses of land.
- 169 YARD LINE: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure or other obstruction shall not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this ordinance.
- 170 YARD, REAR: A yard which is bounded by side lot lines, rear lot line, and the rear yard line.
- 171 YARD, SIDE: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.
- 172 YARD, SIDE -- ADJOINING A STREET: A side yard, with side lot line adjoining a street line.

### III — DEFINITIONS

- 173 YARD, INTERIOR SIDE: A side yard which adjoins another lot or an alley separating such side yard from another lot.
- 174 ZONING BOARD OF APPEALS: The Zoning Board of Appeals of the Village of Bensenville, Illinois.
- 175 ZONING DISTRICTS: The districts into which the Village of Bensenville, Illinois has been divided for zoning regulations and requirements as set forth on the Zoning District Map.

ARTICLE IV  
GENERAL REGULATIONS

A ALLOWABLE USE OF LAND AND STRUCTURES

- 1 The following kinds of uses of land and structures are allowed in each of the districts shown on the Zoning District Map:
  - a lawful uses, except those which are rendered non-conforming by the provisions herein shall be subject to the regulations of Article XI;
  - b permitted uses; and
  - c conditional permitted uses.
- 2 Where a conditional permitted use exists on the effective date of this Ordinance and it is classified as a conditional permitted use by said Ordinance, it shall be considered to be a lawful conditional permitted use.

B PROHIBITED USES OF LAND AND STRUCTURES

No building or lot shall be devoted to any use other than one which is herein specified as a permitted or conditional permitted use in the zoning district in which such building or lot is located. However, where a building permit for a structure has been issued in accordance with law, prior to the effective date of this ordinance, and where construction has been begun within six months of such effective date and is being prosecuted to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of occupancy by the use originally designated, subject to the provisions of Article XII.

C CONTROL OVER USE

No building shall hereafter be used or occupied, and no structure or part thereof, shall hereafter be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

D CONTROL OVER BULK

New buildings shall conform to the bulk regulations established herein for the district in which each building is located. Existing buildings shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as not to conflict or further conflict with the bulk regulations of this ordinance for the district in which such existing building is located.

E BUILDING ON LOT

In Single-Family Residence Districts, every single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall be not more than one dwelling unit on a lot, except as otherwise provided by this Ordinance.



F ACCESSORY STRUCTURES AND USES

- 1 Accessory uses shall be permitted that are customarily incidental to the permitted and special uses herein allowed in the various districts.
- 2 Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation, or culture of pigeons, poultry, rabbits, bees or livestock, whether or not for profit.
- 3 Radio or television towers and antennae, attached or detached not more than 35 feet in height above ground shall be permitted as accessory structures on lots in any district.
- 4 Except as otherwise regulated herein, an accessory building hereafter erected, altered, enlarged or moved on a lot shall conform with the following:
  - a A detached accessory building shall not be nearer than ten feet from the nearest wall of the principal building, or within 60 feet of the front lot line, except tool sheds may be nearer to the principal building or front lot line.
  - b A detached accessory building or when attached to the principal building shall not be located in a front yard, interior side yard, or side yard adjoining a street.
  - c Detached accessory buildings in a rear yard shall conform with the following:
    - (1) not more than one story or 12 feet in height — whichever is lower;
    - (2) cover not more than 30 percent of the area of the rear yard; and
    - (3) be located not less than three feet from the inside lot line, and not less than five feet from rear lot line, except:
      - (a) on corner lots — not less than six feet from a rear lot line which adjoins a lot in a Residence District and the distance required for a side yard adjoining a street from the side street line;
      - (b) on through lots — not less than the distance required for a front yard from the rear lot line adjoining a street; and
      - (c) an accessory building having vehicular access from an alley — not less than five feet from the lot line adjoining the alley.

G YARDS, GENERAL

- 1 The minimum yard or other open space required for one structure shall not again be considered as yard or other required open space for another adjoining or adjacent building or use of land.

#### IV — GENERAL REGULATIONS

- 2 No lot shall be reduced in area so that the yards or other open space and lot area or width become less than required by this ordinance.
- 3 When 40 percent or more of the lots fronting one side of a street within a block have established building setbacks, of a depth other than herein required for a front yard in the district in which the lot is located the setback for each remaining lot along such street frontage shall be as follows:
  - a Interior Lots  
The depth of the setback on any lot shall be the average of the setbacks already established on the two lots located on each side of such lot, and if no setback is established on one of the adjacent lots, the required front yard depth for that lot shall be used in calculating the average setback of the two adjacent lots.
  - b Corner Lots  
The depth of the setback lines shall be as herein required for front yards or side yards adjoining streets in the districts where the lots are located.
- 4 On a through lot, either of the lot lines abutting a street right-of-way line may be established as its front lot line, except that where two or more through lots are contiguous and a front lot line has been duly established, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots.

#### H PERMITTED OBSTRUCTIONS IN REQUIRED YARDS:

Obstructions in required yards shall be permitted in accordance with the following:

- 1 In All Yards:
  - a awnings, marquees and canopies, projecting into a yard not more than 25 percent of the depth or width of the yard;
  - b chimneys projecting 25 inches or less into the yard;
  - c flag poles;
  - d ordinary projection of sills, belt courses, cornices, and ornamental features projecting not more than 18 inches into a yard;
  - e ornamental light standards;
  - f steps which are necessary for access to permitted buildings or for access to lots from streets, and required exterior fire escapes; and
  - g trees and shrubs.
- 2 In Front Yards and Side Yards Abutting a Street:
  - a fuel pumps and air and water outlets in conjunction with automobile

#### IV — GENERAL REGULATIONS

service stations, provided they shall be set back at least 15 feet from the front lot line;

- b one story bay windows projecting three feet or less into the yard;
- c open terraces not over four feet above the average level of the adjoining ground and not projecting over ten feet into a yard, but not including permanently roofed-over terraces or porches;
- d overhanging eaves and gutters, projecting not more than 25 percent of the depth of the yard; and
- e signs and nameplates as regulated herein and in other applicable ordinances of the Village of Bensenville.

#### 3 In Rear Yards:

- a air conditioning condensers for central air conditioning units, provided location conforms with other applicable ordinances and codes of the Village of Bensenville;
- b arbors and trellises;
- c balconies;
- d breezeways and open porches;
- e enclosed off-street parking spaces — attached or detached, provided such accessory buildings shall not cover more than 30 percent of the required area of a rear yard;
- f fallout shelters, attached or detached;
- g one-story bay windows projecting three feet or less into the yard;
- h open off-street parking spaces;
- i open terraces not over four feet above the average level of the adjoining ground, but not including permanently roofed-over terraces or porches;
- j fences, open — not more than four and one-half feet in height in a residence district provided that a permit, as required by Ordinance No. 594, is obtained from the Building Inspector; not more than six feet in height in office and business districts; and higher than six feet in manufacturing districts, provided that a tree or shrub hedge, or vines shall be planted in front of or on a fence over five feet in height that faces a lot line that adjoins or is across a street or alley from a residence district.
- k fences, solid — architecturally designed, uniformly painted or stained in natural wood, white or green color and not more than six feet in height in a residence or business district provided that a permit, as required by Ordinance No. 594, is obtained from the Building Inspector for fences in residence districts; and in manu-

## IV — GENERAL REGULATIONS

facturing districts more than six feet in height, provided shrubs or trees shall be planted as a hedge or at frequent intervals in the front of fences over six feet in height facing a lot line adjoining a street, and in residence districts, solid fences may be not more than six feet in height when located around the immediate boundaries of paved patios or terraces and not less than five feet from the nearest lot line, when located along the rear lot line of a lot backing to a thoroughfare, provided that trees and shrubs shall be planted at frequent intervals along the front of such fence facing the thoroughfare;

- l overhanging roof eaves and gutters, provided eaves and gutters of detached accessory buildings are not less than two feet from a lot line;
- m playground and laundry-drying equipment;
- n sheds, tool rooms, or similar buildings customarily accessory to the principal use;
- o swimming pools, private — provided they are located, installed, and operated in accordance with other ordinances and codes of the Village of Bensenville; and
- p tennis courts, private.

### 4 In Interior Side Yards:

- a open off-street parking spaces;
- b fences, open — as regulated herein — Paragraph 3 "j" of this Subsection H;
- c fences, solid — as regulated herein — Paragraph 3 "k" of this Subsection H; and
- d overhanging eaves and gutters projecting 24 inches or less into the yard.

## I TRAILERS AND MOBILE HOMES

- 1 Trailers and mobile homes shall not be permitted in any district as accessory buildings, except when used as temporary offices or storage space incidental to construction of a building development for the period of time such construction is actively undertaken, and provided trailers and mobile homes used for such purposes are located on the same lot as the building development or a lot contiguous thereto.
- 2 Mobile homes and travel trailers shall not be parked or stored in the open or occupied for lodging or dwelling purposes on any lot, except trailers or mobile homes for display prior to sale or storage prior to delivery may be on lots used for trailer manufacturing or sales establishments.

## J FLOOD PLAIN AREA

No new building, alteration or enlargement of an existing building, shall hereafter be erected within an established flood plain area having an elevation of any door sill, window sill, or the base of any other opening in the outer walls of a main building or structure, including drain conduits,

#### IV — GENERAL REGULATIONS

lower than the established high water elevation (as defined by the Village Engineer) plus 2.5 feet, unless surrounded by a water tight areaway whose top is not lower than the aforesaid minimum elevation.

##### K STRUCTURE HEIGHT

No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the structure, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than twenty-five (25) feet the height limits of the district in which it is located; provided, however, that any provision of this Ordinance to the contrary notwithstanding, no structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limits for the area in which it is located which are established under the Airport Approach Plan prepared by the State of Illinois for O'Hare International Airport. When such Plan is in effect, as required by law, a copy of the same shall be maintained in the Office of the Building Inspector as a public record.

##### L STORAGE OF IMMOBILIZED AUTOMOBILES, JUNK, DEBRIS, AND OTHER MATERIALS

The open storage of immobilized automobiles, damaged but mobile automobiles awaiting repair or service, appliances, fixtures, building materials, refuse, junk, debris or similar materials, on any lot for a period of longer than 48 hours in any consecutive 30-day period shall not be permitted. The storage of such items enclosed within a structure or behind a solid fence, or open fence faced with a dense planting hedge, shall be permitted only on a lot in a Business or Manufacturing District where such storage is essential to the operation of a lawfully established use, and when such storage is in accordance with applicable zoning district regulations and other codes and ordinances.

ARTICLE V  
ZONING DISTRICTS

A ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose of and provisions of this ordinance, the Village of Bensenville is hereby divided into the following districts:

Residence Districts

- R1 Single-Family Residence
- R2 Single-Family Residence
- R3 Single-Family Residence
- R4 General Residence

Office District

- O Office

Business Districts

- B1 Retail Business
- B2 General Business
- B3 Restricted Service Business
- B4 General Service Business

Manufacturing Districts

- M1 Limited Manufacturing
- M1A Office, Engineering and  
Research Laboratory (as amended April 7, 1966)
- M2 General Manufacturing

B ZONING DISTRICT MAP AND BOUNDARIES OF DISTRICTS

1 Zoning District Map

The districts and their boundaries are as shown upon a zoning district map entitled, Zoning District Map, "Village of Bensenville, Illinois, dated \_\_\_\_\_," which map and all amendments thereto and all notations, references, and other information shown thereon are hereby incorporated and made a part of this ordinance, with the same force and effect as if the said zoning district map, amendments, notations, references and other information were fully herein set forth. The original zoning district map, properly attested to, is on file with the Village Clerk of Bensenville.

2 Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map and made a part of this ordinance, the following rules apply:

- a Where zoning district boundaries are indicated as following

## V — ZONING DISTRICTS

streets or alleys or extensions thereof, such boundaries shall be construed to be the center lines of said streets, alleys or extensions thereof.

- b Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the zoning map made a part of this ordinance are bounded by lot lines, said lot lines shall be construed to be the boundaries of the districts unless the boundaries are otherwise indicated on the map. Within unsubdivided property, the district boundary lines on the zoning map made a part of this ordinance shall be in accordance with dimensions either as designated on the map or as determined by use of the scale appearing on the map.
- c Where a district boundary line divides a lot in single ownership, the regulations of this ordinance for either portion of the lot may, at the owner's discretion, apply to the entire area of the lot or 25 feet beyond the zoning district boundary line - whichever is the lesser distance.

### C ANNEXED TERRITORY

No buildings or structures shall be erected on any property hereafter annexed to the Village of Bensenville, until an ordinance establishing the zoning district classification, and made pursuant to public hearing, is first duly adopted by the Village of Bensenville. The Building Inspector or owner of the land for which the zoning district classification is being requested, shall, either before or not later than 90 days after any territory shall be annexed, file an application for an amendment of the Zoning District Map to establish such zoning district classification. The Board of Appeals shall, after conducting a public hearing, submit a report of its findings and recommendations thereon to the Board of Trustees. The Board of Trustees shall thereafter enact such amendatory ordinance in accordance with provisions herein set forth and as in Illinois Statutes.

### D UTILITY EXEMPTION

The provisions of this ordinance shall not be exercised so as to specify or regulate the type, location or use of any poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, or valves, or any other similar distributing equipment of a public utility, provided that the installation thereof shall conform with the rules and regulations of the applicable administrative authorities.

ARTICLE VI  
RESIDENCE DISTRICTS

A GENERAL REGULATIONS

1 Signs

- a Nameplates shall be permitted in accordance with the following regulations:

- (1) In R1, R2 and R3 Districts nameplates shall not exceed 96 square inches in area; in R4 Districts, only such nameplates as are permitted in R1, R2 and R3 Districts shall be permitted for a single-family or a two-family dwelling, and for a multiple-family dwelling, a nameplate may be not more than three square feet in area, provided it indicates only the name, or name, address and telephone number of the building; and the management thereof.
- (2) Such nameplates may be affixed flat against the building, but not located higher than ten feet above average ground grade at the building walls or may also be located in a yard adjoining a street, provided they are not nearer to the street than one-half the depth of the yard, and do not exceed four feet in height.
- (3) Nameplates may be illuminated by constant illumination from a source of artificial lighting customarily accessory to residential uses.

- b "For Sale" and "For Rent" signs appertaining to the sale or rent of the property on which they are located shall be permitted in accordance with the following regulations:

There shall be not more than one sign which shall not have artificial illumination, except on a corner lot or through lot, one such sign facing each street shall be permitted. A sign shall not be more than 12 square feet in area and it shall be located not less than eight feet from the nearest interior lot line adjoining a street. Such a sign when affixed to a building wall shall not project higher than ten feet above grade, and a ground sign, shall not project higher than five feet above the ground grade elevation below it.

- c Identification signs for non-residential uses shall be permitted in accordance with the following regulations:

One identification sign affixed flat against a building wall and one ground sign which in both cases may be illuminated with constant illumination arranged in a manner that direct rays of light are not beamed onto adjoining lots and streets shall be permitted, and on a corner or through lot one additional sign shall be permitted facing the side street or the street adjoining the rear lot line. Each sign shall maintain not more



than 16 square feet of area and when (1) affixed to a building wall, it shall not project higher than 10 feet above floor grade at entrance doorways and (2) a ground sign shall not be located nearer than eight feet from the nearest interior lot line and not less than one-half the depth of the required yard from the nearest lot line adjoining a street and it shall not project higher than ten feet above ground grade elevation at the sign.

- d Temporary signs for unified housing developments are permitted subject to the following:

In a unified housing development containing more than 12 dwelling units, initially under single ownership or control, one sign may be erected along each street frontage of the development. Such sign may be a ground sign or attached to a building, and contain not more than 180 square feet of gross surface area upon which is displayed only the name and address of the development, the name and address of the developer, and name, address, and telephone number of the sales or rental agents, provided that such sign: (1) may be illuminated with non-flashing illumination provided direct rays of light are not beamed onto adjacent lots or streets; (2) shall not project higher than 20 feet above grade; (3) shall not be located nearer than 15 feet from a property line abutting a street, except it shall not be nearer than 50 feet from the lot corner formed by the intersection of any two street right-of-way lines and no nearer than 20 feet from a lot line of an adjacent lot; and (4) shall be removed within six months after completion of construction of the development, or nine months after the first dwelling unit is occupied, whichever is sooner. Such sign shall be upright and be maintained in good condition.

## 2 Conversions

In the R4 District, conversions of existing residential buildings shall produce a minimum of 500 square feet of floor area per dwelling unit, except that efficiency units shall contain at least 375 square feet each.

## 3 Lot Area, Lot Width, and Side Yard Regulations Applicable to Lots for Single-Family, Detached Dwellings in Subdivisions Containing Qualifying Permanent Open Spaces

- a Whenever a land owner, developer, or subdivider has provided qualifying permanent open spaces as a part of a recorded plat of a subdivision containing lots for single-family detached dwellings for which the final plat of such subdivision has received approval for recordation by the Plan Commission and Board of Trustees after the effective date of this ordinance, the lots within such subdivision may have a minimum lot area ten percent less than herein otherwise required for the district or districts in which such subdivision is located. Moreover the minimum lot width and the minimum side yard width as otherwise herein required in the applicable district regulations may be reduced by not more than five percent. When qualifying permanent open space is accessory to

## VI — RESIDENCE DISTRICTS

private or semi-public school or other approved institutional use, such reductions shall be not more than one-half of the reductions referred to above in all cases.

- b Qualifying permanent open space shall be land at a location recommended by the Plan Commission and approved by the Board of Trustees and shall have an area equivalent to not less than ten percent of the total area, exclusive of area devoted to streets, within the perimeter of the subdivision, or not less than four acres — whichever is the greater open space area. Land for qualifying permanent open space shall be dedicated by the land owner, developer or subdivider to a public governmental body for use as a site for a public park, public school or other public use open area, conveyed for a private recreation area or contributed or sold at not more than one-half its appraised value for use as a site for a private or semi-private school or other approved institutional use, provided that on all such qualifying permanent open space, buildings do not cover more than 20 percent of such open space area. When title to such land is not held by a governmental body, the use of such land for open space shall be perpetuated by recorded covenants accompanying a recorded subdivision plat. The Board of Trustees after receiving the recommendation of the Plan Commission may approve a qualifying open space that is not located within the perimeter of the final plat of the subdivision when there is an irrevocable commitment by the owner or owners of such abutting or adjacent land to dedicate or convey land for qualifying permanent open space.
- c All qualifying permanent open spaces shall be located within the Village of Bensenville and those that are not within the perimeter of the final plat of the subdivision shall be not more than 1,320 feet from the nearest boundary line of the subdivision. One or more qualifying permanent open space may apply to any given such subdivision. Qualifying permanent open spaces located beyond the perimeter of the subdivision shall comprise all or proportionate parts of tracts of land four acres or over in area designated for open spaces on the Comprehensive Plan for the Village of Bensenville. When all or a part of an open space, that is designated on such Comprehensive Plan, is located within the perimeter of the subdivision such land shall be designated as all or part of the qualifying permanent open space. When the open space land designated on the Comprehensive Plan has an area in excess of ten percent of the total area, exclusive of areas devoted to streets, within the boundaries of the subdivision, or four acres — whichever is the greater area — such excess land shall be reserved for qualifying permanent open space for an adjacent subdivision or to be purchased by the Village of Bensenville or other governmental body for public open space use.

B R1 SINGLE-FAMILY RESIDENCE DISTRICT

1 Permitted Uses

- a Parks and playgrounds, public on a lot not less than four acres in area.
- b Schools, elementary, junior high, and high — non-boarding on a lot not less than five acres in area.
- c Single-family detached dwellings.
- d Temporary buildings for construction purposes for a period not to exceed such construction.
- e Accessory uses customarily incidental to the above permitted uses -- including but not limited to home occupations, off-street parking and off-street loading facilities, and signs as herein regulated.

2 Conditional Permitted Uses

- a Churches, temples or synagogues — on a lot not less than 180 feet in width, and not less than one acre in area for each 120 seats in the sanctuary.
- b Convents, monasteries and seminaries — on a lot not less than 180 feet in width, and not less than one acre in area.
- c Colleges, universities, and accessory uses thereto — on a lot not less than 20 acres in area.
- d Golf courses, standard or par 3 — on a lot not less than 25 acres in area, but not artificially lighted golf courses for night play, or miniature or pitch and putt golf courses and commercially-operated driving ranges.
- e Growing of farm, garden, and nursery crops in the open — provided that livestock or poultry are not kept, and no offensive odors or dusts are created, and further provided that no retail sales are conducted from a store or stand erected or maintained on the premises.
- f Mining, stripping, loading, and hauling of topsoil, sand, gravel, or other aggregate; but not including equipment, structures for screening, crushing, washing, or storage — except as may be specifically authorized as a variation for a limited time.
- g Hospitals — on a lot not less than five acres in area.
- h Libraries — on a lot not less than 100 feet in width, and 15,000 square feet in area.
- i Parks and playgrounds, private and not-for-profit — on lots not less than four acres in area.
- j Planned developments — on lots not less than ten acres in area.
- k Schools, boarding — elementary, junior high or high — on a lot not less than 180 feet in width, and not less than one acre in area.

- 1 Public utility, governmental service, and transportation uses which may be on lots having areas and widths as approved by the Board of Trustees.
  - (1) Electric distribution centers and electric substations.
  - (2) Fire stations.
  - (3) Gas regulator stations.
  - (4) Police stations.
  - (5) Transit passenger shelters and turning areas.
  - (6) Telephone transmission equipment buildings and micro-wave relay towers.
  - (7) Water filtration plants, pumping stations, and reservoirs.
- m Accessory uses customarily incidental to the above conditional permitted uses, including, but not limited to, off-street parking and off-street loading and signs as herein regulated.

3 Lot Area

- a Single-family detached dwellings -- not less than 12,000 square feet.
- b Non-residential uses -- as herein set forth for each use.

4 Lot Width

- a Single-family detached dwellings -- not less than 80 feet.
- b Non-residential uses -- as herein set forth for each use.

5 Floor Area Ratio

- a Single-family detached dwellings -- not applicable.
- b Non-residential uses:
  - (1) for one story buildings -- not more than 0.3.
  - (2) for two or more story buildings -- not more than 0.5.

6 Structure Height

- a Single-family detached dwellings -- not more than two and one-half stories or 27 feet, whichever is lower.
- b Non-residential uses -- not more than 45 feet.

7 Ground Floor Area Per Dwelling

- a One-story dwellings without cellar -- not less than 1,350 square feet.
- b One-story dwellings with cellar -- not less than 1,200 square feet.
- c Dwellings having more than one story:
  - (1) not less than 900 square feet for a one and one-half story dwelling.
  - (2) not less than 750 square feet for two story or two and one-half story dwellings.

8 Yards

Except as may be otherwise herein required or required by the Board of Trustees for a conditional permitted use, yards shall be provided on each lot in accordance with the following:

- a Front Yard: -- not less than 35 feet in depth.
- b Side Yards
  - (1) Two side yards having a combined width of not less than 20 percent of the width of the lot provided neither side yard is less than eight feet in width and for single-family detached dwellings a side yard need not exceed ten feet in width.
  - (2) On corner lots the side yard adjoining a street shall be -- not less than 15 feet in width and on a reversed corner lot or a corner lot having the side yard directly across the street from a front yard of a residential lot, the side yard adjoining a street shall be not less than 35 feet in depth, provided such corner lot, which was a lot or lots of record on the effective date of this ordinance, has insufficient width to provide a side yard of 35 feet in width and still maintain a buildable width of 35 feet, then the width of the side yard adjoining a street may be reduced, but provided the width of such side yard is not less than 15 feet.
- c Rear Yard: -- not less than 30 feet in depth.
- d Yards, General: -- non-residential uses -- for buildings more than 27 feet in height, each front, side, and rear yard as required above shall be increased in width or depth by two feet for each additional one foot of building height over 27 feet.

9 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

C R2 SINGLE-FAMILY RESIDENCE DISTRICT1 Permitted Uses

As in the R1 District

2 Conditional Permitted Uses

- a As in the R1 District.
- b Railroad rights-of-way.

3 Lot Area

- a Single-family detached dwellings -- not less than 7,500 square feet.
- b Non-residential uses -- as herein set forth for each use.

4 Lot Width

- a Single-family detached dwellings -- not less than 60 feet.
- b Non-residential uses -- as herein set forth for each use.

5 Floor Area Ratio

- a Single-family detached dwellings -- not applicable.
- b Non-residential uses:
  - (1) for one story buildings not more than 0.3.
  - (2) for two or more story buildings not more than 0.5.

6 Structure Height

- a Single-family detached dwellings -- not more than two and one-half stories or 27 feet whichever is lower.
- b Non-residential uses not more than 45 feet.

7 Ground Floor Area Per Dwelling

- a One-story dwellings without cellar -- not less than 1,040 square feet.
- b One-story dwellings with cellar -- not less than 920 square feet.
- c Dwellings having more than one story:
  - (1) not less than 800 square feet for a one and one-half story building.
  - (2) not less than 650 square feet for two or two and one-half story buildings.

8 Yards

Except as may herein otherwise be required or required by the Board of Trustees for a conditional permitted use yards shall be provided in each lot in accordance with the following:

- a Front Yard: -- not less than 30 feet in depth.
- b Side Yards
  - (1) Two side yards having a combined width of not less than 20 percent of the width of the lot provided neither side yard is less than six feet in width and for single-family detached dwellings a side yard need not exceed ten feet in width.
  - (2) On corner lots the side yard adjoining a street shall be -- not less than 15 feet in width and on a reversed corner lot or a corner lot having the side yard directly across the street from a front yard of a residential lot, the side yard adjoining a street shall be not less than 30 feet in depth, provided such corner lot, which was a lot or lots of record on the effective date of this ordinance, has insufficient width to provide a side yard of 30 feet, then the width of the side yard adjoining a street may be reduced, but provided the width of such side yard is not less than 15 feet.

- c Rear Yard: -- not less than 25 feet in depth, except on corner lots, not less than 20 feet in depth.
- d Yards, General: -- non-residential permitted uses and conditional permitted uses -- for buildings more than 27 feet in height; each front, side, and rear yard as required above shall be increased in width or depth by two feet for each additional one foot of building height over 27 feet.
- 9 Off-Street Parking and Off-Street Loading  
In accordance with applicable regulations herein set forth in Article X.

D R3 SINGLE-FAMILY RESIDENCE DISTRICT

- 1 Permitted Uses  
As in the R1 District.
- 2 Conditional Permitted Uses  
As in the R2 District.
- 3 Lot Area
  - a Single-family detached dwellings -- not less than 6,500 square feet.
  - b Non-residential uses -- as herein set forth for each use.
- 4 Lot Width
  - a Single-family detached dwellings -- not less than 50 feet, except for lots containing one-story dwellings with attached garages or carports -- not less than 60 feet in width.
  - b Non-residential uses -- as herein set forth for each use.
- 5 Floor Area Ratio
  - a Single-family detached dwellings -- not applicable.
  - b Non-residential permitted uses and special uses -- as in the R2 District.
- 6 Structure Height
  - a Single-family detached dwellings -- as in the R2 District.
  - b Non-residential permitted uses and special uses -- as in the R2 District.
- 7 Ground Floor Area Per Dwelling  
As in the R2 District.
- 8 Yards  
As in the R2 District.
- 9 Off-Street Parking and Off-Street Loading  
In accordance with applicable regulations herein set forth in Article X.

E R4 GENERAL RESIDENCE DISTRICT

1 Permitted Uses

- a Single-family detached dwellings.
- b Single-family semi-detached dwellings.
- c Single-family attached dwellings, but not more than four such dwellings in addition to the two single-family semi-detached dwellings shall be contained within a detached building.
- d Two-family detached dwellings.
- e Multiple-family dwellings, ~~but not more than one dwelling unit~~ ~~in a building~~.
- f Libraries - on a lot not less than 100 feet in width and not less than 13,000 square feet in area.
- g Parks and playgrounds, public - on a lot not less than two acres in area.
- h Schools, nursery, elementary, junior high and high - non-boarding on a lot not less than three acres in area except a nursery school may be on a lot not less than 100 feet in width and not less than 13,000 square feet in area.
- i Temporary buildings for construction purposes for a period not to exceed such construction.
- j Accessory uses customarily incidental to the above permitted uses - including but not limited to home occupations, off-street parking and off-street loading facilities, and such signs as herein regulated.

2 Conditional Permitted Uses

- a As in the R2 District.
- b Art galleries or museums - on a lot not less than 100 feet in width and 13,000 square feet in area.
- c Cemeteries which may contain crematories and mausoleums - provided a new cemetery or enlargement of an existing cemetery shall be on a lot not less than 40 acres in area.
- d Churches, temples or synagogues - on a lot not less than 120 feet in width and not less than 20,000 square feet in area.
- e Convents, monasteries and seminaries - on a lot not less than 120 feet in width and not less than 20,000 square feet in area.
- f Colleges and universities and accessory uses thereto - on a lot not less than five acres in area.
- g Golf courses, standard or par 3 - on a lot not less than 25 acres in area, but not artificially lighted golf courses for night play, or miniature or pitch and putt golf courses and commercially operated driving ranges.
- h Growing of farm crops in the open - including truck gardens and nurseries, provided that no livestock or poultry are kept, and no offensive odors or dusts are created, and further provided that no retail sales are conducted from a store or stand erected or maintained on the premises.



- i Hospitals and accessory medical or dental clinics - on a lot not less than two acres in area.
- j Institutions for the care of the aged and for children - on a lot not less than 120 feet in width and not less than 20,000 square feet in area.
- k Lodging houses - on a lot not less than 100 feet in width and 13,000 square feet in area.
- l Nursing homes - on a lot not less than 100 feet in width and 13,000 square feet in area.
- m Parks and playgrounds - private, not-for-profit - on a lot not less than 200 feet in width and not less than one acre in area.
- n Planned developments - containing two or more principal buildings and one or more of the permitted or conditional permitted non-residential uses allowed in this district, or two or more detached buildings containing dwelling types that are permitted only in this district and may contain qualifying open spaces as herein set forth in Article VI A3b for non-residential uses allowed in this district.
- o School, boarding - elementary, junior high or high - on a lot not less than 200 feet in width and not less than one acre in area.
- p Public utility and governmental service uses.

Lot area and lot width for each of the following uses shall be as approved by the Board of Trustees:

- (1) Electric distribution centers;
- (2) Fire stations;
- (3) Gas regulator stations;
- (4) Police stations; and
- (5) Railroad rights-of-way.
- (6) Transit and public transportation facilities, including passenger shelters, and turning and parking areas.
- (7) Telephone exchanges, micro-wave relay towers, and telephone transmission equipment buildings.
- (8) Water filtration plants, pumping stations, and reservoirs.

- q Undertaking establishments - on a lot not less than 100 feet in width and 15,000 square feet in area.
- r Accessory uses customarily incidental to the above allowable special uses including, but not limited to, off-street parking, off-street loading and signs, as herein regulated.

3 Lot Area

- a Single-family detached dwellings - not less than 6,500 square feet.
- b Single-family semi-detached dwellings when in a duplex building - not less than 5,000 square feet for each dwelling unit.

- c Two-family detached dwellings - not less than 3,750 square feet for each dwelling unit.
- d Single-family semi-detached dwellings in a row house building, single-family attached dwellings, and multiple-family dwellings as follows:

<u>No. of Bedrooms in Dwelling Units</u>	<u>Minimum Lot Area Per Dwelling Unit</u>
4 and over	4,000 sq. ft.
3	3,500 sq. ft.
2	3,000 sq. ft.
1 and efficiency	2,500 sq. ft.

4 Lot Width

- a Single-family detached dwellings — not less than 50 feet.
- b Two-family detached dwellings — not less than 60 feet.
- c Buildings containing only two single-family semi-detached dwellings (duplex building) not less than 80 feet but not less than 40 feet for each single-family semi-detached dwelling.
- d Buildings containing two single-family semi-detached dwellings and one single-family attached dwelling (row house building) not less than 80 feet, and for each additional single-family attached dwelling in a building — not less than 20 feet of additional lot width.

5 Floor Area Ratio

- a Not applicable for dwellings, except multiple-family dwellings.
- b Multiple-family dwellings — not more than 0.6.
- c Non-residential uses — as in the R2 District.

6 Structure Height

- a All dwellings — as in the R2 District, except single-family semi-detached or attached dwellings and multiple-family dwellings — not more than two stories or 27 feet whichever is lower.
- b Non-residential uses — as in the R2 District.

7 Ground Floor Area Per Dwelling

- a Single-family detached dwellings — as in the R3 District.
- b Single-family semi-detached dwellings in duplex buildings
  - (1) One-story dwellings — not less than 920 square feet.
  - (2) Dwellings having more than one story — not less than 520 square feet.

8 Yards

As in the R2 District except:

- a Interior side yards for multiple-family dwelling — two side yards having a combined width of not less than 20 feet with neither side yard less than 10 feet wide.
- b Interior side yard for single-family semi-detached dwelling — one side yard not less than 10 feet wide, and a side yard adjoining a street.
- c No side yards are required for a single-family attached dwelling.
- d Rear yard for a multiple-family dwelling, single-family semi-detached dwelling, and single-family attached dwelling — not less than 30 feet in depth, except when a rear yard adjoins as alley or service drive — not less than 30 feet wide, measured from the center line of the alley or service drive.

9 Spacing Between Buildings

When two or more buildings which contain either single-family attached dwellings or two or more multiple-family dwelling buildings, or a combination thereof, on a lot or on contiguous lots, initially under single ownership or control, the distance between the building walls shall be as follows:

- a When the front wall of a building faces the front wall or rear wall of the nearest building, the distance between the two building walls shall be not less than 50 feet.
- b When the rear wall of a building faces the rear wall of the nearest building, the distance between the two building walls shall be not less than 40 feet.
- c When the side wall of a building faces the front or rear wall of the nearest building, the distance between the two building walls shall be not less than 30 feet, except when the facing side wall contains three or more windows on a floor, in addition to windows from bathrooms or storage rooms, such distance between buildings shall be not less than 40 feet, or not less than 50 feet if a main entrance doorway is also in such side wall.
- d When the side wall containing not more than four windows, two of which are from bathrooms or storage rooms, faces such side wall of the nearest building, the distance between the two building walls shall be not less than 18 feet. When the facing side wall of either or both of such buildings contains more than three window openings in addition to windows from bathrooms or storage rooms, the distance between walls shall be not less than 40 feet, or not less than 50 feet if either or both such side walls also contain a main entrance doorway.

- e A wall of a detached building forming the end of a court shall be not less than ten feet from the nearest wall or part of the wall of a building forming the sides of the court, and a building forming the end of the court may be attached to one or both of the buildings forming the court is not less than the applicable requirements as set forth above.
- f When a wall containing no window or doorway, or when the end of a wall contains no window or doorway faces such a wall or end of wall, of the nearest building, the distance between such two building walls may be not less than ten feet.

10 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

ARTICLE VII  
OFFICE DISTRICT

The Office District classification is established to accommodate specialized types of business and professional offices, public educational and cultural institutions and other selected uses requiring unique site characteristics and location.

A O OFFICE DISTRICT

1 General Requirements

- a All business, service, processing, and storage shall be conducted wholly within enclosed buildings, except for accessory uses and off-street parking and off-street loading.
- b No goods, if any, on the premises shall be offered for sale or shall be sold to the public, except as may be allowed as accessory to a special use.
- c All activities involving research, testing, processing, assembly, repairing, storing or servicing of materials, goods, or products, shall conform at least with the performance standards established for the M1 Limited Manufacturing District, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which such activity takes place.
- d Trucks in excess of one and one-half tons capacity used in conjunction with operation of any business permitted in this district shall not be parked in the open within 150 feet of a Residence District, except during normal business hours.

2 Permitted Uses

- a Offices — business or professional.
- b Public administrative and educational and cultural institutions as follows:
  - (1) Administrative offices.
  - (2) Art galleries.
  - (3) Aquariums.
  - (4) Libraries.
  - (5) Museums.
  - (6) Post offices.
  - (7) Schools, non-boarding — elementary, junior high, high, or junior college.
  - (8) Telephone exchange establishments.

3 Conditional Permitted Uses

- a Business establishments as herein designated with a number symbol (#), in the B1 District, provided they are not above the first story and each establishment does not employ more than seven persons including the proprietor or manager.

## VII — OFFICE DISTRICT

- b Hotels or motels with accessory retail sales customarily incidental to the operation of the hotel or motel, on a lot not less than 16,000 square feet in area plus an additional 800 square feet of lot area for each lodging room over 20 located on the ground or first story of the hotel or motel.
- c Nursing homes on a lot not less than 20,000 square feet in area.
- d Hospitals on a lot not less than one acre in area.
- e Medical and dental clinics on a lot not less than 10,000 square feet in area.
- f Multiple-family dwellings containing only one-bedroom and efficiency types of dwelling units, on a lot having a width of not less than 80 feet and not less than 1,000 square feet of lot area per dwelling unit when more than one-half of the total floor area of a building is devoted to multiple-family dwellings and accessory uses thereto. Multiple-family dwellings in buildings also containing non-residential uses. Dwelling units shall not be permitted in a motel or hotel.
- g Parking lots and storage garages other than accessory for private passenger automobiles only, on a lot not more than one acre in area.
- h Public utility and governmental service uses as follows:

Location, width and area of lot for each use shall be as approved by the Board of Trustees:

  - (1) Electric distribution centers and electric substations.
  - (2) Fire stations.
  - (3) Gas regulator stations.
  - (4) Police stations.
  - (5) Telephone transmission equipment buildings, micro-wave relay towers.
- i Offices — business or professional including accessory operations engaged in processing, assembly, repairing, storing or servicing of materials, goods and products, provided such operations shall not occupy more than 20 percent of the total floor area in the building.

### 4 Lot Area

- a Offices — not less than 10,000 square feet.
- b Public administrative and educational and cultural institutions — as approved by the Plan Commission.
- c Conditional uses — as herein set forth for each use or as approved by the Plan Commission.

### 5 Lot Width — except as herein otherwise required for a specific conditional use, minimum lot widths shall be as follows:

- a Not less than 75 feet in width for lots having 15,000 square feet or less of area.

- b Not less than 100 feet in width for lots having over 15,000 square feet of area but less than 30,000 square feet.
- c Not less than 150 feet for lots having 30,000 square feet or more of area.

6 Floor Area Ratio

- a Not more than 1.5 for buildings two stories or less in height.
- b Not more than 2.0 for buildings over two stories in height.

7 Yards — except as may otherwise be required for a specific conditional use yards shall be provided as follows:

- a Front Yard — not less than 25 feet in depth.
- b Side Yards
  - (1) Two side yards, neither of which is less than 15 feet in width; except in the case of lots of record — neither side yard shall be less than ten percent of the lot width.
  - (2) A side yard adjoining a street — not less than 15 feet in width; except in the case of lots of record, the buildable width of the lot shall not be reduced to less than 30 feet, and the interior side yard shall be not less than ten percent of the lot width.
- c Rear Yard — not less than 30 feet in depth.
- d Yards, General — for buildings more than 35 feet in height, the front, side, and rear yards as required above shall be increased in width or depth by one-half foot for each additional one foot of building height over 40 feet.

8 Awnings, Marquees and Signs

Awnings, marquees and non-flashing illuminated business signs with no moving parts are permitted subject to applicable regulations set forth in other ordinances of the Village of Bensenville and the following:

- a For multiple-family dwelling — regulations herein governing nameplates and signs in Residence Districts shall apply.
- b For all other uses, except a hotel or motel, regulations herein governing signs in the B1 District shall apply except all signs shall be affixed flat against the building walls and one ground sign may be erected in a front yard which identifies only the name, and address of the use. Such ground sign shall contain a gross surface area of not more than 80 square feet and be located not less than ten feet from the lot line adjoining a street and not less than 15 feet from an interior lot line, and be not more than four feet in height.
- c For hotels or motels, regulations herein governing signs in the B2 District shall apply, subject to approval by the Board of Trustees.

9 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

ARTICLE VIII  
BUSINESS DISTRICTS

Business District regulations govern the development and use of the full range of business and commercial establishments needed to provide service to the citizen of Bensenville and its trading area. Regulations in the various business districts provide for the groupings of compatible business and commercial establishments in accordance with their function and extent of services.

A B1 RETAIL BUSINESS DISTRICT

1 General Requirements

- a Dwelling units and lodging rooms are permitted only as herein regulated as an accessory use and as lodging rooms in a hotel.
- b All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced.
- c All business, servicing, or processing, shall be conducted within completely enclosed buildings, except for off-street parking or loading, and accessory drive-in facilities customarily incidental to the principal use, when permitted as a conditional permitted use.
- d All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform at least with the performance standards established for the M1 Limited Manufacturing District.
- e Trucks in excess of one and one-half tons capacity used in conjunction with operation of any business permitted in this district shall not be parked in the open within 150 feet of a Residence District, except during normal business hours.

2 Permitted Uses

- a Any of the following uses shall be permitted on a lot in a B1 District located within the central business district, or on a lot in a B1 District abutting a lot in the central business district designated in a B1 or B2 Business District, or within a planned development containing three acres or more of area in any B1 District, and only uses designated by an asterisk (\*) shall be permitted on lots in B1 Districts at other locations that are not planned developments containing three acres or more of area.
  - (1) Antique shops.
  - # (2) Art galleries.
  - \* (3) Art and school supply stores.
  - \* (4) Bakeries — retail sales — not more than 75 percent of the floor area may be devoted to processing of bakery goods.



- # (5) Banks and financial institutions.
- # \* (6) Barber shops.
- # \* (7) Beauty parlors.
- (8) Bicycle stores — sales, rental, and repair.
- # \* (9) Book and stationery stores.
- # \* (10) Camera and photographic supply stores.
- \* (11) Candy and ice cream stores.
- (12) Carpet and rug stores.
- (13) China and glassware stores.
- (14) Clothing stores.
- (15) Coin and philatelic stores.
- # (16) Currency exchanges.
- (17) Custom dressmaking.
- \* (18) Delicatessens.
- (19) Department stores.
- # \* (20) Drug stores.
- # \* (21) Dry-cleaning and laundry-receiving establishments — processing done elsewhere.
- (22) Dry goods stores.
- (23) Electrical, gas, and other household appliance retail sales stores — including repair and servicing of phonographs, radios, and televisions when incidental to the principal use.
- # (24) Employment agencies.
- (25) Florist shops.
- (26) Furniture stores — including upholstery when conducted as part of the retail operation and secondary to the principal use.
- (27) Furrier shops — including accessory uses such as storage and conditioning of furs.
- (28) Garden supply and seed stores.
- # \* (29) Gift shops.
- \* (30) Grocery stores.
- (31) Haberdasheries.
- (32) Hardware stores.
- (33) Hobby shops — for retailing of items to be assembled or used away from the premises.

VIII — BUSINESS DISTRICTS - B1

- (34) Hotels — including dining and meeting rooms.
- (35) Interior decorating shops — including accessory uses such as upholstery, and making of draperies, slip covers, and other similar articles.
- (36) Jewelry stores — including watch repair.
- # (37) Laboratories — medical and dental.
- \* (38) Launderettes, including also self-service coin operated dry-cleaning equipment.
- (39) Leather goods and luggage stores.
- \* (40) Libraries, public.
- (41) Liquor stores, retail sales — package goods only.
- # (42) Loan offices.
- (43) Locksmith shops.
- (44) Mail order service stores.
- \* (45) Meat markets, retail sales only.
- (46) Medical and dental clinics.
- (47) Millinery shops.
- (48) Music stores — sheet music and phonograph record sales.
- (49) Musical instrument retail sales stores and accessory repair servicing.
- (50) Newspaper offices — but not including printing.
- # \* (51) Offices — business, professional, and public.
- # (52) Office supply stores.
- (53) Paint and wallpaper stores.
- (54) Parking lots or storage garages — for passenger automobile and motor trucks under one and one-half tons capacity.
- \* (55) Photography studios — including developing and printing of photographs when conducted on the premises as accessory to conduct of principal use.
- (56) Physical culture and health services, gymnasiums, reducing salons, masseurs, and public baths.
- (57) Picture framing shops — when conducted on the premises for retail trade.
- # (58) Post offices.
- (59) Radio and television broadcasting studios.
- (60) Restaurants — not including live entertainment and dancing.

- (61) Restricted production and repair limited to the following:  
art needlework, clothing, custom manufacturing and alterations  
for retail only of jewelry from precious metals and watches —  
when located above the first floor, or on the first floor if not less  
than 50 feet from the front building line.
- (62) Sewing machine sales and service stores — household machines  
only.
- (63) Shoe and hat repair stores.
- (64) Shoe stores.
- (65) Sporting goods stores.
- (66) Tailor shops.
- (67) Taverns.
- # (68) Telegraph offices.
- # \* (69) Temporary buildings for construction purposes for a period not  
to exceed the duration of such construction.
- # (70) Tobacco shops — retail sales.
- (71) Toy shops.
- # (72) Travel bureaus and transportation ticket offices.
- # (73) Typewriter and office machine sales establishments — including  
accessory uses such as repair and service.
- (74) Variety stores.
- (75) Wearing apparel shops.
- # \* (76) Accessory uses — customarily incidental to the above permitted  
uses, including but not limited to off-street parking, off-street  
loading, and business signs as herein regulated.

3 Conditional Permitted Uses

- a Any of the following uses shall be permitted on a lot in a B1 District  
located within the central business district, or on a lot in a B1 District  
abutting a lot in the central business district designated in a B1 or B2  
Business District, or within a planned development containing three  
acres or more of area in any B1 District, and only uses designated by  
an asterisk (\*) shall be permitted on lots in B1 Districts at other  
locations that are not planned developments containing three acres  
or more of area.
- \* (1) Art galleries and museums — when located above the first floor,  
or on the first floor if not less than 50 feet from the front building  
line.
- (2) Auction rooms — when located above the first floor, or on the first  
floor if not less than 50 feet from the front building line.

VIII — BUSINESS DISTRICTS - B1

- (3) Automobile accessory stores — when there are no driveways across the street sidewalk into the principal or accessory building.
- (4) Catering establishments when located above the first floor, or on the first floor if not less than 50 feet from the front building line or when located on a lot not less than 80 feet in width.
- \* (5) Churches, temples and synagogues on a lot not less than 12,000 square feet in area.
- \* (6) Clubs or lodges, private, fraternal, or religious — when located above the first floor, or on the first floor if not less than 50 feet from the front building line.
- \* (7) Convents, monasteries, and theological schools, as a principal use or accessory to churches, temples and synagogues.
- (8) Dry-cleaning establishments, retail — including limited processing, but where pick-up and delivery services are not provided.
- (9) Frozen food shops — including also locker rental when located above the first floor or on the first floor if not less than 50 feet from the front building line.
- (10) Job printing shops — using presses having beds of not more than 14 inches and 20 inches — when a principal use or accessory use provided printing and storage operations are in the principal building but located above the first floor or on the first floor if not less than 50 feet from the front building line.
- (11) Meat markets — including processing but not slaughtering, and sale of meat and meat products and poultry to restaurants, hotels, clubs, and other similar establishments when conducted as part of the retail business on the premises and such processing is conducted within the principal building not less than 50 feet from the front building line.
- (12) Meeting halls — when located above the first story, or on the first story if not less than 50 feet from the front building line.
- (13) Orthopedic and medical appliance stores — but not including the assembly or manufacture of such articles.
- \* (14) Planned developments on a tract of land no less than three acres in area.
- (15) Plumbing, heating, lighting and air conditioning stores for retail sales of fixtures, equipment and supplies and accessory shops when located above the first story, or on the first story if not less than 50 feet from the front building line.
- (16) Public utility and governmental service uses.

The location, width, and area of the lot for each of the following uses shall be as approved by the Board of Trustees.

## VIII — BUSINESS DISTRICTS - B1

- \* (a) Bus stations, bus turn-around areas, bus garages, and bus lots.
- \* (b) Electric distribution centers and electric substations.
- (c) Electric substations.
- \* (d) Gas regulator stations.
- \* (e) Fire stations.
- \* (f) Parks, recreation buildings, and community centers — public.
- (g) Passenger railroad stations.
- \* (h) Police stations.
- (i) Post offices.
- \* (j) Railroad rights-of-way.
- \* (k) Telephone transmission equipment buildings and micro-wave relay towers.
- \* (l) Water filtration plants, pumping stations, reservoirs, and sewage lift stations — municipal.
- \* (17) Radio and television towers which exceed the maximum height as herein set forth in Article IV F3.
- (18) Restaurants — including live entertainment and dancing.
- (19) Schools, commercial or trade — including those teaching music, dancing, business, commercial, or technical subjects when operations do not involve danger of fire and explosion, and objectionable noise, vibration, smoke, dust, odor, glare, heat, or other similar influences.
- (20) Theaters — not including outdoor theaters — provided that only the entrance doorways and other lobby have frontage on a street.
- (21) Accessory uses customarily incidental to the above conditional permitted uses including but not limited to off-street parking, off-street loading and signs as herein regulated, and dwelling units or lodging rooms customarily accessory to religious institutional uses and clubs and lodges.

### 4 Floor Area Ratio

- a For buildings on lots within or abutting the Central Business District — not more than 2.0.
- b For buildings in a planned development — not more than 0.6.
- c For buildings on lots at other locations — not more than 0.75 except no building or part thereof for occupancy by one principal use shall have more than 5,000 square feet of floor area.

5 Yards

Except as may be otherwise required for a planned development yards shall be provided as follows:

- a Front yard — No front yard shall be required, except when a B1 District occupies a part of the frontage along one side of a street within a block and the remainder is in a Residence District, a yard having a depth as herein required for the Residence District shall be required.
- b Side yards
  - (1) No interior side yards shall be required, except if a side yard is provided on one or both sides of a building, each side yard shall be not less than five feet in width.
  - (2) A side yard — not less than five feet in width shall be provided along a side lot line that adjoins or is across an alley from a lot in any Residence District.
  - (3) On a corner lot regulations set forth above for a front yard shall apply for a side yard adjoining a street.
- c Rear yard — Not less than 25 feet in depth or 20 percent of the depth of the lot — whichever is lesser.

6 Awnings, Marquees, and Signs

Awnings, marquees and non-flashing illuminated business signs with no moving parts are permitted subject to applicable regulations set forth in other ordinances of the Village of Bensenville and the following:

- a Signs shall not be illuminated between the hours of 11:00 p.m. or the time of close of business — whichever is later — and 7:00 a.m.
- b A sign in direct line of vision of any traffic signal shall not have red, green, or amber illumination.
- c The gross surface area in square feet of all signs on a lot shall be not more than three times the number of lineal feet in the length of the building wall facing the front lot line. On a corner or through lot, each lot line adjoining a street shall be considered a separate front lot line.
- d All signs shall be affixed against the building walls and not extend therefrom more than 12 inches except on buildings located on lots in a B1 District within or adjoining the central business district, a sign may project from a building wall not more than six feet but it shall not extend into the adjoining street right-of-way more than one-quarter of the distance between the right-of-way line and the edge of the vehicular pavement.
- e In a planned development one ground sign facing each street which identifies the name and address of the shopping center and a bulletin

area for advertising special features therein may be erected in addition to the signs affixed to the building walls. Such ground sign shall be not less than ten feet from any lot line and have a gross surface area of not more than 160 square feet in which may be addition to the maximum gross surface area as permitted in "c" above.

- f A sign affixed to a building shall not project higher than 15 feet above building height, and a sign extending more than 12 inches from a building wall shall have its lowest level not less than eight feet above the grade below it. A ground sign shall not project higher than 30 feet above the grade below it, and when located within 50 feet of the intersection of two or more streets, it shall have its lowest level not less than eight feet above the grade below it, and when located within three feet of a driveway or parking area it shall have its lowest level not less than 12 feet above the grade below it. A ground sign may be supported by not more than two columns, each having a diameter of not more than six inches or its equivalent or by one column having a dimension of not more than 8 inches by 15 inches, and an additional structural part thereof not more than two feet above grade. The narrow dimensions of the columns shall be parallel to the line connecting the 50 foot points back from the street intersection.
- g Awnings whose lowest projection is not less than eight feet above the sidewalk grade shall be permitted to extend into the street right-of-way adjoining the front lot line or side lot line adjoining a street not more than one-half the distance between the lot line and the edge of the vehicular pavement.
- h Marquees or canopies whose lowest projection is not less than 10 feet above the sidewalk grade shall be permitted to extend into the street right-of-way adjoining a front lot line or side lot line adjoining a street not beyond the edge of the vehicular pavement when approved by the Board of Trustees after finding that:
  - (1) the marquee or canopy is structurally safe and will not impair or endanger public safety, and
  - (2) the marquee or canopy either:
    - (a) is uniform in design and extends along one side of a street for the entire distance between two intersecting streets, or
    - (b) is accessory to a use such as a hotel, theater, restaurant, transportation terminal or large office building which by the nature of its operation is likely to have high frequency of customer drop-off or pick-up by private passenger vehicle or taxi, and where a "no-parking zone" to facilitate this movement will be located in front of the canopy or marquee.
- i Signs on marquees and awnings shall be exempt from the limitations imposed by this ordinance on the projection of signs provided that any sign located on a marquee or awning shall be affixed flat to the surface

thereof, shall be non-illuminated, and shall indicate only the name and/or address of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of said awning or marquee.

7 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

B B2 GENERAL BUSINESS DISTRICT

1 General Requirements

- a Dwelling units and lodging rooms, are permitted, only as herein regulated as an accessory use and as lodging rooms in a hotel.
- b All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced.
- c Except as otherwise herein allowed for specific uses and for off-street parking or loading, all business, servicing, processing, or storage shall be conducted within completely enclosed buildings.
- d Drive-in type of operations, commercial recreation establishments customarily operated in the open, and open sales lots conducted as all or a part of the operation of a permitted use or conditional use in this District shall be allowed only as a conditional use and electric and telephone service facilities customarily located outside of buildings.
- e All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform at least with the performance standards herein set forth for the M1 Limited Manufacturing District, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which such activity takes place.
- f Trucks used in conjunction with any use permitted in this District may be parked in the open only during normal business hours. This does not apply to trucks engaged in pick-up and delivery of goods and merchandise after normal business hours.

2 Permitted Uses

- a The following uses are permitted at any location in this district except for those uses that are also permitted uses in the B1 District — regulations in the B1 District governing such uses designated with an asterisk shall also apply in this district.
  - (1) As permitted in the B1 District, — regulations governing location of such uses in the B1 District shall also apply in this district.
  - (2) Amusement establishments including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools and ice skating rinks.
  - (3) Auction rooms.
  - (4) Automobile sales establishments.



- (5) Automobile accessory stores .
- (6) Bakeries — provided that not more than 80 percent of the floor area, exclusive of enclosed off-street parking and loading and storage areas, is devoted to producing of bakery goods to be sold only on the premises .
- (7) Blueprinting and photostating establishments .
- (8) Building material sales with outdoor storage, when the area for outside storage is completely surrounded by a uniformly painted solid fence or wall not over eight feet in height and no storage shall project higher than the height of the fence or wall.
- (9) Catering establishments .
- (10) Clothing and costume rental stores .
- (11) Clubs and lodges — non-profit .
- (12) Dry-cleaning establishments, — provided that not more than 2,500 square feet of floor area shall be devoted to dry cleaning and pressing processes other than self-service coin-operated facilities .
- (13) Electrical and gas fixtures and equipment for building construction other than industrial sales and shops .
- (14) Exhibition halls .
- (15) Exterminating shops .
- (16) Fraternal, philanthropic, and eleemosynary institutions .
- (17) Garages, public — for repair and servicing of automobiles and motor trucks of not more than one and one-half tons capacity, but not including painting, body and fender repair and motor rebuilding, except when such operations are conducted in a public garage which is accessory and incidental to an automobile sales establishment, which is a new car sales agency .
- (18) Greenhouses — retail .
- (19) Laundries — provided that not more than 2,500 square feet of floor area shall be devoted to laundering and pressing processes .
- (20) Meeting halls .
- (21) Newspaper distribution agencies — for home delivery and retail trade .
- (22) Orthopedic and medical appliance stores — but not including the assembly or manufacture of such articles .
- (23) Pawn shops .
- (24) Pet shops .
- (25) Pet service, domestic .
- (26) Plumbing and heating fixtures and equipment establishments — retail sales and shops for domestic installation only .

- (27) Printing and publishing establishments.
- (28) Radio, television and household appliance service and repair shops.
- (29) Radio and television stations, and towers — transmitting and receiving.
- (30) Recording studios.
- (31) Religious institutions — churches, chapels, temples and synagogues.
- (32) Restaurants — which may include live entertainment, dancing, and serving of alcoholic beverages when there are tables and booths in the restaurant for accommodating not less than 100 persons at the same time.
- (33) Restricted production and repair, limited to the following: needle-work; clothing, such as custom manufacturing and alterations; jewelry from precious metals; watches; dentures; and optical lenses.
- (34) Schools — music, dance, business or trade when operations conform with applicable requirements herein in the B1 District conditional uses.
- (35) Second-hand stores and rummage shops.
- (36) Self-service stores — coin operated vending machines.
- (37) Taxidermists.
- (38) Theaters — indoor.
- (39) Undertaking establishments and funeral parlors.

3 Conditional Permitted Uses

- a The following uses may be allowed at any location except for those uses that are conditional permitted uses in the B1 District — regulations in the B1 District governing such uses designated with an asterisk shall also apply in this district.
  - (1) Animal hospitals — on a lot not less than 75 feet wide and not less than 10,000 square feet in area.
  - (2) Drive-in establishments including banks, restaurants and other uses customarily providing drive-in facilities except theaters — location of vehicular ingress and egress and number and location of spaces for parking of automobiles of customers being served or waiting to be served, shall be as approved by the Board of Trustees.
  - (3) Health centers, public — on a lot not less than 10,000 square feet in area.
  - (4) Heliports, public or private — located on a lot not less than one acre in area and having a touchdown area which is enclosed by a fence and which is not less than 100 feet in diameter. The landing area shall, as a minimum, have two approach-departure paths — with centerlines radiating from the center of the area

forming an angle greater than 90 degrees — which are not less than 75 feet in width and which are unobstructed above an imaginary plane extending from the edge of the landing area at an incline of one foot vertically to each six feet horizontally.

- (5) Kennels — on a lot not less than 75 feet in width and not less than 10,000 square feet in area and no outdoor dog runs or accessory buildings are permitted.
- (6) Open sales lot — as a principal use or when a customary accessory use to a permitted use in this district.
- (7) Parks and recreational buildings, private or semi-public — not operated for profit on a lot not less than one acre.
- (8) Planned developments, business — on a lot not less than five acres in area.
- (9) Public utility, transportation, and governmental service uses as follows:
  - (a) Bus stations, bus turn-around areas, bus garages, and bus lots.
  - (b) Electric substations and distribution centers.
  - (c) Fire stations.
  - (d) Gas regulator stations.
  - (e) Parks, recreation buildings, and community centers — public.
  - (f) Passenger railroad stations.
  - (g) Police stations.
  - (h) Railroad rights-of-way.
  - (i) Taxi stands.
  - (j) Telephone exchanges and telephone transmission equipment buildings and micro-wave relay towers.
  - (k) Water filtration plants, pumping stations, reservoirs, and sewage lift stations — municipal.
- (10) Accessory uses customarily incidental to the above conditional permitted uses including but not limited to off-street parking, off-street loading and signs as herein regulated, and dwelling units or lodging rooms customarily accessory to institutional uses and clubs and lodges.

#### 4 Floor Area Ratio

As in the B1 District except in 4c therein, the 5,000 square feet maximum floor area for one principal use shall apply only to buildings containing uses permitted in this district that are also permitted uses in the B1 District which are therein designated with an asterisk.

#### 5 Yards

Front, side, and rear yards — as in the B1 District.

6 Awnings, Marquees, and Signs

As in the B1 District except:

- a the gross surface area in square feet of all signs on a lot shall be not more than three times the length, in feet, of the front lot line; and
- b ground signs shall be permitted as accessory to any use allowed in this district, provided the principal building is set back more than eight feet from the lot line adjoining a street. The sign shall not extend into a street right-of-way and it shall not be located less than 15 feet from the nearest interior lot line.

7 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

C B3 RESTRICTED SERVICE BUSINESS DISTRICT

The restricted service business district classification is created for the motor vehicle service establishments where the customers drive their motor vehicles onto the premises for services thereon while seated in their motor vehicles or where facilities are provided for customers to wait during the period such services are being rendered or other types of business establishments having drive-in facilities for the principal operations thereof.

1 General Requirements

- a Dwelling units and lodging rooms are not permitted.
- b All establishments shall be for trade and service, at retail, directly to consumer, and all goods produced on the premises shall be sold or serviced at retail.
- c Enclosed buildings and drive-in facilities shall be provided for the conduct of business, and accessory servicing and processing shall be conducted primarily from enclosed buildings.
- d Trucks in excess of one and one-half tons capacity used in conjunction with operations of any use permitted in this district shall not be parked in the open within 150 feet of a Residence District boundary line, except during the time such uses are open for business.

2 Permitted Uses

Prior to issuance of a permit the (1) location of structures in relation to Residence District boundary lines, and (2) architectural and development plans — including the specifications for vehicular ingress and egress — for the following principal uses and accessory uses — when they are not conducted in enclosed buildings — shall be approved by the Board of Trustees after having received the recommendation of the Plan Commission:

- a Business establishments as herein permitted in the B1 and B2 Districts where the operations are predominately of the drive-in type.
- b Automobile accessory stores — including installation and minor repair of commodities sold on the premises.

- c Automobile laundries — on a lot not less than one acre in area.
- d Automobile service stations — on a lot not less than 12,000 square feet in area and not less than 90 feet in width.
- e Public utility, transportation, and governmental service uses as follows:
  - (1) Bus stations, bus turn-around areas, bus garages, and bus lots.
  - (2) Electric substations and distribution centers.
  - (3) Fire stations.
  - (4) Gas regulator stations.
  - (5) Police stations.
  - (6) Taxi stands.
  - (7) Telephone exchanges and telephone transmission equipment buildings and micro-wave relay towers.
  - (8) Water filtration plants, pumping stations, reservoirs, and sewage lift stations — municipal.
- f Restaurants, including also ice cream and refreshment stands, drive-in.
- g Accessory uses customarily incidental to the above uses including but not limited to off-street parking, off-street loading and signs as herein regulated.

3 Floor Area Ratio

Not more than 0.75.

4 Yards

As in the B1 District except — no front yard shall be required, except:

- a a wall of building containing a doorway for motor vehicles, and fuel pumps and all water outlet facilities of an automobile service station shall be located not less than 15 feet from a lot line adjoining a street; and
- b when a B3 District occupies a part of the frontage along one side of a street within a block and the remainder of the frontage along one side of the frontage is in a Residence District, a front yard having a depth as herein required for such Residence District shall be required.

5 Awnings, Marquees, and Signs

As in the B2 District.

6 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

D B4 GENERAL SERVICE BUSINESS DISTRICT

The General Service Business District classification is established to accommodate a wide range of specialized commercial and business uses including highway oriented service and commercial recreation types of establishments to serve a trade area embracing a large segment of an urban region.

1 General Requirements

Dwelling units and lodging rooms are not permitted, except a dwelling unit or lodging room for occupancy by a watchman, and a manager or proprietor of an establishment, provided the dwelling unit is within the principal building, and lodging rooms in a hotel or motel.

- a All establishments shall be for trade and service at retail directly to consumers, and all goods produced or serviced on the premises shall be sold or serviced at retail except for specific uses where wholesale sales or processing and fabricating of goods, materials and products for general distribution are permitted.
- b All business, servicing, or processing, shall be conducted within completely enclosed buildings, except for off-street parking or loading, and drive-ins, open sales lots and other establishments where outdoor operation is a principal or accessory use is herein specifically permitted.
- c All activities including also those in connection with trade schools, involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform with performance standards herein set forth for the M1 Limited Manufacturing District, provided that performance standards shall, in every case, be applied at the boundaries of the lot on which such activity takes place.
- d Trucks in excess of one and one-half tons capacity used in conjunction with operation of any business permitted in this district shall not be parked in the open within 150 feet of a Residence District boundary line, except during normal business hours or during periods beyond when parked for pick-up and delivery operations.

2 Permitted Uses

Prior to issuance of a permit the (1) location of structures in relation to Residence District boundary lines, and (2) architectural and development plans — including the specifications for vehicular ingress and egress — for the following principal uses and accessory uses — when they are not conducted in enclosed buildings — shall be approved by the Board of Trustees after having received the recommendation of the Plan Commission:

- (1) Amusement establishments — bowling alleys, billiard parlors, gymnasiums, swimming pools, ice skating rinks and those conducted out of doors — miniature, pitch and putt, par 3 or standard, golf courses, golf driving ranges, swimming pools and clubs and recreation centers containing one or more of the above uses and other recreation uses as approved by the Board of Trustees.
- (2) Animal hospitals and veterinarian offices.
- (3) Blue printing and photo copying establishments.
- (4) Building material sales establishments — dimension lumber, millwork, cabinets, and other building materials, but not including milling, planing, jointing, or manufacture of millwork.

- (5) Cleaning and dyeing establishments, retail.
- (6) Contractors offices and shops with no outside storage.
- (7) Electrical and gas appliances and fixtures for building construction sales, service, and repair establishments.
- (8) Exhibition halls.
- (9) Frozen food stores and lockers.
- (10) Fuel and ice retail sales establishments with no outside storage and liquid fuels are stored in underground tanks.
- (11) Garages, public.
- (12) Green houses — retail and wholesale sales.
- (13) Household appliances, radio and television sets and parts — sales, repair, and service establishments — including accessory rebuilding and wholesale sales of used appliances and radio and television sets.
- (14) Importers and distributors.
- (15) Laboratories — medical, dental or optical.
- (16) Laundries.
- (17) Mail order houses.
- (18) Medical or dental clinics or offices.
- (19) Meeting halls.
- (20) Motor vehicle and boat sales establishments — including outdoor display when accessory to a new motor vehicle or boat sales agency.
- (21) Newspaper offices — including printing.
- (22) Offices, general or professional, private, semi-public, or public.
- (23) Parking lots and storage garages.
- (24) Plumbing, heating, ventilating, or electrical equipment and fixtures sales — but not including service and repair.
- (25) Printing, publishing or lithography establishments.
- (26) Public utility and governmental service uses as follows:
  - (a) Bus transit facilities, including shelters, passenger stations, parking areas, and service buildings.
  - (b) Electric distribution centers and substations.
  - (c) Gas regulator stations.
  - (d) Public utility and governmental service establishments, other — including offices, storing, testing, repairing, and servicing, but not including electric generator plants, except equipment used to generate only the electrical requirements of the premises on which the generator is located, gas manufacturing plants, or storage facilities for natural or artificial gas — either above or below the ground, or batch mixing plants for asphaltic or Portland cement concrete.

- (e) Radio and television towers.
- (f) Railroad rights-of-way and passenger stations.
- (g) Telephone exchanges, micro-wave relay towers and telephone transmission equipment and other such service buildings.
- (h) Water-filtration plants, pumping stations, and reservoirs, and sewage-treatment plants and lift stations — public or community.
- (27) Research laboratories.
- (28) Restaurants — may include entertainment, dancing, and serving of alcoholic beverages.
- (29) Retail trade centers containing one or more buildings and two or more principal uses initially developed under unified ownership or control — stores and shops of the types permitted in the B1 District, provided that no store or shop shall be located in a detached building having less than 5,000 square feet of ground floor space and shall contain no more than one principal use, or is located in a detached building having more than 10,000 square feet of ground floor area and when such building contains more than one principal use.
- (30) Schools, commercial or trade.
- (31) Theaters, but not including outdoor theaters.
- (32) Training centers, engineering or sales.
- (33) Undertaking establishments and funeral parlors.
- (34) Wholesale establishments provided not less than 20 percent of the total floor space is devoted to office or retail use.
- (35) Accessory uses customarily incidental to the above permitted uses, including but not limited to off-street parking, off-street loading and business signs as herein regulated and dwelling unit or lodging room when above the first story, or in the first story when located not less than 50 feet from the front building line, provided such dwelling unit or lodging room is for occupancy only by the owner, proprietor, or manager of the principal use.

3 Conditional Permitted Uses

- a Automobile laundries — on a lot not less than 20,000 square feet in area.
- b Banks, drive-in — as an accessory use when the principal banking activity is conducted in an enclosed building.
- c Cartage, express, parcel or warehouse delivery establishments, but not including freight terminals — on a lot not less than 20,000 square feet in area.
- d Churches, temples and synagogues — as herein regulated as a conditional permitted use in the B1 District.
- e Clubs or lodges — as herein regulated as a conditional permitted use in the B1 District.



VIII — BUSINESS DISTRICTS - B4

- f Convents, monasteries and theological schools — as herein regulated as a conditional permitted use in the B1 District.
- g Planned development on a tract of land not less than five acres in area.
- h Radio and television towers exceeding the maximum height as herein set forth in Article IV F3.
- i Restaurants, drive-in — on a lot not less than 10,000 square feet in area.
- j Accessory uses customarily incidental to the above conditional permitted uses including but not limited to off-street parking, off-street loading and signs as herein regulated, and dwelling units or lodging rooms customarily accessory to religious institutional uses and clubs and lodges.

4 Floor Area Ratio

Not more than 0.75.

5 Yards

Front, side, and rear yards as in the O Office District.

6 Awnings, Marquees, and Signs

As in the B2 District.

7 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

## ARTICLE IX

### MANUFACTURING DISTRICTS

#### A GENERAL REQUIREMENTS

##### 1 Prohibited Structures and Uses

No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered, or remodeled for any of the following uses: abattoirs; arsenals, crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture; fireworks or explosive manufacture or storage; dumping, reduction or other processing of garbage, dead animals, offal or refuse, except as customarily incidental to a permitted use; ore reduction; petroleum processing or refining; pyroxylin manufacture; natural or synthetic rubber, caoutchouc, or gutta percha manufacture; salt works; sauerkraut manufacture; soap manufacture; smelters; stock yard or slaughter of animals or fowls; tallow, grease, or lard manufacture or treatment; tanning, curing, or storage of rawhides or skins; tar distillation or manufacturing; junk yards; automobile wrecking yards; or cement concrete or asphaltic concrete mixing plants.

##### 2 Uses Licensed by Village Board

No uses involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Village, or are used as customarily incidental to the operation of a principal use in such quantities, and in a manner conforming with applicable performance standards hereafter set forth in this Article. Such materials include, but shall not be confined to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentration greater than 35 percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

##### 3 Operations Within Enclosed Buildings

Manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing and testing of materials, products and goods, and retail or wholesale sales shall be conducted within completely enclosed buildings, except:

- a Off-street parking and off-street loading when conforming with regulations herein set forth in Article X.
- b Establishments of the drive-in type offering goods and services to customers waiting in parked automobiles.

## IX — MANUFACTURING DISTRICTS

- c Servicing, repairing, testing, cleaning and other operations of railroads and other transportation facilities customarily conducted out-of-doors.
- d Storage and testing areas provided that such areas located within 500 feet of a Residence District shall be completely enclosed behind a solid fence or wall or chain-link fence faced with dense plantings of trees or shrubs which in the case of a wall or fence shall be not less than six feet or more than eight feet in height.
- e Other uses customarily conducted in the out-of-doors such as open sales lots for retail sales and out-of-doors recreation facilities.

### 4 Yards Adjoining Residence Districts

No buildings, structures or parcel of land which is used for "any establishment the principal use of which is manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing or testing of materials, products or goods" shall be located in an M1 or M1A District within 50 feet of a Residence District boundary line, except when directly across a street from a Residence District, there shall be provided for such uses a yard along such street of not less than 40 feet in depth, and in an M2 District, such distances shall be increased to 100 feet from a Residence District boundary line, and to 60 feet for depth of yard, except off-street parking may be located in such open spaces when set back not less than 10 feet from building setback line adjoining a street. In M1, M1A or M2 Districts, off-street parking areas may be located in interior side and rear yards with wheelstops located not closer than 7 feet from a Residence District line. They shall be effectively screened from a residence lot by a densely planted, compact hedge, or the equivalent, and maintained in good condition. (Entire section 4 amended April 7, 1966)

### 5 Performance Standards - Noise

- a Any use established in a Manufacturing District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing noise established hereinafter for the district in which such use is located.
- b Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

# IX — MANUFACTURING DISTRICTS

- (1) In the M1 and M1A Districts, at no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.  
(as amended April 7, 1966)

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) Along Residence District Boundaries
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) Along Business District Boundaries
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

- (2) In the M2 District the regulations governing noise in the M1 District shall apply.

## 6 Performance Standards - Vibration (as amended April 7, 1966)

Any use established in a manufacturing district after the effective date of this ordinance shall be so operated as to comply with the performance standards governing vibration set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing vibration established hereinafter for the district in which the use is located.

# IX — MANUFACTURING DISTRICTS

- a In the M1 and M1A Districts, any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earthborne vibrations, (other than background vibrations produced by some source not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Column I is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earthborne vibrations in excess of the limits set forth in Column II is prohibited. Vibration shall be expressed as displacement in inches and shall be measured with three-component measuring system approved by the Building Inspector.  
(as amended April 7, 1966)

<u>Frequency (Cycles Per Second)</u>	<u>I* Displacement (Inches)</u>	<u>II* Displacement (Inches)</u>
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

\* Steady State - Vibrations, for the purpose of this ordinance which are continuous or, if in discrete pulses are more frequent than 100 per minute. Impact vibration, that is, discrete pulses which do not exceed 100 impulses per minute, shall not cause in excess of twice the displacements stipulated.

- b In the M2 District, any industrial operation or activity which shall cause at any time and at any point along the nearest district boundary line earthborne vibrations, (other than background vibrations produced by some source not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Columns I and II is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earthborne vibrations in excess of the limits set forth in Column III is prohibited. Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Building Inspector.

<u>Frequency (Cycles Per Second)</u>	<u>I*</u>	<u>II*</u>	<u>III*</u>
0 to 10	.0020	.0100	.0004
10 to 20	.0010	.0050	.0002
20 to 30	.0006	.0030	.0001
30 to 40	.0004	.0020	.0001
40 to 50	.0003	.0015	.0001
50 and over	.0002	.0010	.0001

## IX — MANUFACTURING DISTRICTS

\* Steady State - Vibrations, for the purpose of this ordinance which are continuous or, if in discrete pulses are more frequent than 100 per minute. Impact vibration, that is, discrete pulses which do not exceed 100 impulses per minute shall not cause in excess of twice the displacement stipulated.

\*\* Impacts no more often than eight (8) times per twenty-four (24) hours - Vibrations occurring in discrete pulses separated by an interval of at least one minute and numbering no more than eight (8) in any twenty-four (24) hour period.

### 7 Performance Standards - Smoke and Particulate Matter (as amended April 7, 1966)

- a Any use established in a Manufacturing District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing smoke and particulate matter set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing smoke and particulate matter established hereinafter for the district in which such use is located. Any use lawfully established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established hereinafter for the district in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the district in which the use is located after such alteration, enlargement or modification.
- b In addition to the performance standards specified hereunder, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
- c For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
- d The emission from any chimney, stack or vent, of particulate matter, shall not exceed one-quarter ( $1/4$ ) pound per hour per acre of lot area.
- e Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and so forth within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter for the district in which such use shall be located is prohibited.

# IX — MANUFACTURING DISTRICTS

- (1) In the M1 and M1A Districts, the emission of more than twelve (12) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann, No. 2. However, once during any six hour period each stack may emit up to twenty (20) smoke units - not to exceed Ringelmann No. 2 - when blowing soot or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes per period. (as amended April 7, 1966)

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

<u>Allowance for Height of Emission*</u>	
<u>Height of Emission</u> <u>(Above Grade (Feet))</u>	<u>Correction</u> <u>(Pounds Per Hour Per Acre)</u>
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

\* Interpolate for intermediate values not shown in table.

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- (a) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area — thereby obtaining the gross hourly rate of emission in pounds per acre.
  - (b) From each gross hourly rate of emission derived in (a) above deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
  - (c) Add together the individual net rates of emission derived in (b), above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.
- (2) In the M2 District, the emission of more than thirty (30) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, once during any three-hour period each stack may emit up to forty-five (45)

## IX — MANUFACTURING DISTRICTS

smoke units — not to exceed Ringelmann No. 2 — for blowing soot and for cleaning fires. Only during fire-cleaning periods, however, shall smoke of a density of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes per period.

The rate or emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three (3) pounds per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

### Allowance for Height of Emission\*

<u>Height of Emission Above Grade (Feet)</u>	<u>Correction (Pounds Per Hour Per Acre)</u>
50	0.0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0

\* Interpolate for intermediate values not shown in table.

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- (a) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area — thereby obtaining the gross hourly rate of emission in pounds per acre.
- (b) From each gross hourly rate of emission derived in (a), above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
- (c) Add together the individual net rates of emission derived in (b), above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed three (3) pounds per acre of lot area during any one hour.

### 8 Performance Standards - Toxic Matter (as amended April 7, 1966)

Any use established in a Manufacturing District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing emission of toxic matter set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing toxic matter established hereinafter for the district in which such use is located.



## IX - MANUFACTURING DISTRICTS

- a In the M1 and M1A Districts, no activity or operation shall cause, at any time, the discharge of toxic matter across lot lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business. (as amended April 7, 1966)
- b In the M2 District, no activity or operation shall cause, at any time, the discharge of toxic matter across lot lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- 9 Performance Standards - Odors (as amended April 7, 1966)  
The emission of odorous matter in excess of the odor threshold measured beyond lot lines is prohibited.
- 10 Performance Standards - Fire and Explosive Hazards (as amended April 7, 1966)  
Any use established in a Manufacturing District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing fire and explosive hazards set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing fire and explosive hazards established hereinafter for the district in which such use is located.
- a In the M1 and M1A Districts, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. (as amended April 7, 1966)
- b The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:
- (1) Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - (2) The storage, utilization, or manufacture of flammable liquids, or materials\* which produce flammable or explosive vapors or gases, shall be permitted in accordance with the following table — exclusive of storage of finished products in original sealed containers, which shall be unrestricted.

### Total Capacity of Flammable Materials Permitted (In Gallons)

<u>Industries Engaged</u>	<u>Above Ground</u>	<u>Underground</u>
<u>In Storage Only</u>		
Materials having a closed cup flash point over 187°F.	Prohibited	100,000

# IX — MANUFACTURING DISTRICTS

From and including 105° F. to and including 187°F.	Prohibited	100,000
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Materials having a closed cup flash point of less than 105°F.	Prohibited	100,000
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<u>Industries Engaged in Utiliza- tion and Manufacture of Flammable Materials</u>	<u>Above Ground</u>	<u>Underground</u>
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Materials having a closed cup flash point over 187°F.	50,000	100,000
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From and including 105°F. to and including 187°F.	20,000	100,000
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Materials having a closed cup flash point of less than 105°F.	5,000	100,000
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\* When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities as listed above.

c In the M2 District, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

(1) The storage, utilization, or manufacture of solid materials or products ranging from free to active burning to intense burning is permitted provided the following condition is met:

Said materials shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls, and protected throughout by an automatic fire extinguishing system; or said materials may be stored outdoors in conformance with the regulations of the State of Illinois, Department of Public Safety, and such storage shall have at least fifty (50) feet clearance from all property lines.

(2) The storage, utilization or manufacture of flammable liquids or materials\* which produce flammable or explosive vapors or gases, shall be permitted in accordance with the following table — exclusive of storage of finished products in original sealed containers, which shall be unrestricted.

## Total Capacity of Flammable Materials Permitted (In Gallons)

<u>Industries Engaged In Storage Only</u>	<u>Above Ground</u>	<u>Underground</u>
Materials having a closed cup flash point over 187°F.	400,000	Unrestricted

# IX — MANUFACTURING DISTRICTS

From and including 105°F. to and including 187°F.	200,000	Unrestricted
Materials having a closed cup flash point of less than 105°F.	100,000	Unrestricted
Industries Engaged in Utiliza- tion and Manufacture of <u>Flammable Materials</u>	<u>Above Ground</u>	<u>Underground</u>
Materials having a closed cup flash point over 187°F.	200,000	Unrestricted
From and including 105°F. to and including 187°F.	100,000	Unrestricted
Materials having a closed cup flash point of less than 105°F.	50,000	Unrestricted

\* When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities as listed above.

## 11 Performance Standards - Glare and Heat (as amended April 7, 1966)

Any use established in a Manufacturing District after the effective date of this ordinance shall be so operated as to comply with the performance standards governing glare and heat set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing glare and heat established hereinafter for the district in which such use is located.

- a In the M1 and M1A Districts, any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light from such operations shall be shielded so as not to create a nuisance across lot lines.  
(as amended April 7, 1966)
- b In the M2 District any operation producing intense glare or heat shall be performed within an enclosure in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light from such operations shall be shielded so as not to create a nuisance across lot lines.

## 12 Performance Standards - Radiation Hazards (as amended April 7, 1966)

- a Airborne radioactive materials shall not exceed at any point on or beyond the lot line, the lowest concentration permitted for the general population by applicable Federal, state, and local laws and regulations. Applicable Federal, state, and local laws and regulations shall be those in effect on the day of application for the Zoning Certificate.

- b No activity involving radiation hazards shall be permitted which causes to any individual who may be continuously at any point on or beyond the lot line, radiation in excess of the smallest amount permitted in the applicable Federal, state, and local laws and regulations on the day of the application for the Zoning Certificate. Unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a fire-proof container at or below ground level) in excess of 100,000 (10-5) times the quantities of radioactive materials listed in paragraph b Section 3 of the Radiation Installation Registration Law, Department of Public Health, State of Illinois, (July, 1957).

13 Performance Standards - Landscaping (as amended April 7, 1966)

All required yards or other open spaces which adjoin a street or lot in a Residence District shall be appropriately landscaped, and shall thereafter be maintained in such a manner as to retain at least the intended standards of the initial landscaping plan.

B M1 LIMITED MANUFACTURING DISTRICT

1 Permitted Uses

- a Any establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods, or products, provided that such establishment qualifies as a permitted use by its operations conforming with M1 District performance standards, and other regulations herein set forth in General Requirements of this Article.
- b The following additional uses shall be permitted, provided that when applicable, operations shall conform at least with M1 District performance standards and other regulations herein set forth in General Requirements of this Article.
  - (1) Bakeries.
  - (2) Bottling works.
  - (3) Building material sales establishments — dimension lumber, millwork, cabinets, and other building materials, including milling, planing, jointing, and manufacture of millwork.
  - (4) Cartage, express, and parcel delivery establishments but not motor freight terminals.
  - (5) Clubs and lodges.
  - (6) Contractors' offices and shops.
  - (7) Currency exchanges.
  - (8) Dry-cleaning establishments.
  - (9) Fuel and ice retail sales establishments.
  - (10) Garages, public, including painting, body and fender work and motor rebuilding.

- (11) Greenhouses, wholesale.
- (12) Laundries.
- (13) Mail order houses.
- (14) Medical and dental clinics.
- (15) Milk distribution stations.
- (16) Meeting halls and offices of labor organizations.
- (17) Monument establishments — including accessory open sales lots.
- (18) Offices, general.
- (19) Packing and crating establishments.
- (20) Public utility and governmental service uses as follows:
  - (a) Bus transit facilities, including shelters, passenger stations, parking areas, and service buildings.
  - (b) Electric distribution centers and substations.
  - (c) Gas regulator stations.
  - (d) Public utility and governmental service establishments other — including offices, storing, testing, repairing, and servicing, but not including electric generator plants, except equipment used to generate only the electrical requirements of the premises on which the generator is located, gas manufacturing plants, or storage facilities for natural or artificial gas — either above or below the ground, or batch mixing plants for asphaltic or Portland cement concrete.
  - (e) Radio and television towers.
  - (f) Railroad rights-of-way.
  - (g) Telephone exchanges, micro-wave relay towers and telephone transmission equipment and other such service buildings.
  - (h) Water-filtration plants, pumping stations, and reservoirs, and sewage-treatment plants and lift stations — public or community.
- (21) Publishing and printing establishments.
- (22) Radio and television studios, stations, and towers, transmitting and receiving.
- (23) Recreation buildings and community centers.
- (24) Restaurants - not including live entertainment or dancing but including accessory cocktail lounges.
- (25) Temporary buildings for construction purposes or real estate sales for a period not to exceed the duration of construction or in the case of real estate sales - not more than two years.
- (26) Trade schools.

- (27) Wholesale establishments.
- (28) Accessory uses customarily incidental to the principal use.
- (29) Lead, siding, industrial switch tracks used only for the purpose of serving industrial establishments within the district and not for any other purpose, specifically prohibiting classification yards, piggyback and public team tracks. There shall be no more than two (2) sets of adjacent railroad tracks permitted on the right-of-way established for railroad operations. This shall not be construed to exclude construction of industrial switch tracks leading off the right-of-way to serve individual industrial establishments, but no more than two (2) industrial switch tracks shall be permitted at any one location.  
(as amended April 7, 1966)

2 Conditional Permitted Uses

- a Airports and heliports - location, development plans and operations shall be approved by the Board of Trustees after receiving the recommendation of the Plan Commission and approval of other governmental authorities having jurisdiction.
- b Park, playgrounds and other out-of-door recreation facilities, private, semi-private or public including par 3 or standard golf courses and other outdoor recreation facilities as may be recommended by the Plan Commission and approved by the Board of Trustees.
- c Planned developments - manufacturing on a tract of land not less than ten acres in area.
- d Mining, stripping, loading and hauling of sand, gravel, topsoil, or other aggregate, but not including equipment, structures for screening, crushing, washing or storage, except as may be specifically authorized as a variation for a limited time.
- e Sanitary land fill or earth land fill - public - locations and methods of operation shall be as approved by the Board of Trustees.
- f Growing of farm, garden, and nursery crops in the open - provided that livestock or poultry are not kept, and no offensive odors or dusts are created, and further provided that no retail sales are conducted from a store or stand erected or maintained on the premises.
- g Radio and television towers exceeding the maximum height as herein set forth in Article IV F3.
- h Accessory uses customarily incidental to the principal use.

3 Floor Area Ratio

Not more than 1.0.

4 Yards

- a Front yard — not less than 25 feet in depth - except:

- (1) when an M1 District occupying part of a frontage along one side of the street where buildings have been previously erected, the front yard shall be not less than the established building line.
- (2) when front yards are located across the street from a residence district - not less than 40 feet in depth.
- b Side yards — two side yards, each side yard not less than 15 feet in width, except a side yard adjoining a street - not less than 25 feet wide.
- c Rear yards — not less than five (5) feet - except where rear yards adjoin railroad switch, lead, industrial or siding tracks - one (1) foot.  
(Entire Section 4 amended April 7, 1966)

5 Signs

As in the B2 District.

6 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.

C M1A OFFICE, ENGINEERING AND RESEARCH LABORATORY DISTRICT

1 Permitted Uses

- a Offices.
- b Engineering Laboratory.
- c Research Laboratory.

2 Floor Area Ratio

Not more than 0.8.

3 Yards

- a Front yard — not less than 25 feet in depth.
- b Side yards — two side yards, each side yard not less than 15 feet in width except a side yard adjoining a street - not less than 25 feet wide.
- c Rear yards — not less than 25 feet.

4 Signs

The gross surface area of all signs on a lot shall not exceed 240 square feet. On a corner or through lot, each lot line abutting a street shall be considered a separate front lot line. Signs shall not extend above a cornice or parapet wall, nor shall a sign be painted upon a building.

5 Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article X.  
(Entire Section C amended April 7, 1966)

D M2 GENERAL MANUFACTURING DISTRICT (as amended April 7, 1966)

1 Permitted Uses

- a As in the M1 District and the following:

- (1) Any establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products, provided that such establishment qualifies as a permitted use by its operations confirming with M2 District performance standards, and other regulations herein set forth in General Requirements of this Article.
- (2) Railroad operations including switching, classification or car yards; car or locomotive shops; loading platforms or warehouses, train sheds, freight depots or stations; or switch, spur, lead, team, or siding tracks.
- (3) Signs, advertising.
- (4) Accessory uses customarily incidental to the above permitted uses.

2 Conditional Permitted Uses

- a As in the M1 District.
- b Air, rail, or motor freight terminals on a tract of land not less than two acres in area, provided location and development plans are approved by the Board of Trustees after receiving the recommendation of the Plan Commission.

3 Floor Area Ratio

Not more than 1.2.

4 Yards

- a Front yard — not less than 30 feet in depth.
- b Side yards — two side yards, each side yard not less than 15 feet in width except a side yard adjoining a street — not less than 30 feet wide.
- c Rear yards — not less than 25 feet.

5 Signs

- a As in the M1 District.
- b Advertising signs of a temporary principal use or an accessory use shall be permitted as follows:

All regulations governing business signs in the B2 District shall apply, except:

- (a) Only one double faced advertising sign shall be permitted on a lot having 100 feet or less of street frontage. It may have a gross surface area for each display surface of not more than the gross surface area of a standard poster panel — 15 feet by 25 feet in dimension. On a lot having more than 100 feet of street frontage, one additional such advertising sign shall be permitted for each 100 feet or part thereof of street frontage over 100 feet, provided that on a lot having more than 100 feet



of street frontage, not more than two sign structures may be adjoined or separated by not more than five feet of open space and there shall be a distance of not less than 100 feet between the next sign or group of signs on the same or adjoining lot.

- (b) No advertising sign shall be permitted in any required yard, or be located nearer than 100 feet from a Residence District boundary line; nor be nearer to a Federal or state highway than the distance regulated by State statutes or DuPage County ordinances.

6 Off-street Parking and Off-street Loading

In accordance with applicable regulations set forth herein in Article X.

## ARTICLE X

### OFF-STREET PARKING AND OFF-STREET LOADING

#### A SCOPE OF REGULATIONS

The off-street parking and off-street loading provisions of this ordinance shall apply as follows:

- 1 Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this Article for all structures erected and all uses of land established in each district after the effective date of this ordinance. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- 2 When the intensity of use of any structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.
- 3 Whenever the existing use of a structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

#### B EXISTING PARKING FACILITIES

Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

#### C PERMISSIVE PARKING AND LOADING FACILITIES

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking and loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

#### D DAMAGE OR DESTRUCTION

For any conforming or non-conforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and when a conforming building or use, or a non-conforming building or use which is not so damaged or destroyed in excess of 60 percent of the cost of reconstruction of the building or use, is reconstructed, re-established, or repaired, off-street parking and

## X — OFF-STREET PARKING AND OFF-STREET LOADING

loading facilities need not be provided, except that such parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

### E CONTROL OF OFF-SITE PARKING FACILITIES

In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be on a lot in the same possession of the title holder of record as the lot occupied by the building or use to which the parking facilities are accessory. A covenant running with the land must be recorded in the office of the Recorder of Deeds of DuPage County, Illinois on the lot upon which the accessory off-street parking is located which prohibits any other use on that lot, and a certified copy by the Recorder of Deeds of DuPage County, Illinois of the recorded covenant is deposited with the Building Inspector. The covenant shall not be released until such time as either one of the following conditions occur:

- 1 the structure on the lot containing the principal use is removed and the principal use terminated; or
- 2 another lot of the required size within the required distance is properly developed and used for the required accessory off-street parking in place of and in lieu of the initial lot used for accessory off-street parking with the same requirements, covenants and conditions attaching to such substitute accessory use lot as approved by the same authority as required for approval of such initial use lot.

### F OFF-STREET PARKING

Off-Street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter:

- 1 **USE:** Accessory off-street parking facilities required as accessory to uses listed herein, shall be solely for the parking of automobiles of patrons, occupants, or employees. When bus transportation is provided, for patrons, occupants, or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations herein for Access, In Yards, Design and Maintenance and Area applicable to accommodating such buses.
- 2 **EXEMPTION:** When the application of the off-street parking regulations specified hereinafter results in a requirement of not more than three spaces on a single lot in B1 and B2 Districts, such parking spaces need not be provided. However, where two or more uses are located on a single lot, only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.
- 3 **COMPUTATION:** When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

## X — OFF-STREET PARKING AND OFF-STREET LOADING

- 4 COLLECTIVE PROVISION: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Trustees.
- 5 AREA: A required off-street parking space shall have a width and length, exclusive of access drives or aisles, ramps, columns, or office or work areas in accordance with Village of Bensenville standards of design. Enclosed parking spaces shall have a vertical clearance of at least seven feet (see Appendix II).
- 6 ACCESS: Each required off-street parking space shall open directly upon an aisle or driveway of a width and design in accordance with Village of Bensenville standards of design. All off-street parking facilities shall be provided with appropriate means of vehicular access to a street or alley of such Village of Bensenville design standards (see Appendix II).
- 7 IN YARDS: Off-street parking spaces open to the sky may be located in any yard except a front yard and a side yard adjoining a street, and in M1 and M1A Districts, off-street parking spaces may be located in a front yard and side yard adjoining a street, provided the wheelstops are located not closer than 25 feet from the street. (as amended April 7, 1966)
- 8 DESIGN AND MAINTENANCE:
  - a Open and Enclosed Parking Spaces: Accessory off-street parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory off-street parking spaces located elsewhere than on the same lot occupied by the use shall be open to the sky.
  - b Surfacing: All open off-street parking areas containing more than four parking spaces shall be improved with a compacted macadam base, or equal, not less than four (4) inches thick and surfaced with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material as approved by the Village Board.
  - c Screening and Landscaping: All open off-street parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential or institutional property, by a wall or a fence not less than five feet high or more than six feet high, or a densely-planted, compact-hedge not less than five feet in height; and wheelstops of masonry, steel, or heavy timber shall be placed not nearer than five feet from the street line in districts where a front yard is not required or from side lot lines; such screening materials shall be maintained in good condition. (as amended April 7, 1966)

X — OFF-STREET PARKING AND OFF-STREET LOADING

- d Lighting: Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets. All lighting shall be extinguished no later than thirty minutes after the close of business of the use being served, except as may otherwise be authorized by the Board of Trustees.
  - e Repair and Service: No motor vehicle repair work of any kind shall be permitted in off-street parking areas. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building, in which case gasoline and motor oil may be sold within such building to the uses of such facilities, provided that no advertising sign is visible from outside the building, and provided further that all gasoline pumps shall be effectively screened from view of the street.
- 9 LOCATION: All parking spaces required to serve buildings or uses erected or established in Single-Family Residence Districts after the effective date of this ordinance shall be located on the same lot as the building or use served. Buildings or uses other than single-family dwellings existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance or new uses other than in Single-Family Residence Districts may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within 300 feet walking distance of said building, and located in a district where off-street parking areas or storage garages are a permitted or are a conditional permitted use and where there is compliance with requirements herein set forth in "E" of this Article.
- 10 EMPLOYEE PARKING: Parking spaces required on an employee basis shall be on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- 11 REQUIRED SPACES: The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows:
- a Dwelling and Lodging Uses:
    - (1) Lodging houses and apartment hotels:  
One parking space for each lodging room or suite of rooms and one parking space for each dwelling unit.
    - (2) Hotels and Motels:  
One parking space for each room or suite of rooms comprising a lodging unit, plus one parking space for each 100 square feet of retail sales and dining area.
    - (3) Multiple-family dwellings:  
One and one-half parking space for each dwelling unit.
    - (4) Single-family dwellings:  
One parking space but not more than four parking spaces for each dwelling.

## X — OFF-STREET PARKING AND OFF-STREET LOADING

(5) Two-family dwellings:

One parking space but not more than two parking spaces for each dwelling unit.

b Schools, Institutions and Auditoriums or Other Places of Assembly:

(1) Auditoriums, churches, schools, and other institutional establishments.

One parking space for each five seats, or for each 90 lineal inches of seating space in the main auditorium or assembly hall.

(2) Colleges, junior colleges, and universities:

One parking space for each seven students, based upon the maximum number of students that can be accommodated in accordance with design capacity.

(3) Gymnasiums, stadiums, grandstands, meeting halls, convention halls, and exhibition halls:

One parking space for each five seats or for each 90 lineal inches of seating space. When such facilities for public assembly are accessory to a school, and when approved by the Board of Trustees, the required number of parking spaces may be reduced by the number of spaces provided, as required herein for the applicable school.

(4) Hospitals:

1.0 parking spaces per bed for 100 beds or lesser size; 1.1 parking spaces per bed for 101 to 300 beds; 1.2 parking spaces per bed for 301 to 500 beds; and 1.3 parking spaces per bed for over 500 beds.

(5) Libraries, museums, art galleries, and aquariums:

One parking space for each 1,000 square feet of floor area.

(6) Nursing homes and similar types of establishments:

One parking space for each three beds, plus one parking space for each two employees.

(7) Private clubs and lodges:

One parking space for each lodging room and one parking space for each five seats in accordance with design seating capacity of the main meeting room.

(8) Schools:

When the number of parking spaces as required herein are provided for an auditorium or other places of public assembly accessory to a school, and when approved by the Board of Trustees, additional parking spaces need not be provided when the number of parking spaces for such auditorium or other places of public assembly is equal to or in excess of the applicable requirements set forth in (a), (b), or (c) below.

## X — OFF-STREET PARKING AND OFF-STREET LOADING

(a) Commercial or trade, music, dance, or business:

One parking space for each two employees, plus one space for each seven students, based on the maximum number of students that can be accommodated in accordance with such design capacity.

(b) High — public or private:

One parking space for each seven students based on the maximum number of students that can be accommodated in accordance with such design capacity of the building.

(c) Nursery, elementary, or junior high — public or private:

One parking space for each faculty member and each other full-time employee.

c Recreational Uses — Commercial or Non-Commercial

(1) Bowling alleys:

Seven parking spaces for each lane plus such additional spaces as may be required herein for affiliated uses such as restaurants and the like.

(2) Health salons, swimming pools, skating rinks, and dance halls, commercial:

One parking space for each three persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, and one parking space for each two employees.

(3) Parks, recreation areas, and community centers:

One parking space for each two employees, plus spaces in adequate number as recommended by the Plan Commission and approved by the Board of Trustees to serve the visiting public.

d Business, Commercial, and Industrial Uses

(1) Automobile laundries:

One parking space for each 1.5 employees, and in addition, reservoir standing spaces to accommodate automobiles awaiting entrance to the automobile laundry equal in number to five times the maximum capacity of the automobile laundry. Maximum capacity, in this instance, shall mean the greatest possible number of automobiles undergoing some phase of laundering at the same time.

(2) Automobile service stations:

One parking space for each island of gasoline pumps, plus two for each service stall.

X — OFF-STREET PARKING AND OFF-STREET LOADING

- (3) Banks:  
One parking space for each 400 square feet of floor area.
- (4) Beauty parlors:  
One parking space for each 200 square feet of floor area.
- (5) Business, professional and public administration or service office buildings:  
One parking space for each 200 square feet of floor space.
- (6) Restaurants — not including drive-in establishments:  
One parking space for each 100 square feet of floor area in the building.
- (7) Furniture and appliance stores, motor vehicle sales establishments, and establishments for repair of household equipment or furniture:  
One parking space for each 400 square feet of floor area.
- (8) Medical and Dental Clinics:  
Four parking spaces for each examining and treatment room, plus one for each doctor in the clinic.
- (9) Manufacturing, fabricating, storing, cleaning, testing, assembling, repairing, or servicing establishments as permitted in Manufacturing Districts:  
One parking space for each two employees based upon maximum number of employees that can be accommodated in accordance with Building Code regulations.
- (10) Theaters:  
One parking space for each four seats up to 400 seats, plus one parking space for each six seats over 400.
- (11) Undertaking establishments and funeral parlors:  
One parking space for each 100 square feet of floor area.
- (12) Warehouse, storage, wholesale and mail order establishments:  
Four parking spaces plus one parking space for each 1,500 square feet of floor space over 4,500 square feet or when the number of employees is specifically indicated, one parking space for each two employees employed on the premises.
- (13) Public utility and public service uses:  
One parking space for each two employees.
- (14) All other business and commercial establishments:  
One parking space for each 200 square feet of floor area.
- (15) Other uses:  
Parking spaces for other permitted uses or conditional permitted uses not listed above shall be provided in accordance with re-



## X — OFF-STREET PARKING AND OFF-STREET LOADING

quirements designated by the Board of Trustees after receiving the recommendation of the Plan Commission.

- (16) Uses in a business and office planned development under unified control or ownership on a tract of land three acres or more in area.

The required number of parking spaces for each use shall be two times the required number of parking spaces as heretofore set forth for such uses.

### G OFF-STREET LOADING

There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which required the receipt or distribution of materials or merchandise by trucks or similar vehicles.

#### 1 Location

All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, side yard, or side yard adjoining a street.

#### 2 Size

Unless otherwise specified in this ordinance, a required off-street loading berth shall be at least ten (10) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

#### 3 Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and shall be subject to approval of the Village Engineer of the Village of Bensenville.

#### 4 Surfacing

All open off-street loading berths shall be improved with a compacted macadam base not less than seven (7) inches thick, or equal, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather, dustless material, and shall be subject to approval by the Village Engineer of the Village of Bensenville.

#### 5 Repair and Service

No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading berth.

## X — OFF-STREET PARKING AND OFF-STREET LOADING

### 6 Space Allowed

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

### 7 Off-Street Loading Space Requirements

- a The minimum number of off-street loading spaces accessory to non-residential uses in Residence, Office, and Retail, General and Service Business Districts shall be: One loading space for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading space for each additional 100,000 square feet of gross floor area or fraction thereof. The minimum required size of such loading spaces shall be 10 feet in width and 35 feet in length, exclusive of aisle and maneuvering space, and have a vertical clearance of not less than 12 feet.
- b The minimum number and size of off-street loading spaces accessory to uses in Manufacturing Districts shall be in accordance with the following schedule:

<u>Floor Area of Establishments</u>	<u>Required Number</u>	<u>Minimum Size</u>	<u>Minimum Vertical Clearance</u>
5,000 to 10,000	1	10 ft. x 35 ft.	12 feet
10,000 to 25,000	2	10 ft. x 35 ft. ea.	12 feet
25,000 to 40,000	2	12 ft. x 50 ft. ea.	14 feet
40,000 to 100,000	3	12 ft. x 50 ft. ea.	14 feet

For each additional 100,000 square feet of gross floor area, or fraction thereof, over 100,000 square feet of gross floor area, one additional loading space. Such additional loading space shall be at least 12 feet in width by 50 feet in length, and have a vertical clearance of not less than 14 feet.

ARTICLE XI  
NON-CONFORMING STRUCTURES AND USES

A STATEMENT OF PURPOSE

The purpose of this Article is to provide for the regulation of non-conforming uses and structures, and to specify those circumstances and conditions under which those non-conforming structures and uses shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by Illinois Statutes.

B AUTHORITY TO CONTINUE NON-CONFORMING STRUCTURES AND USES

Any structure or use which existed lawfully at the time of the adoption of this ordinance, and which remains or becomes non-conforming upon the adoption of this ordinance or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

1 Repairs and Alterations

Ordinary repairs and alterations may be made to a non-conforming structure, provided that no structural alterations shall be made in or to such structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the structure and use thereof conform to the regulations of the district in which it is located. Ordinary repairs and alterations shall be determined by the Building Inspector and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

2 Additions and Enlargements

- a A non-conforming structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall not be added to or enlarged in any manner unless such non-conforming structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located.
- b A non-conforming structure which is non-conforming only as to bulk, may be added to or enlarged, provided such addition conforms to all regulations of the district in which it is located.

3 Moving

No structure shall be moved in whole or in part to any other location unless every portion of such structure, and the use thereof is made to conform to all regulations of the district, in which the structure or portion thereof is located.

4 Restoration of Damaged Non-Conforming Structures

A structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it

## XI — NON-CONFORMING STRUCTURES AND USES

was before the occurrence will exceed 70 percent of the total cost of reconstructing the entire structure, shall not be restored unless said structure and the use thereof shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than 70 percent of the cost of reconstructing the entire structure, no repairs or construction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

### 5 Discontinuance of Use of Non-Conforming Structure

A structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and in which the use has ceased by discontinuance or abandonment, on the effective date of this ordinance or thereafter is abandoned and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

### 6 Change of Use in Non-Conforming Structure

The non-conforming use of a structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the district in which the structure is located, or the non-conforming uses of a part of such a structure may be extended to the remaining parts of the structure.

### 7 Non-Conforming Use of Conforming Structures

The existing non-conforming use of a part or all of a conforming structure may be continued subject to the following provisions:

- a The non-conforming use of a part of such structure shall not be expanded or extended into any other portion of such structure, nor changed to any other non-conforming use.
- b If a non-conforming use of such a structure is discontinued, or abandoned for a period of six months, it shall not be renewed, and any subsequent use of such structure shall conform to the use regulations of the district in which the premises are located.

### 8 Non-Conforming Use of Land

The non-conforming use of land not involving a structure, or in connection with which any structure thereon is incidental or accessory to the principal use of land, may be continued subject to the following provisions:

- a Such non-conforming use shall not be expanded or extended beyond the area it occupies.
- b If such a non-conforming use of land is discontinued or abandoned for a period of six consecutive months, it shall not thereafter be renewed, and subsequent use of land shall conform to the regulations of the district in which the land is located.
- c No non-conforming use of land shall be changed to another non-conforming use.

ARTICLE XII  
ADMINISTRATION AND ENFORCEMENT

A THE OFFICE OF THE BUILDING INSPECTOR

Duties of the Building Inspector:

The Building inspector shall enforce this ordinance and in furtherance of his authority shall:

- 1 Determine conformance of applications for zoning certificates with regulations of this ordinance;
- 2 Issue all zoning certificates, and make and maintain records thereof;
- 3 Issue all certificates of occupancy, and make and maintain records thereof;
- 4 Conduct inspections of structures and use of land to determine compliance with the terms of this ordinance;
- 5 Maintain permanent and current records of the administration and enforcement of this ordinance, including, but not limited to, applications, processing, and decisions for all amendments, variations, and appeals, and designate each amendment and conditional permitted use to zoning districts on the Zoning District Map;
- 6 Provide and maintain a public information bureau relative to all matters pertaining to this ordinance;
- 7 Receive, file, and forward to the Board of Appeals all applications for variations, appeals, or other matters on which the Board of Appeals is required to act under this ordinance;
- 8 Forward to the Village Clerk all applications initially filed with the Building Inspector for amendments, and other matters under this ordinance upon which the Board of Trustees is required to act;
- 9 Refer copies of applications for conditional permitted uses to the Plan Commission for reports of their recommendations and forward such reports along with copies of such applications to the Board of Trustees;
- 10 Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties; and
- 11 File a report with the Village President and a copy to the Board of Trustees relative to findings of the Building Inspector on all reports of zoning violations received by him.

B ZONING CERTIFICATES

Except as hereinafter provided, no permit pertaining to the use of land or permit required by building codes shall be issued by any officer, department, or employee of the Village, unless the applications for such permits have been examined by the Building Inspector and he has affixed thereon certifications indicating that the applications comply with the provisions of this ordinance.

An application for a zoning certificate for a structure and the use thereof, or a land use which requires compliance with performance standards as set forth in General Regulations of the Manufacturing District shall have affixed to it the

## XII — ADMINISTRATION AND ENFORCEMENT

certification of a professional engineer, licensed by the State of Illinois, whose qualifications pertinent to the engineering aspects of the various performance standards regulations have previously been approved by the Board of Trustees. Such certification shall state that the structure and the use therein, or the use of land when no structure is involved, complies with all provisions of this ordinance pertaining to such performance standards. The Building Inspector shall upon receipt of such application, approve and authorize the issuance of a zoning certificate, provided there is compliance with all other provisions of this ordinance. Within 15 days after the date of such approval, the Building Inspector shall examine said application and if in his opinion, the structure and use thereof of use of land not involving a building or structure, does not in fact comply with such performance standards regulations, he shall advise such professional engineer in writing to his finding, stating the reason or reasons therefor. Failure of the professional engineer to submit additional information or make revisions in the application necessary to comply with performance standards within 30 days of such notification shall be cause for revocation of the zoning certificate.

### C FILING PLANS

All applications for zoning certificates shall be accompanied by plans in duplicate, drawn to scale, not less than one (1) foot equal to one-eighth of an inch, showing the actual shape and dimensions of the lot to be built upon, the exact size, area of the lot to be built upon, location of the lot, of the structures and accessory structures existing, and the lines within which the structures shall be erected or altered, the existing and intended use of each structure or part thereof, the number of dwelling units or lodging rooms a structure is designed to accommodate, and the location of driveways, parking areas with four or more spaces, walks and outdoor lighting structures, and the manner in which the lot will be landscaped, including seeding or sodding, and the general location of types of and sizes of trees and shrubs, and such other information with regard to the lot and neighboring lots and performance standards as may be necessary to determine and provide for the enforcement of this ordinance. One copy of plans are to be returned to the owner when such plans have been approved by the Building Inspector. The lot and location of structures thereon shall be staked out on the ground before construction is started. (as amended April 7, 1966)

### D CERTIFICATE OF OCCUPANCY

No land shall be occupied or used and no structure erected or altered hereafter shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector stating that the structure complies with all the building and health laws and ordinances and with the provisions of this ordinance. No change of use shall be made in any structure or part thereof now or hereafter erected or altered without a permit having been issued by the Building Inspector, and no permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

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

Application for a certificate of occupancy shall be made coincident with the application for a building permit and such certificate shall be issued within 10 days after the erection or alteration of such structure has been completed. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or possessory interest in the structures affected. A fee of two dollars shall be charged for each original certificate and fifty cents for each copy thereof.

E ZONING BOARD OF APPEALS

1 Creation and Procedure

- a A Zoning Board of Appeals is hereby authorized to be established. Said Board shall consist of seven members to serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; one for five years; one for six years; and one for seven years. The successor to each member so appointed shall serve for a term of five years.
- b All appointments to the Zoning Board of Appeals shall be made by the Village President, subject to the approval of the Board of Trustees. One of the members so appointed shall be named as Chairman at the time of appointment. The Village President, subject to approval by the Village Board of Trustees, shall have the power to remove after a public hearing, any member of the Zoning Board of Appeals for cause. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the Village President shall immediately appoint at his option, either one of the remaining members on the Board, or any member who is appointed to fill such vacancy on the Board as the new Chairman. Such appointment shall be subject to the approval of the Board of Trustees at its next scheduled meeting.
- c All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this zoning ordinance shall be given under oath. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, at which time every person has the right to be heard or to be represented by a duly authorized agent or attorney. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. In every case the Board shall include in its official report the reasons a request for a variation is denied. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Village Clerk and shall be of public record.

## XII — ADMINISTRATION AND ENFORCEMENT

- d The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector or to decide in favor of the applicant on any matter which it is authorized by this ordinance to render a decision. The Zoning Board of Appeals shall make no recommendations except in a specific case and after public hearing.
- e The Zoning Board of Appeals is hereby designated as the proper commission or committee to post public notices as required by statute and this ordinance pertaining to proposed amendments to this ordinance and to make a written report and recommendation to the Board of Trustees on any such proposed amendments.

### 2 Jurisdiction and Authority

The Zoning Board of Appeals is hereby invested with the following jurisdiction and authority:

- a to hear and decide appeals from any order, requirement, decision, or determination made by the Building Inspector or other authorized officials of the Village having jurisdiction under this ordinance;
- b to hear applications for variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this section;
- c to hold public hearings in matters pertaining to applications for amendments;
- d to hear on all other matters referred to it or upon which it is required to pass under this ordinance; and
- e submit reports to the Board of Trustees setting forth its findings and recommendations in the manner prescribed in this section.

## F APPEALS

### 1 Authority

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision, or determination made by the Building Inspector or other authorized official of the Village having jurisdiction under this ordinance.

### 2 Initiation

- a An appeal to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or commission of the municipality. The appeal shall be taken within such time as shall be prescribed by the Board of Appeals by a general rule by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the appeal action is taken.



## XII — ADMINISTRATION AND ENFORCEMENT

- b An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed other than by an order of the Board of Appeals or a court of record on application of and on notice to the officer from whom the appeal is taken, and on due cause being shown.

### 3 Processing

- a An appeal shall be filed with the Village Clerk. The Village Clerk shall forward the appeal to the Zoning Board of Appeals for processing in accordance with the Illinois Statutes.
- b The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to parties and shall decide the appeal within reasonable time. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination as in its opinion ought to be made on the premises and to that end has all the powers of the official from whom the appeal is taken.

## G VARIATIONS

### 1 Authority

The Board of Trustees shall decide all applications for variations of the provisions of this ordinance after a public hearing held before the Zoning Board of Appeals on such notice as shall be required by the Illinois Statutes. The Zoning Board of Appeals shall hold public hearings upon all applications for variation and shall report its recommendations to the Village Board as to whether a requested variation would be in harmony with its general purpose and intent, and shall recommend a variation only where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance.

### 2 Initiation

An application for a variation shall be in triplicate and may be made by any governmental office, department, board, bureau, or commission or by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest applicable to the land or land and improvements described in the application for a variation.

### 3 Processing

An application for a variation shall be filed with the Village Clerk who shall forward one copy of such application to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois and one copy to the Board of Trustees.

## XII — ADMINISTRATION AND ENFORCEMENT

### 4 Standards

- a The Zoning Board of Appeals shall not recommend a variation of the provisions of this ordinance as authorized in this section unless it shall have made findings of fact based upon the evidence presented to it on the following specific issues:
  - (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
  - (2) that the plight of the owner is due to unique circumstances; and
  - (3) that the variation, if granted, will not alter the essential character of the locality.
- b For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making the determination whether there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
  - (1) that the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;
  - (2) that the condition upon which the petition for variation is based would not be applicable generally to the other property within the same zoning classification;
  - (3) that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - (4) that the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- c The Zoning Board of Appeals may recommend and the Board of Trustees may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

### H PLAN COMMISSION

#### Jurisdiction

The Plan Commission of the Village, which has been duly established with functions as prescribed by the Illinois Statutes, is the Plan Commission referred to in this

## XII — ADMINISTRATION AND ENFORCEMENT

ordinance, and shall have the following duties under this ordinance:

- 1 To receive from the Village Clerk copies of applications for proposed amendments and thereafter may submit its recommendations thereon to the Board of Appeals and Board of Trustees.
- 2 To receive from the Building Inspector copies of all applications for proposed conditional permitted uses and to review such applications and submit reports and recommendations thereon to the Building Inspector and Board of Trustees.
- 3 To review, from time to time, the provisions of this ordinance and to make reports of its recommendations with respect to proposed amendments to the Board of Trustees.
- 4 To act on all other matters which are referred to it, as required by the provisions of this ordinance.

### I AMENDMENTS

#### 1 Authority

This ordinance may be amended, from time to time, by ordinance in accordance with applicable Illinois Statutes. No vote shall be taken upon the adoption of a proposed amendment by the Board of Trustees until after a public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the Board of Trustees.

#### 2 Initiation of Amendment

Amendments may be proposed by the Board of Trustees, Plan Commission, or Zoning Board of Appeals and by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

#### 3 Processing

- a An application for an amendment shall be filed with the Village Clerk and thereafter entered into the records of the first meeting thereafter of the Board of Trustees.
- b A copy of such application shall be forwarded by the Village Clerk to the Zoning Board of Appeals with a request to hold a public hearing and submit to the Board Trustees a report of its finding and recommendations. Such public hearing shall be held upon notice as required by Illinois Statutes.
- c The Village Clerk shall also transmit a copy of such application to the Plan Commission. The Plan Commission may submit an opinion report relative to such proposed amendment to the Zoning Board of Appeals and Board of Trustees.

## XII — ADMINISTRATION AND ENFORCEMENT

### 4 Decisions

The Board of Trustees, upon report of the Board of Appeals and without further public hearing, may vote upon the adoption of any proposed amendment in accordance with applicable Illinois Statutes, or may refer it back to the Zoning Board of Appeals for consideration.

### J FEEES

A fee, in accordance with the following schedule shall accompany an application for an amendment or conditional permitted use, variations, or appeal, shall be filed with the Village Clerk by or on behalf of the owner or owners of the property affected:

- 1 application for amendment or conditional permitted use: one-hundred fifty dollars;
- 2 application for variation: one-hundred dollars; and
- 3 application for appeal: ten dollars.

### K VIOLATION, PENALTY, AND ENFORCEMENT

- 1 Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this ordinance shall upon conviction be fined not less than twenty-five dollars nor more than five hundred dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- 2 The Building Inspector is hereby designated and authorized to enforce this ordinance. However, it shall also be the duty of all officers, citizens, and employees of the Village, particularly of all members of the police and fire departments, to assist the Building Inspector by reporting to him any new construction, improved land uses, or upon any seeming violation.

## ARTICLE XIII

### INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, comfort, morals, convenience, and general welfare. In addition:

- 1 where the conditions imposed by any provisions of this ordinance upon the (a) use of land or structures, (b) height and bulk of structures, (c) floor area requirements, (d) lot area and width requirements, and (e) yard and other open space requirements are more restrictive or less restrictive than comparable standards imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern;
- 2 this ordinance is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern; and
- 3 no structure or use not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that said unlawful structure or use is in conflict with the requirements of this ordinance, said structure or use remains unlawful under the provisions of this ordinance.

ARTICLE XIV  
SEPARABILITY

It is hereby declared to be the intention of the President and Board of Trustees of the Village that the several provisions of this ordinance are separable, in accordance with the following:

- 1 if any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment; and
- 2 if any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure not specifically included in said judgment.

APPENDIX I  
SUGGESTED FORM OF PUBLIC NOTICE

NOTICE OF  
PUBLIC HEARING

BENSENVILLE  
PLAN COMMISSION  
(BOARD OF APPEALS)

Please take notice that on  
\_\_\_\_\_ public hearing  
will be held at the \_\_\_\_\_  
\_\_\_\_\_ to con-  
sider an amendment (variation) of  
the Bensenville Zoning Ordinance.

The proposed amendment (varia-  
tion) would: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The property included in the pro-  
posed amendment (variation) is lo-  
cated \_\_\_\_\_  
\_\_\_\_\_

All interested persons may attend  
and will be heard.

\_\_\_\_\_  
Building Inspector  
Bensenville, Ill.  
Published \_\_\_\_\_  
date \_\_\_\_\_

## APPENDIX II

### MINIMUM STANDARDS OF PARKING SPACES, AISLES, AND PARKING BAYS

#### PARKING SPACE AND AISLE DIMENSIONS

#### WIDTH OF PARKING BAYS\*

<u>Angle of Parking</u>	<u>Width of Space</u>	<u>Width of Space Parallel to Aisle</u>	<u>Depth of Space Perpendicular to Aisle</u>	<u>Width of Aisle</u>	<u>Type of Parking Space Arrangement</u>		
					<u>Inter- meshing</u>	<u>Head-In to Curb</u>	<u>Back-In to Curb</u>
45°	8'6"	12'0"	17'0"	11'6"	43'0"	43'10"	49'0"
	9'0"	12'9"	17'0"	11'	42'10"	43'8"	49'2"
60°	8'6"	9'10"	18'0"	18'	53'5"	52'7"	57'8"
	9'0"	10'5"	18'0"	17'	52'8"	51'10"	57'2"
90°	8'6"	8'6"	18'0"	29'		61'2"	65'0"
	9'0"	9'0"	18'0"	27'		59'2"	63'0"

\* Parking bay consists of two rows or parking spaces  
and one aisle.

(Adapted from Traffic Design of Parking Garages, The Eno Foundation for Highway Traffic Control, 1957).





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PUBLIC HEARING

BENSENVILLE  
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The proposed amendment (varia-  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The property included in the pro-  
posed amendment (variation) is lo-  
cated \_\_\_\_\_  
\_\_\_\_\_

All interested persons may attend  
and will be heard.

\_\_\_\_\_  
Building Inspector  
Bensenville, Ill.  
Published \_\_\_\_\_  
date \_\_\_\_\_

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	9'0"	9'0"	18'0"	27'		59'2"	63'0"

\* Parking bay consists of two rows or parking spaces and one aisle.

(Adapted from Traffic Design of Parking Garages, The Eno Foundation for Highway Traffic Control, 1957).



**ORDINANCE # 7-99**

**AMENDING VILLAGE CODE  
TITLE 10, ZONING ORDINANCE**

WHEREAS, the objectives of adopting this reorganized Zoning Ordinance are for the purpose of improving and protecting the public health, safety and welfare of residents of the Village;

WHEREAS, to further the implementation of the objectives of the adopted general development plan for the Village in such a manner as any changed conditions since its adoption may require;

WHEREAS, 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;

WHEREAS, to protect all areas of the Village from harmful effects of incompatible uses;

WHEREAS, to establish adequate standards for the provision of light, air and open spaces;

WHEREAS, to prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration;

WHEREAS, to lessen congestion in the streets;

WHEREAS, to facilitate provision of adequate public services and facilities such as transportation, water, sewerage and parks;

WHEREAS, to provide for adequate drainage, control of erosion, reduction of flood damage and destruction of sensitive or valuable environmental resources;

WHEREAS, to foster a desirable pattern of relationships among residential, commercial, industrial and other uses for the mutual benefit of all types of development;

WHEREAS, to isolate and control the location of unavoidable nuisance-producing uses;

WHEREAS, the means to accomplish the above objectives are as follows;

WHEREAS, to establish reasonable standards to which buildings, structures and other uses of land shall conform;

AMENDING VILLAGE CODE - TITLE 10, ZONING ORDINANCE

WHEREAS, to prevent new construction or alteration or expansion of existing construction that does not comply with the restrictions herein;

WHEREAS, 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;

WHEREAS, to define the powers and duties of the officers and bodies charged with the enforcement of this ordinance;

WHEREAS, to prescribe penalties for any violation of the provisions hereof.

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 Title 9, Building Regulations, Chapter 11, Zoning and Subdivision Regulations, Section 9-11-1, Zoning Regulations, is hereby repealed.

Further, Title 9, Building Regulations, Chapter 11, Zoning and Subdivision Regulations, Section 9-11-2, is renumbered to be Title 11, Subdivisions.

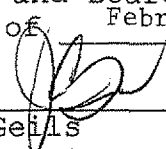
Further, Title 10, Telecommunications, is renumbered to be Title 12.

Further, Title 10, Zoning, is adopted as attached.


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 23rd day of February, 1999.

  
\_\_\_\_\_  
John C. Geils  
Village President

ATTEST:

  
\_\_\_\_\_  
Marianne Tralewski  
Village Clerk

AYES: Strandt, Walberg, Wanzung, Geils

NAYS: None

ABSENT: Basso, Krass  
Published in Pamphlet Form

VILLAGE OF BENSENVILLE

---

ORDINANCE NO. 36-91

AMENDING THE COMPREHENSIVE ZONING ORDINANCE

---

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

---

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

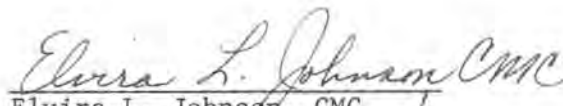
I, Elvira L. Johnson, certify that I am the duly elected and acting municipal clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

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  
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

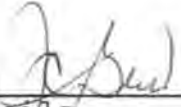
AMENDING THE COMPREHENSIVE ZONING ORDINANCE

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

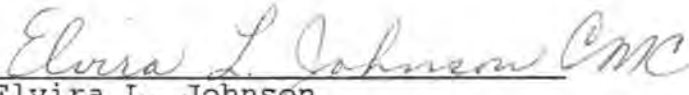
SECTION TWO: All ordinances in conflict herewith are repealed to the extent of said conflict.

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. Geills  
Village President

ATTEST:

  
\_\_\_\_\_  
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

---

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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*Bensenville Zoning Ordinance*  
**Contents**

Page

**Chapter 1 General Provisions****1.01 Establishment and Applicability**

(a) Title	1-1
(b) Purpose	1-1
(c) Repeal	1-1
(d) Effective Date	1-2
(e) Applicability	1-2
(f) Separability	1-2
(g) Allowable Uses	1-2
(h) Minimum Requirements	1-2
(i) More Restrictive Regulation or Covenant Applies	1-2
(j) Unlawful Existing Uses Not Made Lawful	1-2

**1.02 Zoning Districts**

(a) Establishment of Districts	1-3
(b) District Regulations	1-3
(c) Zoning District Map	1-3
(d) Single District Classification	1-3
(e) Lots Split by District Lines	1-3
(f) Interpretation of Boundaries	1-3
(g) Zoning of Annexed Land	1-3

**1.03 Other General Provisions**

(a) Regulation of Floodplain Lands	1-3
(b) One Building Per Lot	1-4
(c) Open Storage and Operations	1-4
(d) Airport Area Height Limits	1-4
(e) Exceptions to Arterial Lot Dimensions	1-4

**Chapter 2 Filing Procedures****2.01 General Provisions**

(a) Applicability	2-1
(b) Definitions	2-1
(c) Financial Sureties	2-1
(d) Disclosure of Interest	2-1
(e) Public Hearing	2-2
(f) Public Notice	2-2

**2.02 Approval Process**

(a) Applicability	2-3
-------------------	-----

(b) Need for Approval	2-4
(c) Pre-Filing Conference	2-4
(d) Application Filing	2-4
(e) Staff Review and Assistance	2-5
(f) Action on Applications	2-5
(g) Post-Action Procedures	2-6

<i>Table 2A: Action on Special Approvals</i>	2-9
--	-----

<i>Table 2B: Public Hearing Requirements</i>	2-9
--	-----

<i>Table 2C: Required Contents of Application Filings</i>	2-10
---	------

<i>Table 2D: Required Contents of Site Plans</i>	2-14
--	------

**Chapter 3 District Regulations****3.01 Single-Family Districts**

(a) Purpose	3-1
(b) Regulations	3-1
(c) Districts	3-1

**3.02 Multi-Family Districts**

(a) Purpose	3-1
(b) Regulations	3-2
(c) Districts	3-2

**3.03 Business Districts**

(a) Purpose	3-2
(b) Regulations	3-2
(c) Districts	3-2

<i>Table 3A: Required Minimum Separation Between Multi-Family Buildings</i>	3-3
---	-----

<i>Table 3B: Residential District Requirements</i>	3-4
--	-----

<i>Table 3C: Business District Requirements</i>	3-5
---	-----

**Chapter 4 Allowable Uses****4.01 Uses Listed****4.02 Uses Fitting Multiple Classifications**

(a) Identical Classification in Different Groups	4-1
--	-----

(b) Different Classifications	4-1
(c) All Other Cases	4-1
<i>Table 4A: Use Groups</i>	
<i>Allowed as Permitted Uses</i>	4-2
<i>Table 4B: Use Groups</i>	
<i>Allowed as Conditional Uses</i>	4-3
<i>Table 4C: Use Groups</i>	4-4
Group 1: General Uses	4-4
Group 1C: Special General Uses	4-4
Group 2: Residential Uses	4-5
Group 2C: Special Residential Uses	4-5
Group 3: Attached Residential Uses	4-5
Group 3C: Special Attached Residential Uses	4-5
Group 4: Multi-Family Residential Uses	4-5
Group 4C: Special Multi-Family Residential Uses	4-5
Group 5: Institutional Uses	4-6
Group 5C: Special Institutional Uses	4-6
Group 6: Business Uses	4-6
Group 6C: Special Business Uses	4-6
Group 7: Convenience Retail Uses	4-7
Group 7C: Special Convenience Retail Uses	4-7
Group 8: Neighborhood Retail Uses	4-7
Group 8C: Special Neighborhood Retail Uses	4-7
Group 9: Community Retail Uses	4-8
Group 9C: Special Community Retail Uses	4-8
Group 10: Highway Commercial Uses	4-9
Group 10C: Special Highway Commercial Uses	4-9
Group 11: Downtown Uses	4-10
Group 11C: Special Downtown Uses	4-10
Group 12: Neighborhood Office Uses	4-10
Group 12C: Special Neighborhood Office Uses	4-10
Group 13: Office Center Uses	4-11
Group 13C: Special Office Center Uses	4-11
Group 14: Research/Assembly Uses	4-11
Group 14C: Special Research/Assembly Uses	4-11
Group 15: Light Industrial Uses	4-12
Group 15C: Special Light Industrial Uses	4-13
Group 16: Heavy Industrial Uses	4-13
Group 16C: Special Heavy Industrial Uses	4-13

## Chapter 5 Accessory Uses and Yards

<i>5.01 Accessory Uses</i>	5-1
(a) General Provisions	
(b) Special Accessory Uses	5-1
<i>5.02 Yards</i>	5-1
(a) Obstructions	
(b) Yards Used for One Structure	5-1
(c) Reduction in Lot Area	5-1
(d) Vacant Through Lots	5-2
(e) Vision Clearance Triangle	5-2
<i>Table 5A: Standards for Accessory Structures</i>	5-3
<i>Table 5B: Maximum Projection into Yard</i>	5-3
<i>Table 5C: Permitted Yard Obstructions</i>	5-4

## Chapter 6 Special Development Approvals

<i>6.01 Rules for All Special Approvals</i>	6-1
(a) Types of Special Approvals	6-1
(b) Approval Procedure	6-1
(c) Responsibility for Action	6-1
(d) Basis for Action	6-1
(e) Findings of Fact	6-1
(f) Allowable Conditions	6-1
(g) Reason for Denial	6-1
<i>Table 6A: Action on Special Approvals</i>	6-2
(h) Expansion or Alteration	6-2
(i) Existing Uses Exempt	6-2
(j) Transferability	6-2
<i>6.02 Amendments &amp; Rezoning</i>	6-2
(a) Purpose	6-2
<i>Table 6B: Approval Criteria for Zoning Map Amendments</i>	6-3
<i>6.03 Zoning Adjustments</i>	6-3
(a) Variances	6-3

*Table 6C: Approval Criteria  
for Variances* 6-4

(b) Conditional Uses 6-5

*Table 6D: Approval Criteria  
for Conditional Uses* 6-6

(c) Appeals 6-6

*Table 6E: Approval Criteria  
for Appeals* 6-7

(d) Changes to Properties  
With Nonconformities 6-8

6.04 Minor Zoning Approvals 6-8

(a) Temporary Uses 6-8

*Table 6F: Approval Criteria  
for Temporary Uses* 6-10

(b) Interpretations 6-10  
(c) Unlisted Uses Similar  
to Listed Uses 6-11

## Chapter 7 Off-Street Parking and Loading

7.01 Provisions Applying to  
Both Parking and Loading 7-1

(a) Purpose 7-1

(b) Applicability 7-1

(c) Exemption for C-3

Downtown Mixed Use District 7-1

(d) Exceptions 7-1

(e) Preservation and Replacement  
of Existing Spaces 7-3

(f) Site Plan 7-3

(g) Use of Parking and Loading Areas 7-3

(h) Access 7-3

(i) Grading and Drainage 7-3

(j) Surfacing 7-4

(k) Maintenance 7-4

(l) Signs 7-4

(m) Illumination 7-4

(n) Landscaping and Screening 7-4

7.02 Off-Street Parking Provisions 7-4

(a) Joint Parking Facilities 7-4

(b) Fees in Lieu of Parking 7-5

(c) Location of Parking Spaces 7-6

(d) Parking of Recreational and  
Commercial Vehicles 7-7

(e) Single-Family Parking and Driveways 7-9

(f) Other Parking Requirements 7-11

7.03 Off-Street Loading Provisions 7-12

(a) Location of Loading Spaces 7-12

(b) Collective Provision 7-12

*Table 7A: Parking and  
Loading Dimensions* 7-13

*Table 7B: Driveway Dimensions* 7-14

*Table 7C: Required Number of  
Off-Street Loading Spaces* 7-14

*Table 7D: Required Number of  
Off-Street Parking Spaces for  
Residential and Lodging Uses* 7-15

*Table 7E: Required Number of  
Off-Street Parking Spaces for Non-  
Residential and Non-Lodging Uses* 7-15

## Chapter 8 Landscaping and Screening

8.01 Purpose 8-1

8.02 Types 8-1

(a) Transition Strip 8-1

(b) Frontage Strip 8-1

(c) Island Strip 8-1

(d) Screen 8-1

(e) Foundation Strip 8-2

(f) Street Trees 8-2

(g) Single-Family Lawns 8-2

8.03 Where Required 8-2

(a) Transition Strips 8-2

(b) Other 8-2

(c) Existing Uses 8-2

(d) Conditional Uses 8-2

(e) Exceptions 8-2

8.04 Landscape Plan 8-3

<u>8.05 Requirements for All Landscaped Areas</u>	8-3	<u>9.05 Approval Process</u>	9-3
(a) Permitted Forms of Screening	8-3	<u>9.06 Final Plan</u>	9-3
(b) Types of Materials	8-3	(a) Filing of Final Plan	9-3
(c) Ground Cover	8-4	(b) Recording of Final Plan	9-4
(d) Preservation of Landscaping	8-4	(c) Amendments to Plan	9-4
(e) Berming	8-4	<u>9.07 Already Developed Lots</u>	9-5
(f) Curbing	8-5		
(g) Other	8-5	<i>Table 9A: Approval Criteria for Planned Unit Developments</i>	9-6
<u>8.06 Installation and Maintenance</u>	8-5		
(a) Assurance of Installation	8-5	<b><u>Chapter 10 Nonconformities</u></b>	
(b) Installation Procedures	8-5	<u>10.01 Purpose</u>	10-1
(c) Maintenance and Replacement	8-5	<u>10.02 Types of Nonconformity</u>	
(d) Removal	8-5	(a) Use Nonconformities	10-1
		(b) Standards Nonconformities	10-1
<i>Table 8A: Zoning District Index Numbers</i>	8-6	<u>10.03 Elimination of Nonconformities</u>	10-1
<i>Table 8B: Uses Requiring Transition Strip</i>	8-6	<u>10.04 Approval Procedure</u>	10-1
<i>Table 8C: Uses Requiring Other Screening or Landscaping</i>	8-7	<u>10.05 Special Requirements</u>	10-2
<i>Table 8D: Screening Intensity</i>	8-8	(a) Single-Family Driveways	10-2
<i>Table 8E: Prohibited and Recommended Street Trees</i>	8-9	<u>10.06 Administration</u>	10-2
		<i>Table 10A: Mandatory Elimination of Nonconformities</i>	10-3
<b><u>Chapter 9 Planned Unit Development</u></b>			
<u>9.01 Purpose</u>	9-1	<b><u>Chapter 11 Administration</u></b>	
<u>9.02 Qualifications for Filing</u>	9-1	<u>11.01 Permits and Certificates</u>	11-1
<u>9.03 Incentives for PUD's</u>	9-1	(a) Building Permit	11-1
(a) Variable Zoning Standards	9-2	(b) Certificate of Occupancy	11-1
(b) Multiple Buildings Per Lot	9-2	(c) Zoning Certificate	11-1
(c) Variable Subdivision Standards	9-2	(d) Temporary Use Permit	11-1
(d) Variable Sign Standards	9-2	(e) Conditional Use Permit	11-1
(e) Mixed Land Uses	9-2		
<u>9.04 Requirements for PUD's</u>	9-2	<u>11.02 Zoning Board of Appeals and Plan Commission</u>	11-1
(a) Site Plan Approval	9-2	(a) General Authority	11-1
(b) Quality of Design	9-2	(b) Membership	11-2
(c) Maintenance of Vacant Land	9-3	(c) Other Regulations	11-3
(d) Specific Standards	9-3		



<u>11.03 Director of Building and Zoning</u>	11-3	<u>Table 12G: Maximum Concentrations of Fugitive Particulates</u>	12-5
<u>11.04 Enforcement</u>	11-4	<u>12.06 Toxic Matter</u>	12-5
		(a) Airborne Emissions	12-5
<b><u>Chapter 12 Environmental Standards</u></b>		<u>Table 12H: Permitted Emission of Toxic Matter</u>	12-5
<u>12.01 Purpose and Applicability</u>	12-1	(b) Handling of Toxic Substances	12-5
(a) Purpose	12-1	<u>Table 12I: Maximum Quantities of Highly Toxic Substances</u>	12-6
(b) General Applicability	12-1	<u>12.07 Odor</u>	12-6
(c) General Exemptions	12-1	(a) Maximum Emissions	12-6
(d) Interpretation of Citations	12-1	(b) Measurement	12-6
(e) Other Regulations	12-1	<u>12.08 Radioactive Radiation</u>	12-6
<u>12.02 Noise</u>	12-2	(a) Substance Handling	12-6
(a) Maximum Noise Levels	12-2	<u>Table 12J: Radioactive Substance Handling</u>	12-6
(b) Measurement	12-2	(b) Other Regulations	12-6
(c) Exemptions	12-2	<u>12.09 Other Effects</u>	12-6
<u>Table 12A: Permitted Sound Levels</u>	12-2	(a) Fire and Explosion	12-6
<u>Table 12B: Adjustments to Permitted Sound Levels</u>	12-3	(b) Glare	12-6
<u>12.03 Vibration</u>	12-3	(c) Heat	12-7
(a) Maximum Vibration	12-3	(d) Electromagnetic Interference	12-7
(b) Measurement	12-3	(e) Waste	12-7
<u>Table 12C: Maximum Ground Transmitted Vibration</u>	12-3	<u>12.10 Administration</u>	12-7
<u>12.04 Smoke</u>	12-3	(a) New Uses	12-7
(a) Maximum Emissions	12-3	(b) Existing Uses	12-8
<u>Table 12D: Maximum Permitted Smoke Emissions</u>	12-4	(c) Exceptions	12-8
<u>12.05 Particulate Matter</u>	12-4	(d) Violations	12-9
(a) Maximums Permitted	12-4	(e) Appeals	12-9
<u>Table 12E: Particulates Standards</u>	12-4	(f) Nonconformities	12-10
<u>Table 12F: Adjustments to Particulates Standards</u>	12-4	<u>12.11 Definitions</u>	12-10
(b) Measurement	12-5	<b><u>Chapter 13 Special Use Regulations</u></b>	
(c) Control of Wind Erosion	12-5	<u>13.01 Lot Dimensions</u>	13-1

<u>13.02 Single-Family Conversion</u>	13-1	(f) Exceptions	13-8
(a) Minimum Dwelling Unit Size	13-1	(g) Permits	13-9
(b) Nonconforming Two-Family Conversions	13-1	<u>13.10 Fences</u>	13-9
<u>13.03 Temporary Uses and Permitted and Conditional Public Uses</u>	13-1	(a) Purpose	13-9
<u>13.04 Adult Uses</u>	13-1	(b) Height and Opacity	13-9
(a) Separation Requirement	13-1	(c) Location	13-10
(b) Conditional Use Approval	13-1	(d) Materials and Construction	13-10
<u>13.05 Special Industrial Conditional Uses</u>	13-1	(e) Appearance	13-11
Table 13A: Minimum Lot Dimensions for Special Uses	13-2	Table 13C: Maximum Fence Height	13-12
<u>13.06 Non-Residential Uses In Residential Districts</u>	13-3	Table 13D: Allowable Locations of Fences in Yards	13-14
(a) Yards	13-3	(f) Other Regulations	13-15
(b) Lot Area and Width	13-3	(g) Permit Process	13-16
(c) Building Height	13-4	<u>13.11 Garage Sales</u>	13-16
(d) Other Requirements	13-4	(a) Permit Required	13-16
<u>13.07 Home Occupations</u>	13-4	(b) Duration & Frequency	13-17
(a) Employment	13-4	(c) Location	13-17
(b) Enclosed Structures	13-4	(d) Signs	13-17
(c) No Exterior Evidence	13-4	(e) Amplification	13-17
(d) Parking	13-4	<u>13.12 Vehicle Sales in R Districts</u>	13-17
(e) Electrical and Fire	13-4	<u>13.13 Carnivals</u>	13-17
(f) Prohibited Occupations	13-4	(a) Permit Required	13-17
(g) Other Regulations	13-4	(b) Contents of Application	13-17
<u>13.08 Accessory Retail Uses</u>	13-4	(c) Public Safety	13-17
(a) Allowable Uses	13-4	(d) Prohibited Activities	13-18
(b) Requirements	13-5	<u>13.14 Other Regulations</u>	13-18
<u>13.09 Satellite Dish Antennas</u>	13-6	(a) Golf Course Lighting	13-18
(a) Purpose	13-6	<u>Chapter 14 Definitions</u>	
(b) Location	13-6	<u>14.01 Applicability</u>	14-1
(c) Appearance	13-6	<u>14.02 Rules and Definitions</u>	14-1
(d) Screening	13-6	(a) Rules of Interpretation	14-1
Table 13B: Standards for Satellite Dish Antennas	13-7	(b) Definitions	14-1
(e) Other Regulations	13-8	<u>Index</u>	IN-1

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-

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

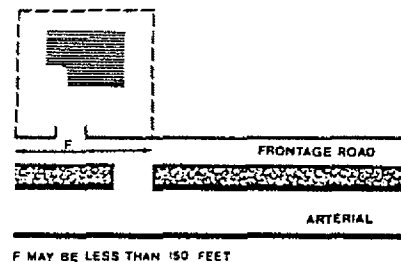
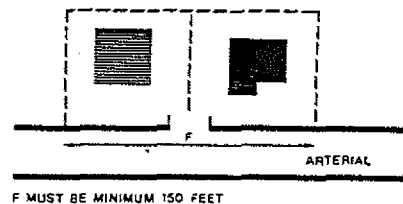
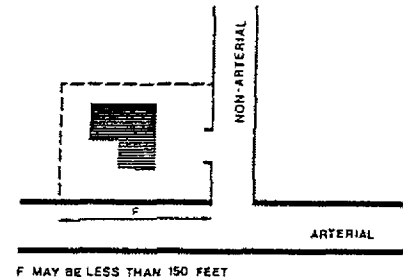
The only permanent access to the lot is or is to be provided from a frontage road planned and approved by the Illinois Department of Transportation, DuPage County, or the Village as provided by law.

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

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 Amend- ment (Rezone)	Condi- tional Use	Vari- ance	Site Plan * Review	PUD Plan	Temp- orary Use	Change to Property With Non- con- 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	-	1	-	-	-	-	-
19. Criteria statement	x	x	x	-	x	x	x

	Map Amend- ment (Rezone)	Condi- tional Use	Vari- ance	Site Plan * Review	PUD Plan	Temp- orary Use	Change to Property With Non- con- 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:

- a. the applicant, and
- b. his or her attorney or agent, if any, and
- c. 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 2.01(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 2.01(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] Review	Uses With Parking*	Map Amend- ment	Vari- ance	Uses With Landsc. Strip**	Condi- tional Uses	PUD Prelim. Plan***
1. Scale	x	x	x	x	x	x	x
2. Borders	x	x	x	x	x	x	x
3. Dimensions	x	x	x	x	x	x	x
4. Easements	x	x	x	x	x	x	x
5. Land Usage	x	-	x	x	-	x	x
6. Drainage	x	x	D	D	-	D	x
7. Landscaping							
a. existing	-	-	-	D	x	-	x
b. proposed	x	x	-	D	x	x	x
8. Structures	x	x	D	x	-	x	x
9. Parking	x	x	D	x	-	x	x
10. Topography	x	-	-	-	-	-	x
11. Boundaries	x	-	-	-	-	-	x
12. Circulation	x	x	x	-	-	x	x
13. Common areas	-	-	-	-	-	-	x
14. Water areas	-	-	-	-	-	-	x
15. Subsurface data	D	D	-	-	-	D	D
16. Utilities	x	D	-	-	-	-	x
17. Open Space	-	-	-	-	-	-	x
18. Plat of Survey	x	x	D	D	D	D	x
19. Other	x	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:

- a. net site area, as defined herein
- b. number of lots proposed
- c. 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. LANDSCAPING

a. 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

1. 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
2. Types & boundaries of proposed ground cover and identification of grass areas to be sodded, plugged or sprigged, and seeded
3. Location and contours at 1-foot intervals of all proposed berming
4. 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	32	32	32	32	32	32	40	80	80
Within 200 ft. of RS District	32	32	32	32	32	32	32	32	32
<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
<i>Permitted Uses</i>	As provided in Table 4A in Allowable Uses Chapter 4.								
<i>Conditional Uses</i>	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>
<u>LOTS</u>								
Minimum <i>Area</i> in square feet:	--	--	--	--	--	--	--	--
Minimum <i>Width</i> in ft.:	--	--	--	--	--	--	--	--
Along arterial street [b]	150	150	--	150	150	150	150	150
<u>YARDS</u>								
Minimum <i>Front &amp; Corner Side</i> Yard Depth in Feet [c]:	10	10	0	10	25	25	25	30
Minimum <i>Interior Side</i> Yard Width in Feet [c]:	0	0	0	5	5	15	15	15
Abutting R District	10	10	0	10	10	25	25	25
Minimum <i>Rear</i> Yard Depth in Feet [c]:	20	20	0	20	20	20	20	20
Abutting R District	25	25	0	25	30	30	40	40
<u>INTENSITY</u>								
Minimum <i>Lot Area</i> per dwelling unit in square feet:	--	--	[e]	--	--	--	--	--
Maximum <i>Floor Area Ratio</i> : [a]	0.75	1.0	6.0	0.5	2.0	2.0	1.0	1.0
Maximum <i>Building Height</i> in Feet:	50	--	100	32	75	--	--	--
Within 200 feet of R District [f]	32	32	100	16	16	32	32	32
<i>Permitted Uses</i>	As provided in Table 4A in Allowable Uses Chapter 4.							
<i>Conditional Uses</i>	As provided in Table 4B in Allowable Uses Chapter 4.							
<i>PARKING &amp; LOADING</i>	As provided in Off-Street Parking & Loading Chapter 7.							
<i>LANDSCAPING &amp; SCREENING</i>	As provided in Landscaping & Screening Chapter 8.							
<i>SIGNS</i>	As provided in Village Sign Ordinance.							
<i>OTHER Requirements</i>	As provided in General Provisions Chapter 1, 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>RS5</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
4. Multi-Family Residential Uses	-	-	X	-	-	-	-	-
5. Institutional Uses	X	X	X	X	X	X	X	X
5C. Institutional Uses	-	-	-	-	X	-	-	-
6. Business Uses	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	
15C. Light Industrial Uses	-	-	-	-	-	-	X	X	
16C. Heavy Industrial Uses	-	-	-	-	-	-	-	X	



Table 4C: Use Groups

Group 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)

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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)

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**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

---

**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

---

## 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

---

**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

---

**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

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**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

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**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

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**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

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**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

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**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 & dyeing 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 & dyeing)  
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, re-conditioning, 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.

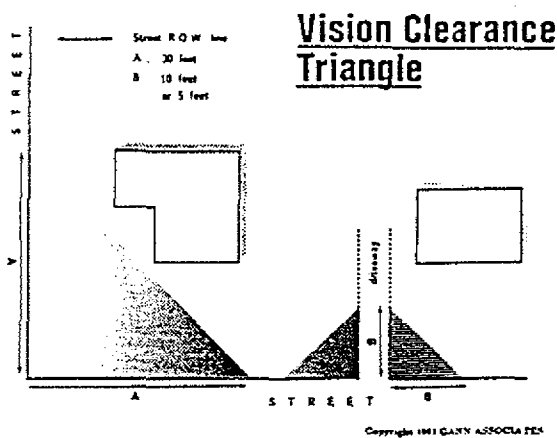
(c) Reduction in Lot Area

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:	
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]:

Accessory Use	Lot Line	Setback in Feet
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 Number	Maximum Floor Area in Square Feet
Detached or Attached Garage	1	700
All Other Acces- sory Buildings	1	300
Total for All Acces- sory 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**

Projection or Accessory Use	Applicable Yard	Maximum Projection Percent of Yard	
		Inches	Depth
Awnings, canopies arbors, trellises	Any	--	25%
Bay windows	Any	36	--
Chimneys	Any	24	--
Eaves, sills, cor- nices, 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]**

	Front or Interior Corner Court			
Projection or Accessory Use	Rear Yard	Side Yard	Side Yard	Court Yard
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	-	-[c][e]	-
Gardens, vegetable	x	-	-	x
Greenhouses	x	-	-	-
Gutters **	x	x	x	x
Laundry drying equipment	x	-	-[c][f]	-
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 breeze- ways, open	x	-	x	x

Projection or  
Accessory Use

Front or  
Interior Corner  
Side Court  
Yard Yard

Recreational equipment	x	-	-	-
Service station pumps	x	-	x	x
Sheds & storage buildings (detached)	x	-	-[c][f]	-
Signs *	x	x	x	x
Stairways or steps	x	x	x	x
Swimming pools, private *	x	-	-[c][f]	-
Television or radio towers or antennas *	x	-	-	-
Tennis courts, private	x	-	-	-
Trees, shrubs, ground cover, & flowers	x	x	x	x
All other	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 ex-  
cept 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 Rezoning**

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

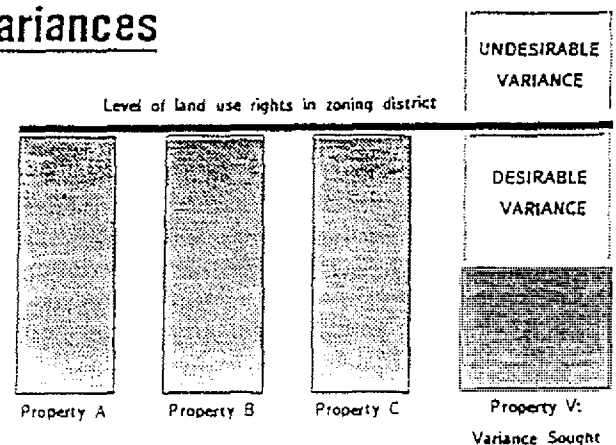
The Zoning Board of Appeals may accordingly grant Variances from the literal application of the provisions of this Ordinance based on findings of fact as provided in this section. Variances herein shall be considered the same as variations under the Illinois Revised Statutes.

#### (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 Variances

### 1. 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

## Parking

## *Bensenville Zoning Ordinance*

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

### (j) 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 Required

Spaces that May Be

Shared Parking

Use

100 %

Church  
Auditorium or  
School Auditorium

50 %

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

## Parking

## *Bensenville Zoning Ordinance*

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.

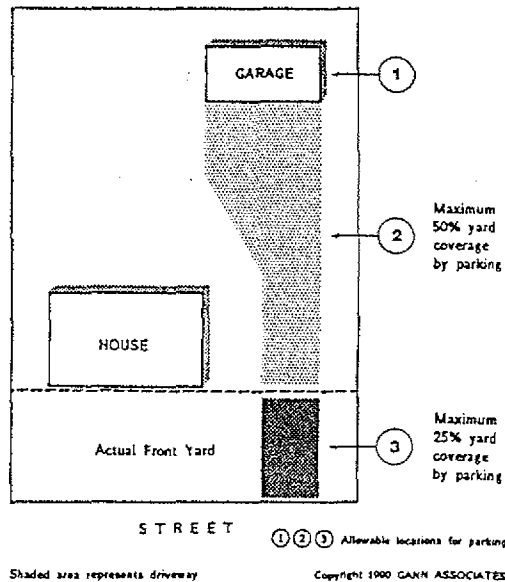
All such vehicles not enclosed within a building or carport shall be parked entirely upon a driveway or comparably surfaced widening thereof and shall not encroach upon any public sidewalk.

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

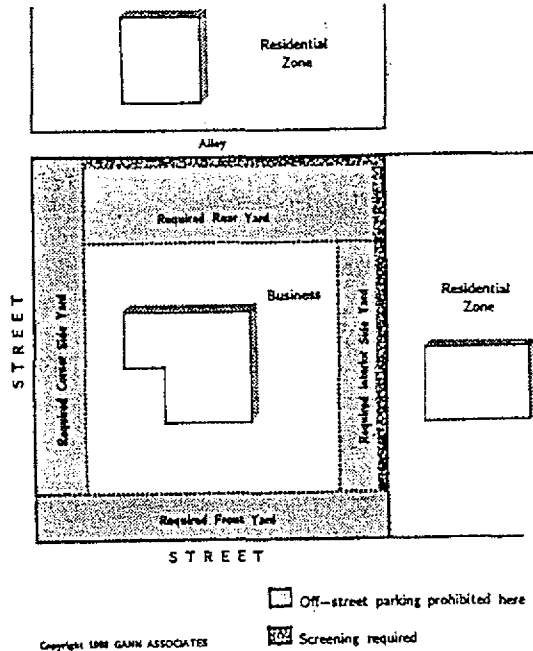
3. it is parked or stored in a location determined by the following:

- 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 in Yards



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.

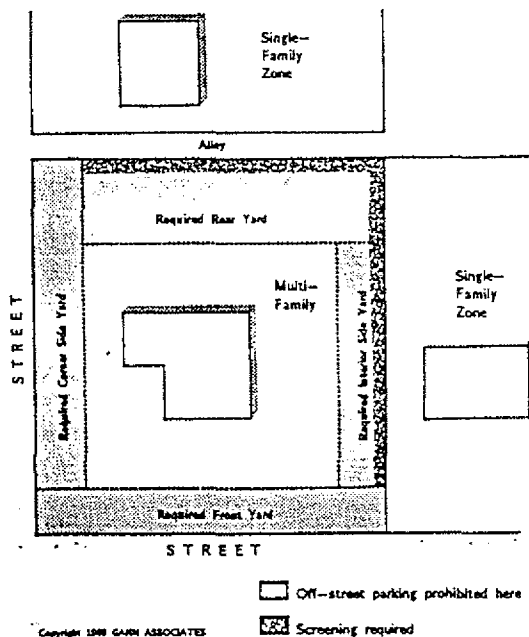
#### 2. Exceptions

Except that any such vehicle may be parked or stored:

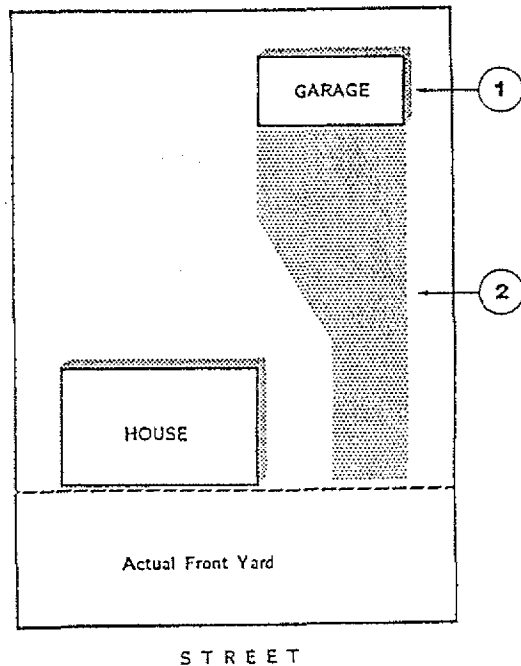
a. in a completely enclosed garage, or

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



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:

#### (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

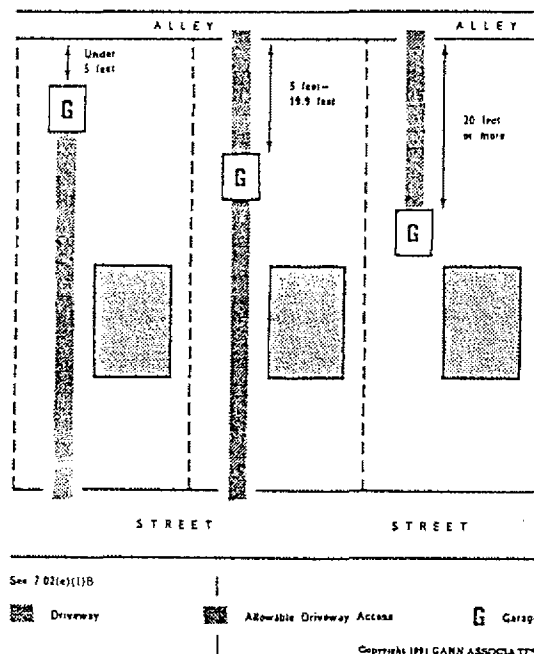
A through lot may have one curb cut on each frontage.

##### 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

## Single-Family Driveway Access

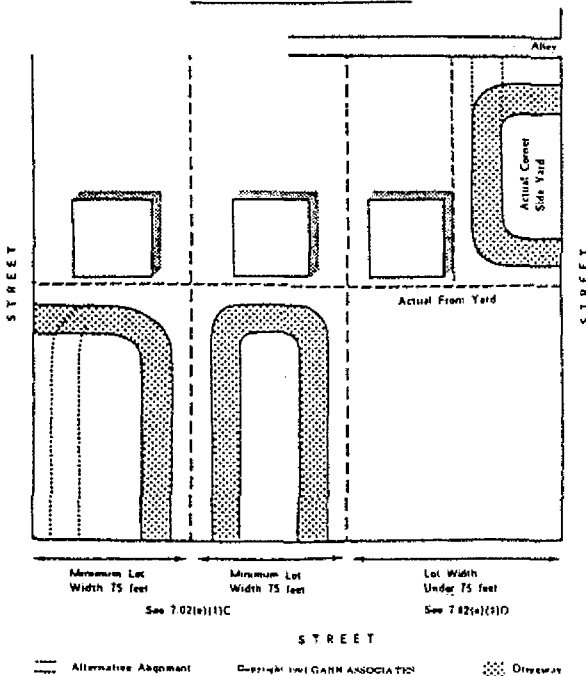


2. may have a curb cut on a street only if such garage is located less than 20 feet from the alley.

## 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



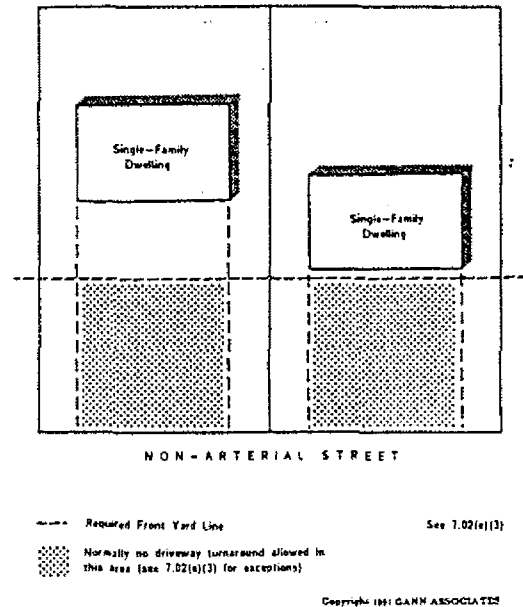
## D. Circular Drives in Corner Side Yards

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



## (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:

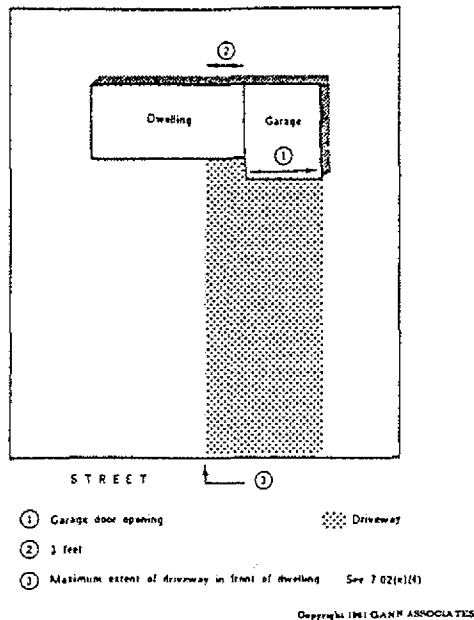
1. the garage on the premises accommodates only one car, and
2. the regulations herein together with the characteristics of the property prevent establishment of more than 2 spaces on the lot, and
3. the lot has frontage on an arterial street designated in the Village General Development Plan.

### 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.

(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.

## 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:

**Table 7A: Parking and Loading Dimensions**

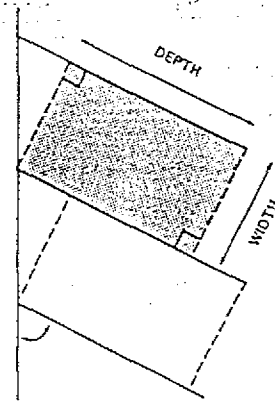
	Parking Space		Loading Space[f]	
	For Small Cars[a]	For Other Cars	For Tractor-Trailers	For Other Trucks[c]
<b>1. Spaces</b>				
(in feet)				
Depth	15[b]	18[b]	60	25
Width	7.5	9	14	10
Vertical Clearance	7	7	14	12

**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.



**Parking Space Dimensions**

Table 7B: Driveway Dimensions

	Driveway Width in Feet		Curb Cut Width in Feet	
	Mini- mum	Maxi- mum	Maximum Width	Maximum Flair
<u>Single-Family:</u>				
To 1 Space	9	10	10	3
To 2 Spaces	9	20	20	3
To 3 or More Spaces	9	20[a] 30[b]	20	3
To Parking in Required Front Yard [e]	9	18	18	3
Circular or Dual- Frontage Driveways [c]:				
First:	9	20	20	3
Second:	9	10	10	3

Maximum interior radius for  
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 Square Feet *	Number of 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-	5,001 - 40,000	
housing	40,001 - 70,000	2
& Storage	70,001 - 110,000	3
	110,001 - 160,000	4
Express &	160,001 - 240,000	5
Cartage	240,001 - 350,000	6
	350,001 - 500,000	7
Manufac-	500,001 - 700,000	8
turing	700,001 - 1,000,000	9
	Over 1,000,000	10
	0 - 5,000	0
Retail	5,001 - 15,000	1
	15,001 - 40,000	2
Service	40,001 - 100,000	3
	100,001 - 300,000	4
Whole-	300,001 - 1,000,000	5
saling	Over 1,000,000	6
Hotel, Motel	0 - 100	1
Hospital,	101 - 200	2
Nursing	Over 200	3
Home		

- \* Building size measured by Net Floor Area.

No space shall at the same time fully or partially serve to meet the requirement for both off-street parking and loading facilities. Uses required to provide no loading spaces shall provide other facilities approved by the Director of Building & Zoning. Requirements of this table shall not apply to C-3 District.



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

Minimum Number of Spaces Required  
Per Dwelling or Lodging Unit

RESIDENTIAL [a] [d]

Efficiency Units	1.5
1-Bedroom Units	1.75
All Other Units	2.0

LODGING [b] [d]

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**

Minimum Number of  
Spaces Required [a]

Per 1,000 . Per Person  
Per [b] Square Feet Design  
Employee Floor Area Capacity [c]

SCHOOLS

Elementary	1	---	---
Junior High	1	---	---
High School	1	---	.25 [d]
College or University	1	---	[i]
Commercial	1	---	.25 [d]

RECREATIONAL

Indoor Theatre	---	---	.25
Bowling Alley:			
Per Lane	---	---	--- [b]
Restaurant/Bar	---	3	---
Arena/Stadium	---	---	.25
Auditorium (non-school)	---	---	.25
Health Club	---	5	---
Skating Rink	---	5	---
Swimming Pool	1	---	.25
Dance or Meeting Hall	---	---	.25
Community Ctr	1	---	.25
Club or Lodge	---	5	---

MEDICAL

Hospital	1	---	--- [e]
Clinic	---	4	---
Animal Hospital	---	2.5	---

OFFICE

	---	5.0	---
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(Continued)

# Parking

## Bensenville Zoning Ordinance

(Table 7E Continued)

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

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 Screening

8.01. 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

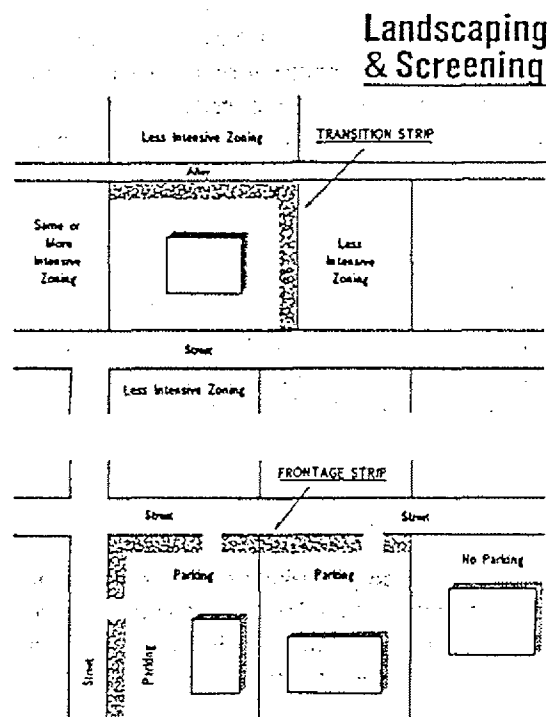
A Frontage Strip is a landscaped screening strip located along the length of front and corner side lot lines in actual front or corner side yards that accommodate parking or other areas specified in Table 8C requiring screening from public streets.

(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.



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### (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:

Trunk Caliper of Existing Tree to Be Preserved *	Reduction in Number of New Trees Required
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 *</u> <u>Between</u> <u>Index Numbers</u>	<u>Screening Intensity</u> <u>Required in</u> <u>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 Island Strip [f]</u>	<u>Strip</u>	<u>Screen</u>	<u>Foundation 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.

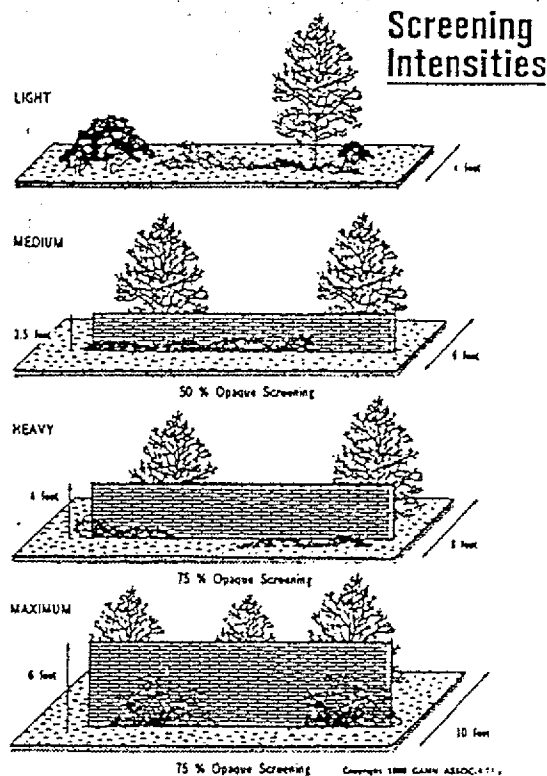


Table 8D: Screening Intensity

		Screening Intensity			
		Light	Medium	Heavy	Maximum
<u>1. Landscaped Strip</u>					
WIDTH in ft.		4	6	8	10
<u>2. Screening [b]</u>					
a. HEIGHT [e]					
in feet [d]		-	2.5	4	6
b. Year-round opacity[b][f]		-	50%	75%	75%
<u>3. Trees</u>					
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
<u>4. Shrubs</u>					
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**

Common  
Name

Botanic  
Name

**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 Hippocastarum
Locust, Black	Robinia Pseudoacacia
Maple, Silver	Acer Saccharinum
Mulberry	Morus
Osage Orange	Maclura 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	Fraxinus Excelsior 'Kimberly'
Ash, Green	Fraxinus Pennsylvanica
Ash, Marshall's	
Seedless Green	Fraxinus Pennsylvanica Lanceolata 'Marshall'
Ash, Summit	Fraxinus Pennsylvanica Lanceolata 'Summit'
Ash, White	Fraxinus Americana
Beech, American	Fagus Grandifolia
Beech, European	Fagus Sylvatica
Beech, Purple Leaf	Fagus Sylvatica Pupurea
Birch, River	Betula Nigra
Cedar, (Eastern) Red	Juniperus Virginiana
Chinese Scholar Tree	Sophora Japonica
Cork, Amur	Phellodendron Amurense
Fir, Douglas	Pseudotsuga Taxifolia
Fir, White	Abies Concolor
Ginkgo (male)	Ginkgo Biloba (Male)
Hackberry	Celtus Occidentalis
Hawthorn, Washington	Crataegus Phaenopyrum
Hemlock, Canadian	Tsuga Canadensis
Honey Locust, Greenglory	Gleditsia Triacanthus Inermis 'Greenglory'
Honey Locust, Imperial	Gleditsia Triacanthus Inermis 'Imperial'
Honey Locust, Moraine	Gleditsia Triacanthus 'Moraine'
Honey Locust, Skyline	Gleditsia Triacanthus Inermis 'Skyline'
Honey Locust, Thornless	Gleditsia Triacanthus Inermis
Kentucky Coffeetree	Gymnocladys Dioicus
Linden, American	Tilia Americana
Linden, Chancellor	
Little Leaf	Tilia Cordata 'Chancellor'
Linden, Columnar	
Big Leaf	Tilia Platyphyllos 'Fastigiata'
Linden, Crimean	Tilia Euchlora
Linden, European	Tilia Europaea
Linden, Glenleven	
Little Leaf	Tilia Cordata 'Glenleven'
Linden, Greenspire	
Little Leaf	Tilia Cordata 'Greenspire'
Linden, Little European	Tilia Cordata
Linden, Little Leaf	Tilia Cordata
Linden, Pyramidal	
American	Tilia Americana 'Fastigiata'
Linden, Redmond	Tilia Euchlora 'Redmond'

<u>Common Name</u>	<u>Botanic Name</u>
Maidenhair (male)	Ginkgo Biloba 'Grafted Male Plants'
Maidenhair, Autumn Gold	Ginkgo Biloba 'Autumn Gold'
Maidenhair, Fairmount	Ginkgo Biloba 'Fairmount'
Maidenhair, Lakeview	Ginkgo Biloba 'Lakeview'
Maple, Armstrong Red	Acer Rubrum 'Armstrong'
Maple, Autumn Flame Red	Acer Rubrum 'Autumn Flame'
Maple, Bowhall Red	Acer Rubrum 'Bowhall'
Maple, Cleveland Norway	Acer Platanoides 'Cleveland'
Maple, Columnar Sugar	Acer Saccharum 'Columnare'
Maple, Crimson King	Acer Platanoides 'Nigrum'
Maple, Emerald	
Queen Norway	Acer Platanoides 'Emerald Queen'
Maple, Greenlace Norway	Acer Platanoides 'Greenlace'
Maple, Green	
Mountain Sugar	Acer Saccharum 'Green Mountain'
Maple, Jade Glen Norway	Acer Platanoides 'Jade Glen'
Maple, Norway	Acer Platanoides
Maple, October Glory Red	Acer Rubrum 'October Glory'
Maple, Red	Acer Rubrum
Maple, Red Sunset Red	Acer Rubrum 'Red Sunset'
Maple, Schlesinger Red	Acer Rubrum 'Schlesinger'
Maple, Schwedler Norway	Acer Platanoides 'Schwedleri'
Maple, Sugar	Acer Saccharum
Maple, Summershade Norway	Acer Platanoides 'Summershade'
Maple, Superform Norway	Acer Platanoides 'Superform'
Oak, Bur	Quercus Macrocarpa
Oak, Northern Red	Quercus Borealis
Oak, Pin	Quercus Palustris
Oak, Red	Quercus Rubra
Oak, Scarlet	Quercus Coccinea
Oak, White	Quercus Alba
Pine, Austrian	Pinus Negra
Pine, Red	Pinus Resinosa
Pine, Scotch	Pinus Sylvestris
Pine, White	Pinus Strobus
Planetree, London	Platanus Acerifolia 'Bloodgood'
Spruce, White	Picea Glauca
Sweetgum, American	Liquidambar Styraciflua
Sycamore, American	Platanus Acerifolia or Occidentalis

*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 inter-connectedness 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

(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.

#### 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:

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]

Action Taken on Property	Type of Nonconformity on Property	Nonconformity Required to Be Eliminated?
<u>A. Expansion:</u>		
1. ADDITION/ENLARGEMENT	Use Standards	Yes Discretionary [f]
2. INTERNAL EXPANSION		
a. Within a Structure	Use Standards	Yes No
b. Of Use of Land [d]	Any	Yes
<u>B. Other Construction:</u>		
1. REPAIRS/MAINTENANCE		
a. Without Structural Alter- ation, 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 Discretionary [f] [g]
<u>C. Use:</u>		
1. CHANGE OF USE	Use Standards	Yes Discretionary [f]
2. RESUMPTION OF DISCONTINUED USE	Any	Yes
<u>D. Other:</u>		
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



## 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.

[h] No discretionary decision shall be made that would deny all reasonable economic use of the lot.

*Chapter 11*  
**Administration**

**11.01 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

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,

## Environmental

## *Bensenville Zoning Ordinance*

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**

Preferred 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**

	<u>Adjustment in Decibels</u>
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

## 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:

$$PV = 6.28 \times F \times D$$

*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**

<u>Maximum Permitted Particle Velocity* in Inches Per Second</u>			
<u>Use</u>	<u>At Adja- cent Lot Line</u>	<u>At Nearest Boundary of Lot Zoned in:</u>	
		<u>O or C District [a]</u>	<u>Residential District [b]</u>
Heavy Indus- trial	--	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.

## 12.04 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 Per 24-Hour Day *		At All Other Times	
	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 cleaning 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 Per Acre of Net Site Area Per Hour
Heavy Industrial	5
Other	1

**Table 12F: Adjustments to  
Particulates Standards**

#### 1. Height of Emission

Height of Emission Above Grade in Feet	Adjustment in 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 Feet Per Second	Adjustment in Lbs./Hour/Acre
0	-
20	- 0.03
40	- 0.09
60	- 0.16
80	- 0.24
100	- 0.5

#### 3. Temperature of Emission

Degrees Fahrenheit	Adjustment in Lbs./Hour/Acre
200	-
300	- 0.001
400	- 0.002
500	- 0.003
1,000	- 0.01
1,500	- 0.04
2,000	- 0.1

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 Limit Value*	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**

Physical State	Maximum Quantity Permitted [a]	
	In Original Sealed Containers	In Open Containers or in Process
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**

Use	Quantity in Curies*	Type of Use That Handling Constitutes
Heavy Industrial Uses	Under 100 100 or More	Permitted Use Conditional Use
Other Industrial Uses	Under 10 10 or More	Permitted Use Conditional Use
All Other Uses	Under 1 1 or More	Permitted Use 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(e) 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 Libraries Mortuaries	Convents, monasteries, seminaries	Hospitals	Colleges & universities	Golf courses
Kennels	Nursery schools	Institutions for care of aged & children			
Drive-in restaurants	Nursing homes	Hotels & motels			
	Rooming houses	Car washes			
	Schools	Cartage or delivery services			
	Service 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 objection- able 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

	Single-Family Residential and Townhouse Uses	All Other Uses
<u>Antenna Allowed as:</u>		
Video Transmitting Antennas:	Prohibited Use	Conditional Use
All Other Transmitting or Receiving Antennas:	Permitted Use (Accessory Use)	Permitted Use (Principal or Accessory Use)
<u>Maximum Number</u> of Dish Antennas Per Lot:		
	1	No Maximum
<u>Permitted Locations:</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, or Corner Side
<u>Maximum Dimensions:</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] or 125% of actual building height, whichever is less
<u>Minimum Setback:</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

## *Bensenville Zoning Ordinance*

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

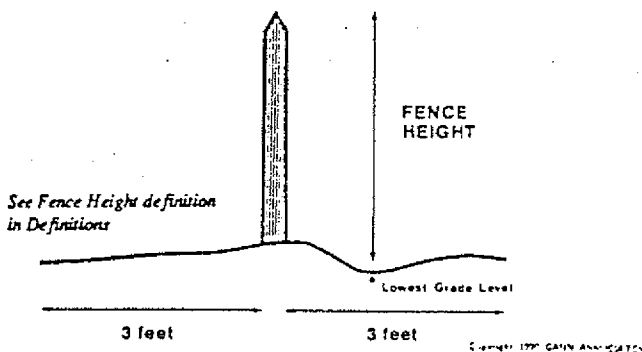
H. Wood bollards and metal chains

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

### Fence Height



### (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 Corner Side Yard [e]		In Actual Rear or Interior Side Yard [f]	
	Solid Fence	Open Fence	Solid Fence	Open 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 abut- ting a dead end street:				
A. In Actual Corner Side Yard:	8 [c]	8 [c]	N/A	N/A
B. Area A Between front build- ing 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.

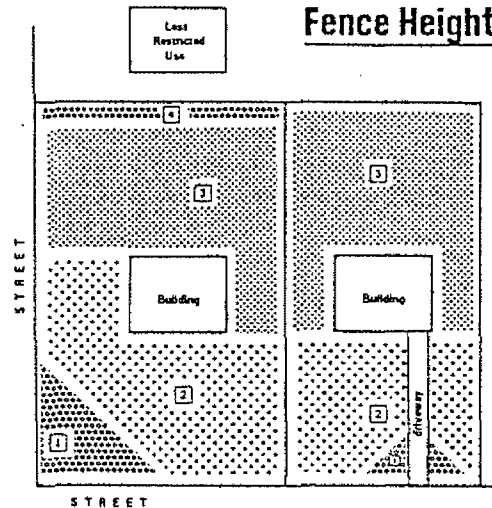
[b] 50 percent of actual height of fence established in Actual Corner Side Yard.

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).

**Maximum Fence Height**

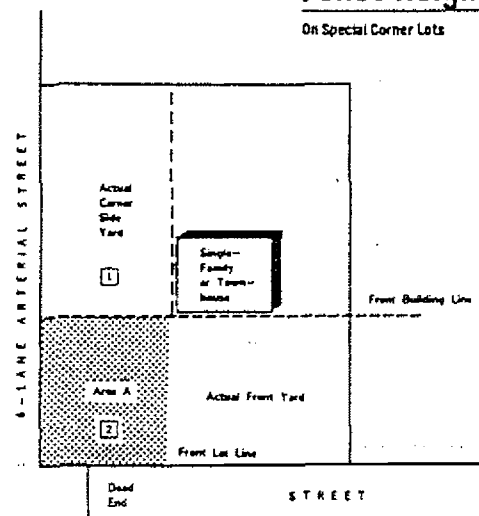


- |   |                                       |                               |
|---|---------------------------------------|-------------------------------|
| 1 | Vision Clearance Triangle             | 2.5 foot solid fence          |
| 2 |                                       | 3.5 foot open fence           |
| 3 |                                       | 4 foot Decorative Fence       |
| 4 | Let Line Abutting Less Restricted Use | 10 foot fence (Industrial)    |
|   |                                       | 6 foot fence (All Other)      |
|   |                                       | As permitted in abutting yard |
- See also graphic below

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**Maximum Fence Height**

On Special Corner Lots



- 1 8-foot solid or open fence
- 2 Maximum solid or open fence height is 50% of actual height of fence in Actual Corner Side Yard

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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

Any: Any fence meeting maximum height and all other applicable requirements of these and other Village regulations.

Decorative: Only Decorative Fences conforming to the regulations of 13.12(e)(4) are permitted.

See footnote [g] of Table 13C for allowable fences for certain townhouses.

- [a] Except any fence type may be installed in an actual corner side yard abutting an arterial street.
- [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.
- [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 it:

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

## *Bensenville Zoning Ordinance*

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.

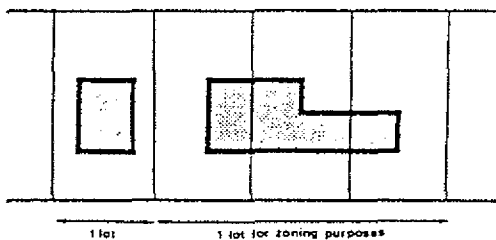
**LOT DEPTH:**

The mean average of the lengths of the side lot lines of a lot.

**LOT, DOUBLE-FRONTAGE:**

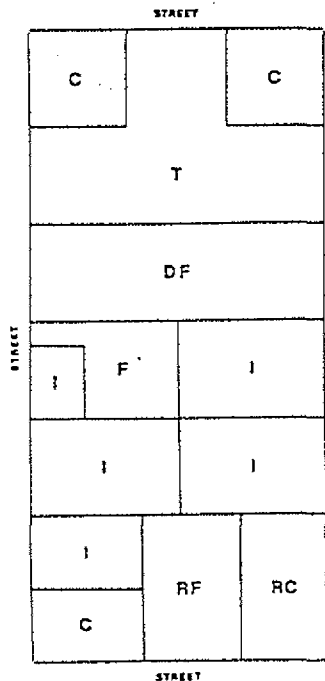
A through lot abutting only two streets.

**Lot**



Subdivided Lot Line Copyright 1999 GANN ASSOCIATES

## Types of Lots



- C Corner lot
- T Through lot
- DF Double Frontage lot
- I Interior lot
- RF Reversed Frontage lot
- RC Reversed Corner lot
- F Flag Lot

See Lot definitions  
in Definitions

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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.

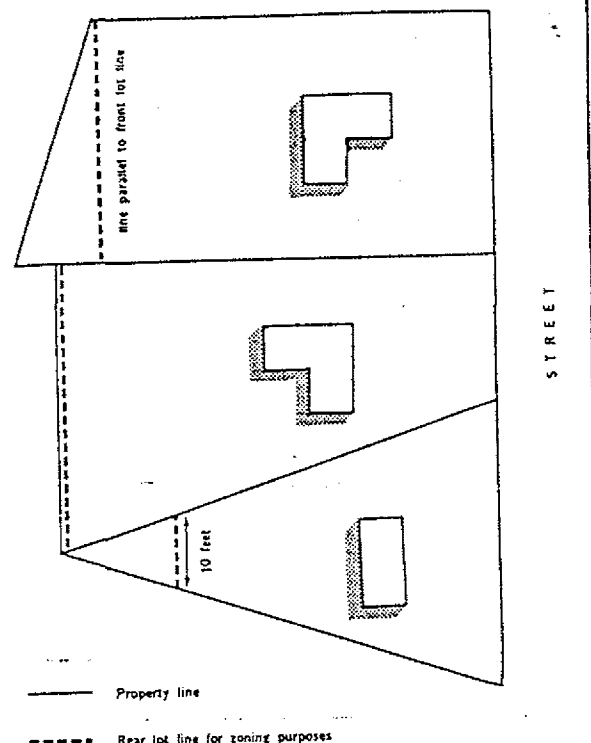
### LOT LINE, FRONT:

- 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



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### 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.

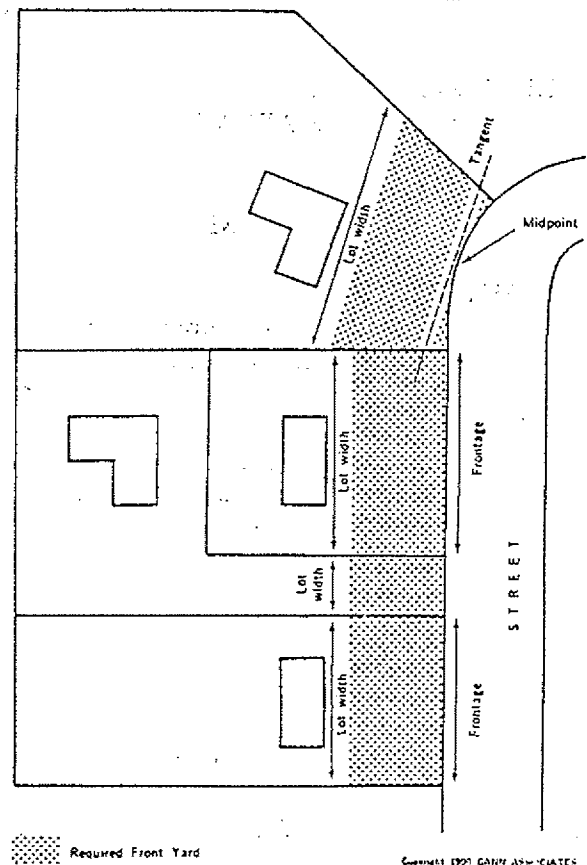
**MORTUARY:**

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

## Definitions

## *Bensenville Zoning Ordinance*

### 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



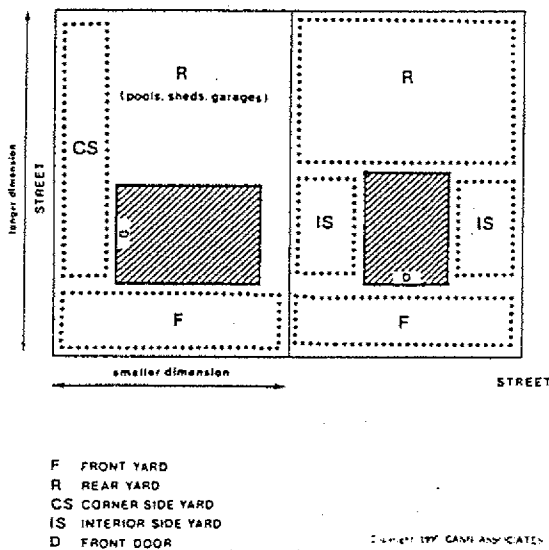
## Definitions

## Bensenville Zoning Ordinance

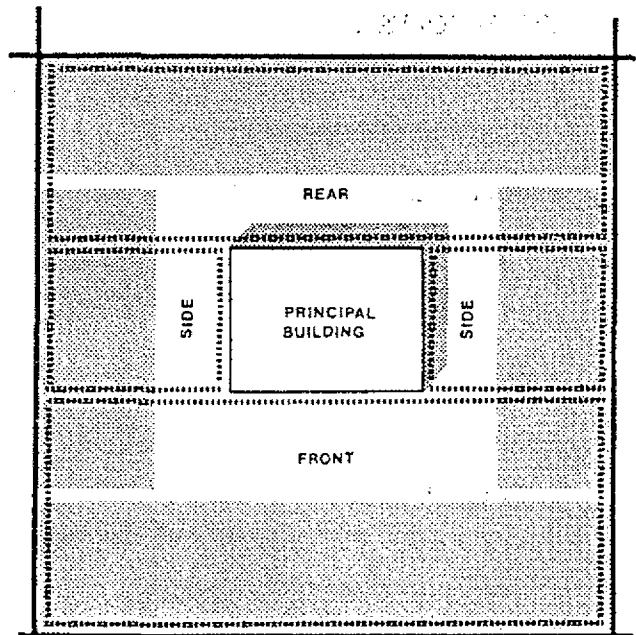
between the front lot line, as defined herein, and a line drawn parallel thereto (or parallel to a line tangent to a curving front lot line at its midpoint) at a distance therefrom equal to that established by the applicable front yard requirement of this Ordinance ("Required Front Yard") or the building 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



## Required Yards & Actual Yards



### 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.

Index

	<u>Citation</u>	<u>Page</u>
<b>A</b> ----- <b>A</b>		
<i>Accessory Uses</i>		
General Provisions	5.01(a)	5-1
Maximum Encroachments into Yards	Table 5B	5-3
Permitted in Yards	Table 5C	5-4
Retail Uses	13.08	13-5
Structures	Table 5A	5-3
<i>Adult Uses</i>	13.04	13-1
<i>Airport Area</i>		
Height Limits	1.03(d)	1-4
<i>Amendments</i>		
To Ordinance	6.02	6-2
	Table 6B	6-3
<i>Animals, Keeping of</i>	5.01(b)(2)	5-1
<i>Antennas</i>		
Dish Antennas	5.01(b)(1)A	5-1
	13.09	13-6
Other Antennas	5.01(b)(1)B	5-1
<i>Appeals</i>		
General Provisions	2.02(g)(2)	2-7
	6.03(c)	6-6
	Table 6E	6-7
<i>Application Contents</i>		
Fence Permit	13.10(g)(2)	13-16
Satellite Dish		
Antenna Permit	13.09(g)(2)	13-9
Other	2.02(d)(2)	2-4
	Table 2C	2-10
<i>Arterial Lot Dimensions, Exceptions to</i>	1.03(e)	1-4
<b>C</b> ----- <b>C</b>		
<i>Carnivals</i>	13.13	13-17

*Certificates*

Certificate of Occupancy	11.01(b)	11-1
Zoning Certificate	11.01(c)	11-1

*Commercial Vehicles,*

Parking of	7.02(d)(2)	7-8
------------	------------	-----

<i>Conditional Uses</i>	6.03(b)	6-5
	Table 6D	6-6

**D** ----- **D**

<i>Director of Building and Zoning</i>	11.03	11-3
--	-------	------

<i>Dish Antennas</i>	See Satellite Dish Antennas	
----------------------	-----------------------------	--

*Districts*

Business	3.03	3-2
General Provisions	1.02	1-3
Multi-Family	3.02	3-1
Regulations	Table 3B	3-4
	Table 3C	3-5
Single-Family	3.01	3-1

*Driveways*

Dimensions	Table 7B	7-14
Single-Family	7.02(e)	7-9

**E** ----- **E***Electromagnetic*

<i>Interference</i>	12.09(d)	12-7
---------------------	----------	------

<i>Enforcement</i>	11.04	11-4
--------------------	-------	------

*Environmental Standards*

Administration	12.10	12-7
Applicability	12.01(b)	12-1
Definitions	12.11	12-10
Exemptions	12.01(c)	12-1

**F** ----- **F***Fees*

Filing Fees	2.02(d)(5)	2-4
In Lieu of Parking	7.02(b)	7-5

## Index

## *Bensenville Zoning Ordinance*

### *Fences*

General Provisions	13.10	13-9
Vision Clearance	5.02(e)	5-2

<i>Fire &amp; Explosion</i>	12.09(a)	12-6
-----------------------------	----------	------

<i>Financial Sureties</i>	2.01(c)	2-1
	2.02(g)(3)	2-7

<i>Floodplain Lands</i>	1.03(a)	1-3
-------------------------	---------	-----

### **G** ----- **G**

<i>Garage Sales</i>	13.11	13-16
---------------------	-------	-------

<i>Glare</i>	12.09(b)	12-6
--------------	----------	------

<i>Golf Course Lighting</i>	13.14	13-18
-----------------------------	-------	-------

### **H** ----- **H**

<i>Heat</i>	12.09(c)	12-7
-------------	----------	------

<i>Home Occupations</i>	13.07	13-4
-------------------------	-------	------

### **I** ----- **I**

#### *Industrial Uses*

Special Conditional Uses	13.05	13-1
--------------------------	-------	------

#### *Interpretation*

Rules of	14.02	14-1
General Provisions	6.04(b)	6-10

### **L** ----- **L**

#### *Landscaping and Screening*

Exceptions	8.03(e)	8-2
Intensity of	Table 8D	8-8
Maintenance of	8.06(c)	8-5
Permitted Forms	8.05(a)	8-3
Preservation of	8.05(d)	8-4
Site Plan Required	8.04	8-3
Varieties of	Table 8E	8-9
Where Required	8.03	8-2
	Table 8B	8-6

### *Loading, Off-Street*

Dimensions	Table 7A	7-13
Downtown Exempt	7.01(c)	7-1
General Provisions	7.01	7-1
	7.03	7-12
Number of Spaces		
Required	Table 7C	7-14
Site Plan Required	7.01(f)	7-3

### **M** ----- **M**

#### *Maintenance*

Fences	13.10(f)(6)	13-15
Landscaping	8.06(c)	8-5
Dish Antennas	13.09(e)(4)	13-8

#### *Motor Vehicle*

##### *Sales in Residential*

<i>Districts</i>	13.12	13-17
------------------	-------	-------

### **N** ----- **N**

<i>Noise</i>	12.02	12-2
--------------	-------	------

#### *Nonconformities*

Changes to		
Properties With	6.03(d)	6-8
Elimination of	10.03	10-1
	Table 10A	10-3
With Environ-		
mental Standards	12.10(f)	12-10
With Single-Family		
Driveway Rules	10.05(a)	10-2

#### *Notice of*

<i>Public Hearing</i>	2.01(f)	2-2
-----------------------	---------	-----

### **O** ----- **O**

<i>Odor</i>	12.07	12-6
-------------	-------	------

#### *Open Storage and Operations*

1.03(c)	1-4
---------	-----

### **P** ----- **P**

#### *Parking, Off-Street*

Collective Parking	7.02(a)(1)	7-4
Commercial		
Vehicles	7.02(d)(2)	7-8
Downtown Exempt	7.01(c)	7-1
Fees in Lieu of	7.02(b)	7-5

For Shopping Centers	7.02(a)(3)	7-5	<b>R</b>		<b>R</b>
General Provisions	7.01	7-1	<i>Radioactive</i>		
	7.02	7-4	<i>Radiation</i>	12.08	12-6
Location of Recreational Vehicles	7.02(c)	7-6	<i>Recreational</i>		
	7.02(d)(1)	7-7	<i>Vehicles</i>	7.02(d)(1)	7-7
Shared Parking	7.02(a)(2)	7-4	<i>Residential Districts</i>		
Single-Family	7.02(c)(2)A	7-6	Vehicle Sales in	13.12	13-17
	7.02(e)	7-9	Non-Residential		
Site Plan Required	7.01(f)	7-3	Uses in	13.06	13-3
<i>Particulate Matter</i>	12.05	12-4	<i>Retail Uses as</i>		
<i>Performance Standards</i>			<i>Accessory Uses</i>	13.08	13-4
<i>See Environmental Standards</i>			<i>Revocation</i>		
<i>Permit</i>			<i>of Permit</i>	2.02(g)(6)	2-7
Building	11.01(a)	11-1	<i>Rezoning</i>	<i>See Amendment</i>	
Carnival	13.13(a)	13-17	<b>S</b>		<b>S</b>
Conditional Use	11.01(e)	11-1	<i>Satellite Dish</i>		
Fence	13.10(g)(1)	13-16	<i>Antennas</i>	5.01(b)(1)A	5-1
Garage Sale	13.11(a)	13-16		13.09	13-6
Satellite Dish Antenna	13.09(g)	13-9	<i>Screening</i>	<i>See Landscaping and Screening</i>	
Temporary Use	11.01(d)	11-1	<i>Separation Between Buildings</i>		
<i>Plan Commission</i>			In PUD's	9.04(d)(2)	9-3
Cases Heard by	Table 6A	6-2	Multi-Family		
General Authority	11.02(a)	11-1	Buildings	Table 3A	3-3
Membership	11.02(b)	11-2	<i>Signs</i>		
<i>Planned Unit Development</i>			For Garage Sales	13.11(d)	13-17
Amendments to	9.06(c)	9-4	In PUD's	9.03(d)	9-2
Approval Criteria	Table 9A	9-7	On Fences	13.10(f)(9)	13-15
Final Plan	9.06	9-3	<i>Single-Family Residential</i>		
Qualifications			Conversions to		
for Filing	9.02	9-1	Multiple Units	13.02	13-1
Site Plan	9.04(a)	9-2	Parking and		
<i>Public Hearings</i>			Driveways	7.02(e)	7-9
	2.01(e)	2-2		7.02(c)(2)A	7-6
	Table 2B	2-9	<i>Site Plan</i>		
<i>Public Uses</i>			Contents	Table 2D	2-14
Dimensional			Required for		
Requirements for	13.03	13-1	Building Permit	2.02(g)(4)	2-7
	Table 13A	13-2			

## Index

## *Bensenville Zoning Ordinance*

Required for		
Landscaping	8.04	8-3
Required for		
Parking & Loading	7.01(f)	7-3
Required for PUD's	9.04(a)	9-2

### *Shopping Centers*

Parking for	7.02(a)(3)	7-5
-------------	------------	-----

<i>Smoke</i>	12.04	12-3
--------------	-------	------

<i>Storage, Open</i>	1.03(c)	1-4
----------------------	---------	-----

## **T** ----- **T**

### *Temporary Uses*

Approval Criteria	Table 6F	6-10
Dimensional		
Requirements	13.03	13-1
General Provisions	6.04(a)	6-8

<i>Toxic Matter</i>	12.06	12-5
---------------------	-------	------

<i>Trucks</i>	<i>See Commercial Vehicles</i>	
---------------	--------------------------------	--

## **U** ----- **U**

### *Uses*

Allowable	1.01(g)	1-2
	4.01	4-1
	Table 4A	4-2
	Table 4C	4-4
Unlisted Uses	6.04(c)	6-11

## **V** ----- **V**

<i>Variances</i>	6.03(a)	6-3
	Table 6C	6-4

<i>Vibration</i>	12.03	12-3
------------------	-------	------

### *Violation*

Of Environmental		
Standards	12.10(d)	12-9

<i>Vision Clearance</i>	5.02(e)	5-2
-------------------------	---------	-----

## **W** ----- **W**

<i>Waste</i>	12.09(e)	12-7
--------------	----------	------

## **Y** ----- **Y**

### *Yards*

Front, on Vacant		
Through Lots	5.02(d)	5-2
Maximum Projection into	Table 5B	5-3
Permitted		
Obstructions in	5.02(a)	5-1
	Table 5C	5-4
Used for One		
Structure	5.02(b)	5-1
Vision Clearance	5.02(e)	5-2

## **Z** ----- **Z**

### *Zoning Board of Appeals*

Cases Heard by	Table 6A	6-2
General Authority	11.02(a)	11-1
Membership	11.02(b)	11-2

### *Zoning District Map*

General Provisions	1.02(c)	1-3
Amendment of	Table 6B	6-3

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.

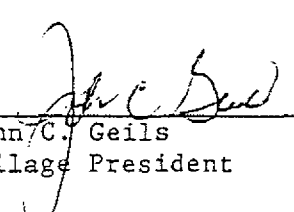
The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

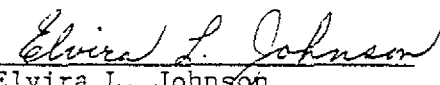
Section 5. Effective Date.

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, 19 88.

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:

- (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, unwallled, 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, bouyant 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 bulk-heading. 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.

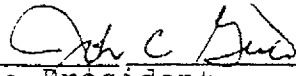
Section 13. Separability.

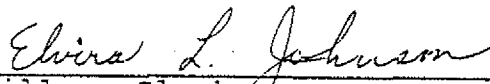
The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

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.

  
\_\_\_\_\_  
Village President

  
\_\_\_\_\_  
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 FACINGS, 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

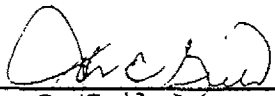
##### Building Facings

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.

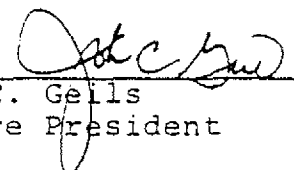
SECTION TWO: That the property legally described as:

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.

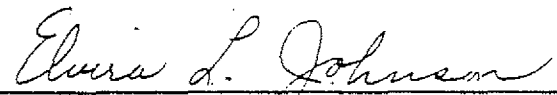
is hereby rezoned to M1, Limited Manufacturing District.

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  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

---

**Ordinance No. 67-2018**

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois  
Amending the Village of Bensenville Ordinance, Codified as  
Title 10 of the Bensenville Village Code**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 18th DAY OF DECEMBER 2018**

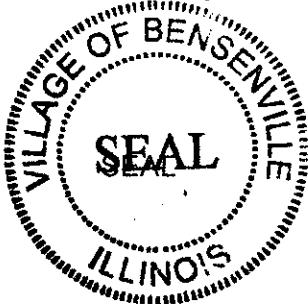
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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 19th day of December, 2018

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

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 67-2018 entitled an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending the Village of Bensenville Zoning Ordinance, Codified as Title 10 of the Bensenville Village Code.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this  
19<sup>th</sup> day of December, 2018.



  
\_\_\_\_\_  
Corey Williamsen  
Deputy Village Clerk

**ORDINANCE NO. 67-2018**

**AN ORDINANCE OF THE VILLAGE OF BENSENVILLE,  
DUPAGE AND COOK COUNTIES, ILLINOIS AMENDING THE VILLAGE OF  
BENSENVILLE ZONING ORDINANCE, CODIFIED AS TITLE 10 OF THE  
BENSENVILLE VILLAGE CODE**

---

**WHEREAS**, the Village of Bensenville, DuPage and Cook Counties, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Village President and Board of Trustees of the Village of Bensenville (the “*Corporate Authorities*”) have provided for the preparation and adoption of a revised Village of Bensenville Zoning Ordinance (the “*Zoning Ordinance*”) in accordance with 65 ILCS 5/11-13-2; and

**WHEREAS**, the revised Zoning Ordinance has been prepared and made available for inspection by the public; and

**WHEREAS**, the requisite statutory notice of the Village’s intent to adopt the revised Zoning Ordinance has been provided;

**WHEREAS**, the Village also provided additional notice beyond the statutory requirement, including supplementary publication in a local newspaper, mailings to every property in the Village, and advertising on the Village’s website, television station, and signage; and



**WHEREAS**, a public hearing on the proposed Zoning Ordinance was held on October 30, 2018, at which hearing all persons interested were afforded an opportunity to be heard and provided testimony; and

**WHEREAS**, the Corporate Authorities, Community Development Commission, and Village staff have examined and reviewed the proposed Zoning Ordinance and have listened to all persons appearing and desiring to be heard concerning said ordinance; and

**WHEREAS**, after adjournment the public hearing and consideration of the feedback from Village staff and all interested persons, the Community Development Commission has filed its final report and submitted a proposed Zoning Ordinance for consideration by the Corporate Authorities, and the Corporate Authorities have duly considered said report and the proposed Zoning Ordinance.

**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.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** The President and the Board of Trustees find and determine that the adoption of the Zoning Ordinance is in the public interest, and is in furtherance of the progressive demands of orderly Village development.

**Section 3.** That Title 10 of the Bensenville Village Code shall be deleted in its entirety and the attached revised version of the Village of Bensenville Zoning Ordinance, effective December 18, 2018, is hereby adopted in its place.

**Section 4.** That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance be and are hereby repealed.

**Section 5.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 6.** This Ordinance shall take effect upon its passage, approval and publication as required by law.

*(Intentionally Left Blank)*

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 18th day of December 2018, pursuant to a roll call vote, as follows:

APPROVED:



Frank DeSimone, Village President

ATTEST:

  
Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Jaworska, Lomax, Panicola, Perez

NAYES: None

ABSENT: None

Exhibit A

Zoning Ordinance

**NOTICE OF PUBLIC HEARING  
REGARDING ADOPTION OF A NEW ZONING ORDINANCE  
FOR THE VILLAGE OF BENSENVILLE BEFORE THE  
COMMUNITY DEVELOPMENT COMMISSION OF THE VILLAGE  
ON TUESDAY, OCTOBER 30, 2018, 6:30 PM**

Notice is given that the Community Development Commission of the Village of Bensenville will hold a public hearing on **October 30, 2018**, at 6:30 p.m., in the Village Hall Board Room, located at 12 S. Center Street, Bensenville, Illinois 60106 concerning adoption of a new VILLAGE OF BENSENVILLE ZONING ORDINANCE.

All persons in attendance at the hearing shall have an opportunity to be heard. Further information and a copy of the proposed new ordinance will be available for review at Village Hall Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and also online at: <http://www.cmap.illinois.gov/programs/ta/bensenville-zoning>.



12 S. Center St.  
Bensenville, IL 60106

Office: 630.766.8200  
Fax: 630.594-1105

[www.bensenville.il.us](http://www.bensenville.il.us)

#### VILLAGE BOARD

**President**  
Frank DeSimone

**Board of Trustees**  
Rose Carmena  
Ann Franz  
Agnieszka "Annie" Jaworska  
Melanie Lomax  
Nicholas Paivola Jr.  
Armando Perez

**Village Clerk**  
Nancy Gunn

**Village Manager**  
Evan R. Summers

### **NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF A NEW ZONING ORDINANCE FOR THE VILLAGE OF BENSENVILLE BEFORE THE COMMUNITY DEVELOPMENT COMMISSION OF THE VILLAGE ON TUESDAY, OCTOBER 30, 2018, 6:30 PM**

Dear Resident,

The Village wishes to notify you that the Community Development Commission of the Village of Bensenville will hold a public hearing on **October 30, 2018**, at 6:30 p.m., in the Village Hall Board Room, located at 12 S. Center Street, Bensenville, Illinois 60106 concerning adoption of a new Village Zoning Ordinance.

This new ordinance will comprehensively amend the current Village of Bensenville Zoning Ordinance. Certain zoning districts and regulations in the current ordinance have become outdated. The new zoning ordinance will address this issue while ensuring that all of the land throughout the Village is zoned to enhance property values, encourage the most appropriate uses, and foster a pattern of compatibility among its residential, commercial, and industrial areas for the mutual benefit of everyone in the Village.

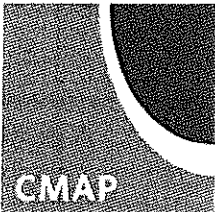
The Village encourages you to attend the hearing and stop by Village Hall for additional information. All persons in attendance at the hearing shall have an opportunity to be heard. Further information and a copy of the new ordinance will be available for review at Village Hall Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. You can also review a draft of the ordinance online at:

- <http://www.cmap.illinois.gov/programs/ita/bensenville-zoning>

Please feel free give me a call or email me with any questions, comments or concerns. I can be reached at 630-350-3396 or [kpozsgay@bensenville.il.us](mailto:kpozsgay@bensenville.il.us).

Kind regards,

Kurtis Pozsgay, AICP  
Senior Planner



# Direct Mail

## Details:

- Sent to 9029 addresses through USPS



211 Center St.  
Bensenville, IL 60015  
Phone: 630.350.4775  
Fax: 630.350.4775  
www.bensenville.il.us

### VILLAGE BOARD

President:  
Frank G. Gierke

Board of Trustees:  
Paul G. Gierke  
Paul G. Gierke  
James J. Gierke  
James J. Gierke  
James J. Gierke  
James J. Gierke

Village Clerk:  
Debra J. Gierke

Village Manager:  
Tim J. Gierke

### NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF A NEW ZONING ORDINANCE FOR THE VILLAGE OF BENSENVILLE BEFORE THE COMMUNITY DEVELOPMENT COMMISSION OF THE VILLAGE ON TUESDAY, OCTOBER 30, 2018, 6:30 PM

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This new ordinance will comprehensively amend the current Village of Bensenville Zoning Ordinance. Certain zoning districts and regulations in the current ordinance have become outdated. The new zoning ordinance will address this issue while ensuring that all of the land throughout the Village is zoned to enhance property values, encourage the most appropriate uses, and foster a pattern of compatibility among its residential, commercial, and industrial areas for the mutual benefit of everyone in the Village.

The Village encourages you to attend the hearing and stop by Village Hall for additional information. All persons in attendance at the hearing shall have an opportunity to be heard. Further information and a copy of the new ordinance will be available for review at Village Hall Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. You can also review a draft of the ordinance online at:

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Kind regards,

  
Kurtis Pozsgay, AICP  
Senior Planner

# Publication Notice

## Details:

- Published in the Daily Herald circulation of more than 150,000.
- Published in the Independent circulation unknown



## **NOTICE OF PUBLIC HEARING REGARDING ADOPTION OF A NEW ZONING ORDINANCE FOR THE VILLAGE OF BENSENVILLE BEFORE THE COMMUNITY DEVELOPMENT COMMISSION OF THE VILLAGE ON TUESDAY, OCTOBER 30, 2018, 6:30 PM**

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All persons in attendance at the hearing shall have an opportunity to be heard. Further information and a copy of the proposed new ordinance will be available for review at Village Hall Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and also online at: <http://www.cmap.illinois.gov/programs/lda/bensenville-zoning>.



# FACEBOOK

## Details:

- 5,545 Followers
- 4.2k Impressions
- 47 ZResponse
- 20 day Ad length



**OCTOBER 30, 2018, 6:30 PM**

**ADOPTION OF A NEW VILLAGE ZONING ORDINANCE**

**OCT 30** Public Hearing Regarding New Village Zoning Ordinance.

Public · Hosted by Village of Bensenville

✓ Going ▾

Share ▾

Tuesday, October 30, 2018 at 6:30 PM – 8:30 PM

Next Week #1-1/2 hrs

**INSIGHTS** [See More](#)

**4.2K**  
People Reached  
+1.3K last 7 days

**47**  
Responses  
+8 last 7 days

**Audience**  
**Women 35-44**  
18% of total reach

[Track total sales](#)

[Add Ticket Link](#)

**View Results for This Boosted Event**  
Click to see the performance of your ad or edit it

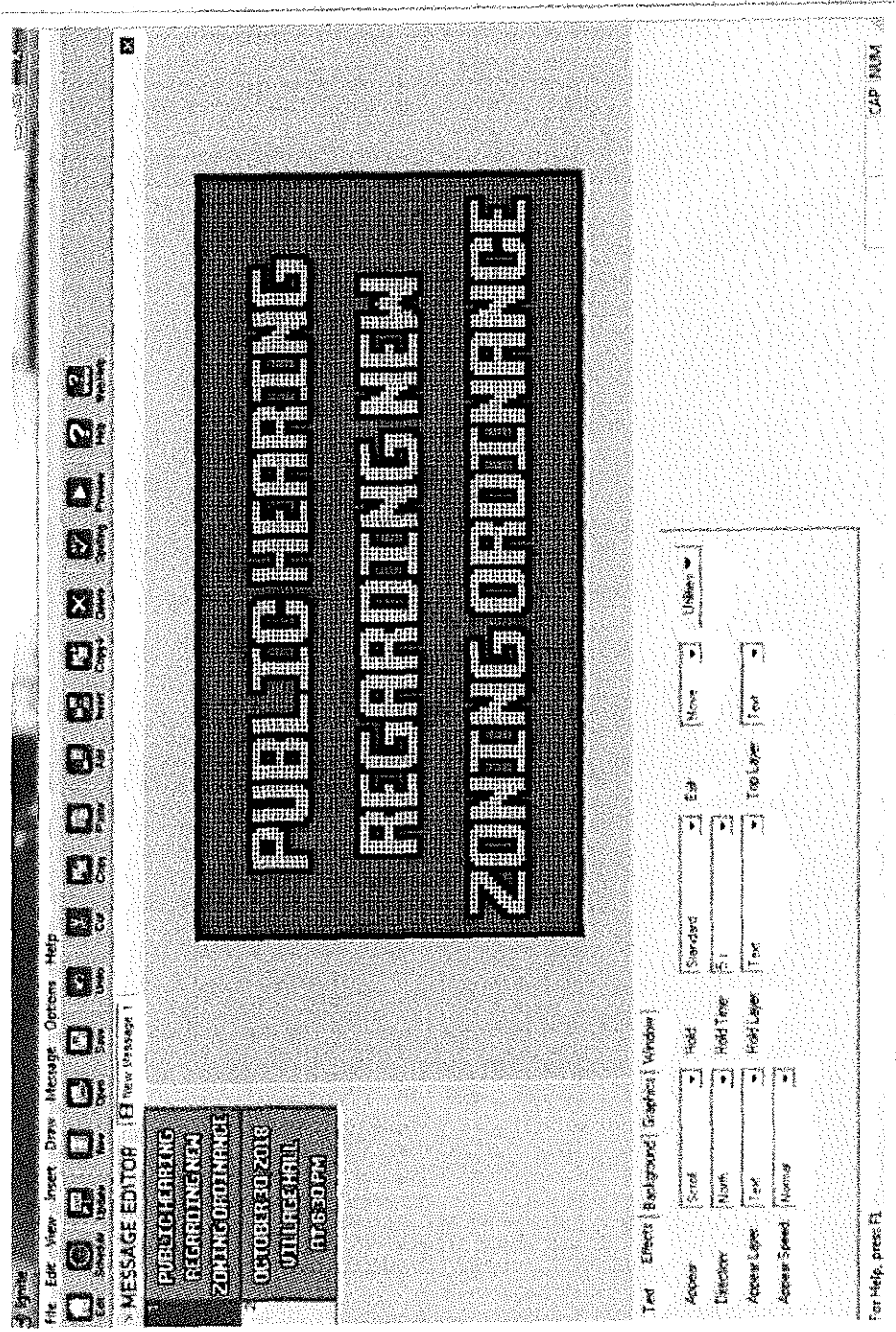
[View Results](#)

[Visit Ads Manager](#)



Details:

- 12.600 ADT  
(Average Daily Traffic)
- 20 day Ad length



# WEBSITE

## Details:

- 20 day Post length



## Event Details

[Return to Previous](#)

[View Map](#)

### Public Hearing Regarding New Village Zoning Ordinance



Tuesday, October 30, 2018

The Village wishes to notify you that the Community Development Commission of the village of Bensenville will hold a public hearing on October 30, 2018, at 6:30 p.m., in the Village Hall Board Room, located at 12 S. Center Street, Bensenville, Illinois 60105 concerning adoption of a new Village Zoning Ordinance.

This new ordinance will comprehensively amend the current Village of Bensenville Zoning Ordinance. Certain zoning districts and regulations in the current ordinance have become outdated. The new zoning ordinance will address this issue while ensuring that all of the land throughout the Village is zoned to enhance property values, encourage the most appropriate uses, and foster a pattern of compatibility among its residential, commercial, and industrial areas for the mutual benefit of everyone in the Village.

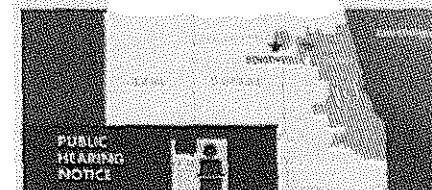
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Please feel free give me a call with any questions or concerns. I can be reached at 630-350-3396 or [kpozsgay@bensenville-il.us](mailto:kpozsgay@bensenville-il.us)

Kurtis Pozsgay, AICP  
Senior Planner

**Date:** October 30, 2018  
**Time:** 6:30 PM - 8:30 PM  
**Location:** Village Hall  
**Address:** 12 South Center street  
bensenville, IL 60105  
**Contact:** 630-350-3396  
**Email:** [kpozsgay@bensenville-il.us](mailto:kpozsgay@bensenville-il.us)  
**Link:** [More Information](#)

**OCTOBER 30, 2018, 6:30 PM**



**ADOPTION OF A NEW VILLAGE  
ZONING ORDINANCE**



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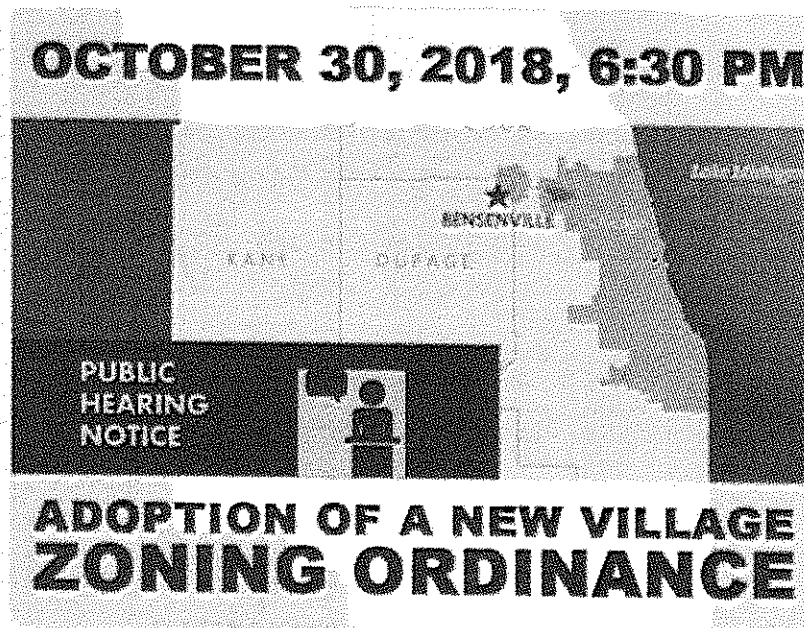
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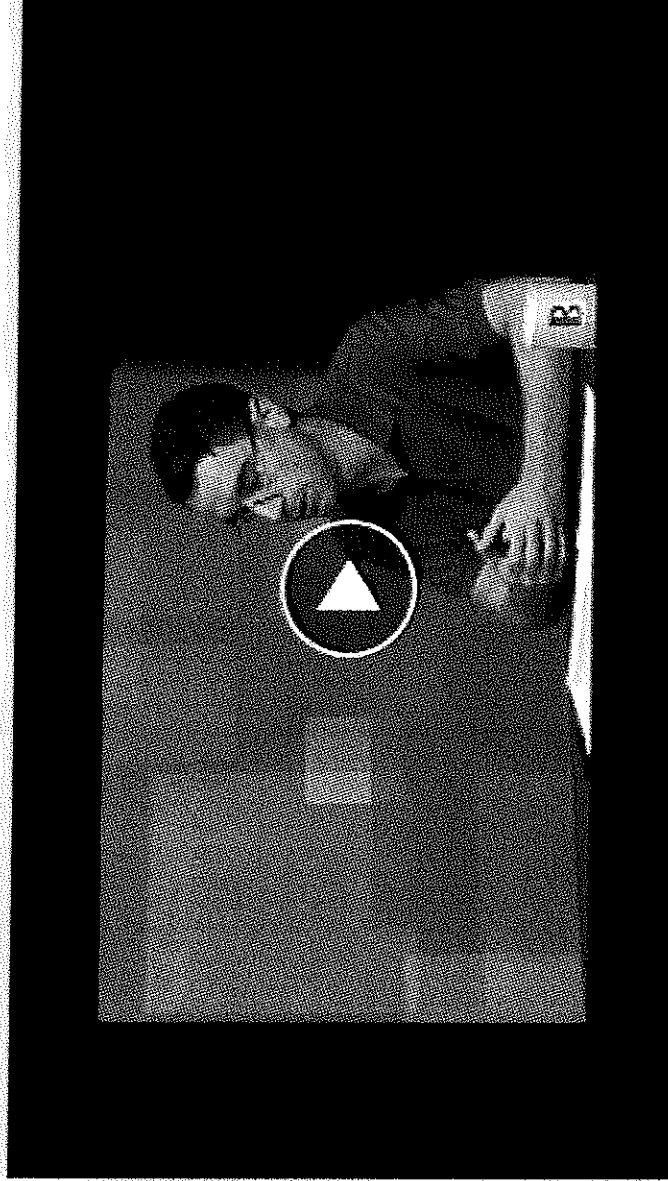
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### Village of Bensenville: Spotlight on Bensenville: New Village Zoning Ordinance...

Spotlight on Bensenville: New Village Zoning Ordinance



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## Zoning Ordinance Memo

### RE: Village Board Draft

After the Public Review Draft of the new Village zoning ordinance was posted for comment, staff received several comments, met with concerned citizens, and worked with the Village attorney to make necessary changes. The Village Board draft is the revised version of the new zoning ordinance. There is also a redlined version of the Public Review Draft so that the Board and the public can see the changes made. Some of the changes include:

- 1) Based on resident feedback, Accessory Dwelling Units were removed from the ordinance entirely.
- 2) Switched the C-1 and C-2 Districts. C-2 Commercial now matches the existing C-2 Highway Commercial, which it is replacing.
- 3) Compost Bins. Changed to only being allowed in the rear yard.
- 4) Garages. Clarified location requirements.
- 5) Fire pits. Updated to match fire code.
- 6) Recreational Vehicles. Clarified regulations so as not to only include residential areas.

There were also changes to the zoning map that will be made but are not finalized. These include:

- 1) Based on resident feedback, changed 904 & 910 W. Irving Park Rd. will remain zoned C-2 Commercial.
- 2) 220 N. York Rd. will change from I-1 Light Industrial to I-2 Industrial.
- 3) 601-609 S. York Rd. will change from R6 Multiple-Unit Dwelling District to R-5 Multiple-Unit Dwelling District.
- 4) The recently annexed Park District Golf Course and Park will be added to the map and zoned R-1 Single-Unit Dwelling District.

# **Title 10: Zoning Regulations**

## **Village of Bensenville**

**Adopted: December 18, 2018**



## TABLE OF CONTENTS

CHAPTER 1: TITLE AND APPLICABILITY.....	6
§ 10-1-1 Title .....	6
§ 10-1-2 Authority and Purpose.....	6
§ 10-1-3 Applicability .....	6
§ 10-1-4 Transition Rules .....	7
§ 10-1-5 Interpretation .....	8
§ 10-1-6 Enforcement .....	9
§ 10-1-7 Severability .....	9
§ 10-1-8 Effective Date .....	9
 CHAPTER 2: ADMINISTRATIVE BODIES AND PROCEDURES .....	10
§ 10-2-1 Purpose .....	10
§ 10-2-2 Village Board .....	10
§ 10-2-3 Community Development Commission.....	10
§ 10-2-4 Zoning Administrator .....	11
§ 10-2-5 Application Procedure .....	11
§ 10-2-6 Notice.....	12
 CHAPTER 3: ZONING APPLICATIONS .....	15
§ 10-3-1 Purpose .....	15
§ 10-3-2 Site Plan Review.....	15
§ 10-3-3 Special Use Permit .....	17
§ 10-3-4 Variation .....	19
§ 10-3-5 Administrative Adjustment.....	21
§ 10-3-6 Zoning Text or Map Amendment .....	23
§ 10-3-7 Zoning Appeal .....	24
§ 10-3-8 Zoning Interpretation .....	25
§ 10-3-9 Sign Permit.....	25
§ 10-3-10 Temporary Use Permit.....	26



CHAPTER 4: PLANNED UNIT DEVELOPMENTS .....	28
§ 10-4-1 Purpose .....	28
§ 10-4-2 Applicability .....	28
§ 10-4-3 Procedure .....	29
§ 10-4-4 Amendment to Approved Planned Unit Developments.....	32
§ 10-4-5 Standards for Planned Unit Developments .....	32
§ 10-4-6 Provision of Community Amenities .....	33
§ 10-4-7 Expiration of Approved Planned Unit Developments.....	33
 CHAPTER 5: NONCONFORMITIES.....	35
§ 10-5-1 Purpose .....	35
§ 10-5-2 Applicability .....	35
§ 10-5-3 Nonconforming Uses .....	35
§ 10-5-4 Nonconforming Structures .....	36
§ 10-5-5 Nonconforming Lots of Record.....	37
 CHAPTER 6: ZONING DISTRICT REGULATIONS.....	38
§ 10-6-1 Purpose .....	38
§ 10-6-2 Applicability .....	38
§ 10-6-3 Development Standards of General Applicability .....	38
§ 10-6-4 Zoning Map .....	39
§ 10-6-5 Annexed Land .....	39
§ 10-6-6 Use of Land and Buildings.....	39
§ 10-6-7 Zoning District Purpose Statements .....	41
§ 10-6-8 Summary Table of Zoning Requirements .....	43
§ 10-6-9 Design Requirements for Residential Zoning Districts .....	44
§ 10-6-10 R-1 Single-Unit Dwelling District.....	47
§ 10-6-11 R-2 Single-Unit Dwelling District.....	49
§ 10-6-12 R-3 Single-Unit Dwelling District.....	51
§ 10-6-13 R-4 Single-Unit Dwelling District.....	53
§ 10-6-14 R-5 Multiple-Unit Dwelling District.....	55
§ 10-6-15 R-6 Multiple-Unit Dwelling District.....	57
§ 10-6-16 Design Requirements for Commercial Districts.....	59

§ 10-6-17 C-1 Downtown Mixed-Use District .....	62
§ 10-6-18 C-2 Commercial District .....	64
§ 10-6-19 Design Requirements for Industrial Districts.....	66
§ 10-6-20 I-1 Light Industrial District .....	68
§ 10-6-21 I-2 General Industrial District .....	71
§ 10-6-22 Principal Structure Encroachments .....	74
 CHAPTER 7: USES .....	 75
§ 10-7-1 General Provisions .....	75
§ 10-7-2 Use Table .....	76
§ 10-7-3 Use Standards .....	78
§ 10-7-4 Accessory Structures and Uses .....	85
§ 10-7-5 Temporary Structures and Uses .....	93
§ 10-7-6 Environmental Performance Standards .....	96
 CHAPTER 8: OFF-STREET PARKING AND LOADING .....	 98
§ 10-8-1 General Provisions .....	98
§ 10-8-2 Required Off-Street Parking Spaces .....	99
§ 10-8-3 Parking Reductions .....	103
§ 10-8-4 Shared Parking .....	104
§ 10-8-5 Required Bicycle Parking .....	105
§ 10-8-6 Parking Design Standards .....	108
§ 10-8-7 Pedestrian Circulation Systems .....	111
§ 10-8-8 Driveways .....	113
§ 10-8-10 Recreational Vehicles Parking.....	118
§ 10-8-11 Off-Street Loading Facility Requirements.....	118
 CHAPTER 9: LANDSCAPE STANDARDS .....	 120
§ 10-9-1 General Provisions .....	120
§ 10-9-2 Tree Preservation .....	121
§ 10-9-3 Design, Installation, and Maintenance .....	123
§ 10-9-4 Street Trees.....	125
§ 10-9-5 Parking Lot Landscaping .....	125

§ 10-9-6 Buffer Yards .....	130
§ 10-9-7 Screening Requirements.....	131
§ 10-9-8 Outdoor Lighting.....	132
 CHAPTER 10: SIGNS.....	 134
§ 10-10-1 Purpose.....	134
§ 10-10-2 General Construction and Design Standards.....	134
§ 10-10-3 Sign Measurement Standards .....	136
§ 10-10-4 Master Sign Plan .....	138
§ 10-10-5 Permanent Signs .....	138
§ 10-10-6 Temporary Signs .....	154
§ 10-10-7 Prohibited Signs .....	155
 CHAPTER 11: DEFINITIONS.....	 157
§ 10-11-1 Purpose.....	157
§ 10-11-2 Definition of Terms .....	157

## **CHAPTER 1: TITLE AND APPLICABILITY**

- § 10-1-1 Title
- § 10-1-2 Authority and Purpose
- § 10-1-3 Applicability
- § 10-1-4 Transition Rules
- § 10-1-5 Interpretation
- § 10-1-6 Enforcement
- § 10-1-7 Severability
- § 10-1-8 Effective Date

### **§ 10-1-1 Title**

This Title 10 of the Village of Bensenville Municipal Code of Ordinances as amended shall be known, referred to, and cited as the “Village of Bensenville Zoning Ordinance,” “Zoning Ordinance,” or “Ordinance.”

### **§ 10-1-2 Authority and Purpose**

The provisions of this Ordinance are adopted pursuant to the authority granted to the Village by the Illinois Municipal Ordinance. The purposes of this Ordinance are many, but foremost among these purposes are to:

- A. Protect and promote the health, safety, comfort, convenience, and general welfare of the public.
- B. Ensure adequate light, air, open space, privacy, and access to property.
- C. Implement the goals and objectives of the Village’s Comprehensive Plan and the other land use policies of the Village.
- D. Maintain and promote orderly land use patterns and development.
- E. Facilitate the provision of adequate public services and infrastructure.
- F. Protect the Village’s quality of life and the character of its neighborhoods by ensuring that development is compatible and cohesive.
- G. Protect and enhance the taxable value of land, buildings, and structures.
- H. Promote development that sustainably manages environmentally sensitive issues.
- I. Define the responsibilities of the Village’s administrative bodies and establish procedures for the effective use of the provisions of this Ordinance.

### **§ 10-1-3 Applicability**

- A. Jurisdiction. This Ordinance applies to all land, uses, and structures within the corporate limits of the Village of Bensenville. In addition, the subdivision regulations of Title 11 (Subdivision Regulations) apply to any unincorporated areas located within one and one-half miles of Village limits.

- B. General Applicability. The provisions of this Ordinance shall be interpreted and applied as the minimum requirements for the protection and promotion of the health, safety, comfort, convenience, and general welfare of the public to achieve the purposes for which this Ordinance was adopted.
- C. General Prohibition. No structure, use of any structure or land, or lot of record or zoning lot shall be established, enlarged, extended, altered, moved, divided, or maintained in any manner contrary to the provisions of this Ordinance.
- D. Private Agreements. This Ordinance is not intended to nullify any easement, covenant, or other private agreement. In cases where this Ordinance is more restrictive than a private agreement, this Ordinance shall control. The Village shall not enforce any private agreements.
- E. Other Laws and Regulations. Unless specifically stated, this Ordinance shall control over less restrictive ordinances, regulations, and statutes, while more restrictive ordinances, regulations, and statutes shall control over the provisions of this Ordinance. The more restrictive provision is the provision that imposes more stringent controls.

#### **§ 10-1-4 Transition Rules**

The following transition rules shall apply in determining the applicability of this Ordinance with respect to the previously applicable zoning regulations.

- A. Existing Illegal Uses, Structures, and Lots. Any use, structure, or lot that was established illegally as of the effective date of this Ordinance, or its subsequent amendments, shall remain illegal if it does not conform with the requirements of this Ordinance.
- B. Permitted Uses Rendered Special Uses. If a use was classified as a permitted use prior to the effective date of this Ordinance, and is classified as a special use as of the effective date of this Ordinance, or its subsequent amendments, that use shall be deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use shall conform to this Ordinance's requirements for special uses.
- C. Special Uses Rendered Permitted Uses. If a use was classified as a special use prior to the effective date of this Ordinance, and is classified as a permitted use as of the effective date of this Ordinance, or its subsequent amendments, that use shall be deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use shall conform to this Ordinance's requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.
- D. Uses Rendered Legally Nonconforming. If a use was classified as a permitted or special use prior to the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use and shall be controlled by the provisions of [Chapter 5 \(Nonconformities\)](#).
- E. Structures and Lots Rendered Legally Nonconforming. If a structure or lot existing on the effective date of this Ordinance was conforming or legally nonconforming prior to the effective date of this Ordinance, and such structure or lot does not meet all standards set forth in this Ordinance, that

structure or lot shall be deemed legally nonconforming and shall be controlled by the provisions of [Chapter 5 \(Nonconformities\)](#).

- F. Previously Issued Building Permits. If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction has begun within six months after the issuance of that permit and diligently pursued to completion, the structure may be completed based on the previously issued building permit, and may be occupied under an occupancy permit for the use originally intended upon completion. If the use was classified as a permitted or special use prior to the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use and shall be controlled by the provisions of [Chapter 5 \(Nonconformities\)](#).
- G. Previously Granted Special Uses and Variations. All special uses and variations granted prior to the effective date of this Ordinance shall remain in effect. The recipient of the special use or variation may proceed to develop the property in accordance with the plans and any applicable conditions approved by the Village Board. If the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance shall govern.

#### **§ 10-1-5 Interpretation**

- A. Graphics, Tables, and Text. The graphics, tables, and text in this Ordinance are regulatory. The graphics in this Ordinance are representations of the standards of this Ordinance and are not intended to represent every circumstance which may arise in the Village. In case of a conflict, text shall control over tables and graphics, and tables shall control over graphics.
- B. Tense and Form. Words used in the present tense include the past and future tenses.
- C. Number. The singular number includes the plural number, and vice versa.
- D. Abbreviations. “N/A” is an abbreviation of “not applicable,” “ft” is an abbreviation of “feet,” and “sf” is an abbreviation of “square feet.”
- E. Shall and May. The word “shall” is mandatory, while the word “may” is permissive. “Shall not” and “may not” are both prohibitive.
- F. Undefined Terms. Any words not defined in this Title shall be interpreted as defined in normal dictionary usage.
- G. Lists. Lists of examples prefaced with “including the following,” “such as,” or similar phrases shall not be construed to be exclusive, or preclude the Zoning Administrator from interpreting the list to include similar, unspecified examples.

#### **§ 10-1-6 Enforcement**

- A. Enforcement. This Ordinance shall be enforced by the Zoning Administrator. The Zoning Administrator may seek the assistance of the Village Attorney to enjoin, abate, or stop any violation of this Ordinance. The Zoning Administrator may seek the assistance of the Police Department to enforce this Ordinance. The property owner charged with a violation of this Ordinance may be held responsible for any legal expenses incurred by the Village.
- B. Penalties and Fines. Any person, firm, corporation, or organization of any kind who does not comply with any of the provisions of this Ordinance, or who resists the enforcement thereof, shall be fined at least \$100, but not more than \$750 for each violation. Each day that a violation exists or continues shall constitute a separate offense with a separate fee. The accumulation of penalties for violations shall cease upon correction of the violation, but the obligation to pay for violations already committed shall not.

#### **§ 10-1-7 Severability**

If any portion of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not nullify the validity of the remainder of this Ordinance. The effect of the judgment shall be confined to the portion of the Ordinance immediately involved in the judgment rendered. If any court of competent jurisdiction shall judge to be invalid the application of any provision of this Ordinance to a particular lot, structure, building, or use the effect of the judgment shall be confined to such lot, structure, building, or use.

#### **§ 10-1-8 Effective Date**

The effective date of this Ordinance is the date of its adoption, December 18, 2018.

## CHAPTER 2: ADMINISTRATIVE BODIES AND PROCEDURES

- § 10-2-1 Purpose
- § 10-2-2 Village Board
- § 10-2-3 Community Development Commission
- § 10-2-4 Zoning Administrator
- § 10-2-5 Application Procedure
- § 10-2-6 Notice
- § 10-2-7 Public Hearing

### **§ 10-2-1 Purpose**

The purpose of this Chapter is to establish the specific duties and responsibilities of the Village Board, Community Development Commission, and Zoning Administrator as they relate to this Ordinance, and establish the application, notice, and public hearing procedures for the zoning applications and approvals of this Ordinance.

### **§ 10-2-2 Village Board**

The Village Board shall have the following specific duties and responsibilities pursuant to this Ordinance.

- A. Make final decisions on applications for special use permits (refer to [§ 10-3-3 \(Special Use Permit\)](#)).
- B. Make final decisions on applications for zoning variations (refer to [§ 10-3-4 \(Variation\)](#)).
- C. Make final decisions on applications for zoning text and map amendments (refer to [§ 10-3-6 \(Zoning Text or Map Amendment\)](#)).
- D. Make final decisions on applications for planned unit developments (refer to [§ Chapter 4 \(Planned Unit Developments\)](#)).
- E. Other responsibilities as designated by this Ordinance or by law.

### **§ 10-2-3 Community Development Commission**

The Community Development Commission shall have the following specific duties and responsibilities pursuant to this Ordinance.

- A. Make final decisions on applications for site plan review (refer to [§ 10-3-2 \(Site Plan Review\)](#)).
- B. Make recommendations to the Village Board on applications for special use permits (refer to [§ 10-3-3 \(Special Use Permit\)](#)).
- C. Make recommendations to the Village Board on applications for zoning variations (refer to [§ 10-3-4 \(Variation\)](#)).
- D. Make recommendations to the Village Board on applications for zoning text and map amendments (refer to [§ 10-3-6 \(Zoning Text or Map Amendment\)](#)).
- E. Make final decisions on applications for zoning appeals (refer to [§ 10-3-7 \(Zoning Appeal\)](#)).



- F. Make recommendations to the Village Board on applications for planned unit developments (refer to [§ Chapter 4 \(Planned Unit Developments\)](#)).
- G. Prepare and recommend a comprehensive plan to the Village Board and propose amendments to the plan from time to time.
- H. Other responsibilities as designated by this Ordinance or by the Village Board.

#### **§ 10-2-4 Zoning Administrator**

The Director of Community Development shall be considered the Zoning Administrator and shall have the following duties and responsibilities pursuant to this Ordinance. For the purposes of this Ordinance, the term Zoning Administrator shall be inclusive of his or her designees.

- A. Review and make final decisions on applications for administrative adjustments (refer to [§ 10-3-5 \(Administrative Adjustment\)](#)).
- B. Review and make final decisions on applications for zoning interpretations (refer to [§ 10-3-8 \(Zoning Interpretation\)](#)).
- C. Review and make final decisions on applications for sign permits (refer to [§ 10-3-9 \(Sign Permit\)](#)).
- D. Review and make final decisions on applications for temporary use permits (refer to [§ 10-3-10 \(Temporary Use Permit\)](#)).
- E. Review and forward applications for site plan review ([§ 10-3-2 \(Site Plan Review\)](#)), special use permits (refer to [§ 10-3-3 \(Special Use Permit\)](#)), variations (refer to [§ 10-3-4 \(Variation\)](#)), zoning text and map amendments (refer to [§ 10-3-6 \(Zoning Text or Map Amendment\)](#)), zoning appeals (refer to [§ 10-3-7 \(Zoning Appeal\)](#)), planned unit developments (refer to [Chapter 4 \(Planned Unit Developments\)](#)), and other administrative reviews required by this Ordinance to the Community Development Commission or Village Board, as specified.
- F. Maintain and make available permanent and current records of this Ordinance and Zoning Map.
- G. Maintain and make available permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action regarding zoning applications.
- H. Other responsibilities as designated by this Ordinance, the Village Board, or the Community Development Commission.

#### **§ 10-2-5 Application Procedure**

- A. Authorization. Any property owner in the Village, or individual expressly identified by any owner in writing, is authorized to file an application for a site plan review, special use permit, variation, administrative adjustment, zoning text amendment, zoning map amendment, zoning appeal, zoning interpretation, sign permit, or temporary use permit.
- B. Pre-Application Consultation. Prior to filing a zoning application, the applicant may arrange a pre-application consultation with the Zoning Administrator to discuss the application. At the pre-

application consultation, the Zoning Administrator shall provide the applicant with guidance on the application procedure and the evaluation of applications.

- C. Filing. All applications shall be filed with the Zoning Administrator on forms provided by the Village. Applications shall be filed in such number as requested by the Village, with plans at a scale sufficient to allow a clear understanding of the proposal, and with all of the contents required by the application and this Article, as determined by the Zoning Administrator.
- D. Fees. Every application shall be accompanied by the required filing fee as established and modified from time to time by the Village Code. Until the fee is paid, no steps shall be taken to process the application. Applications initiated by the Village shall be exempt from fees.
- E. Completeness. The Zoning Administrator shall determine whether the application is complete. Upon determining that the application is complete, the Zoning Administrator shall notify the applicant and the application shall be scheduled for consideration by the appropriate board, commission, or official. Upon determining that the application is deficient, the Zoning Administrator shall notify the applicant and no steps shall be taken to process the application until the deficiencies are rectified. An application shall not be considered on-file until the Zoning Administrator determines the application is complete.
- F. Failure to Act. The Zoning Administrator or Community Development Commission's failure to issue a decision or make a recommendation on any application within the applicable period specified in this Ordinance shall be deemed approval of, or a recommendation for approval of, such application. The Village Board's failure to issue a decision on any application within the applicable period specified in this Ordinance shall be deemed denial of such application.
- G. Supermajority Vote. A two-thirds favorable vote of the Village Trustees is required to approve any application for which the Community Development Commission recommends denial.
- H. Withdrawal of Application. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a board, commission, or official. Application fees for withdrawn applications will not be refunded.
- I. Successive Application. A successive application for an application that has been denied shall not be reviewed or heard within one year after the date of denial, except if substantial new information has become known since the denial. A successive application filed within one year of the date of denial shall include detailed information that justifies its consideration. The Zoning Administrator shall determine whether a successive application is appropriate for submittal.
- J. Public Examination of Application. Any person may examine any zoning application and any of the application's supporting materials, subject to the Illinois Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related documents.

#### **§ 10-2-6 Notice**

The administrative body conducting a hearing or making a decision shall not hear or review a zoning application unless the applicant complies with the notice requirements of this Section. [Table 10-2-6-1 Types of Required Notice](#) indicates the types of notice required prior to public hearings or decisions on each of the zoning applications.

**Table 10-2-6-1 Types of Required Notice**

Zoning Application	Notice Type		
	Published	Mailed/Delivered	Posted Sign
Special Use Permit <a href="#">§ 10-3-3</a>	●	●	●
Variation <a href="#">§ 10-3-4</a>	●	●	●
Administrative Adjustment <a href="#">§ 10-3-5</a>		●	
Zoning Text Amendment <a href="#">§ 10-3-6</a>	●		
Zoning Map Amendment <a href="#">§ 10-3-6</a>	●	●	●
Zoning Appeal <a href="#">§ 10-3-7</a>	●		
Planned Unit Development <a href="#">Chapter 4</a>	●	●	●

**A. Published Notice.**

1. Applicability. Published notice of a public hearing shall be provided by the Village.
2. Time Frame. Published notice shall be provided in a newspaper of general circulation within the Village no less than 15 days, but no more than 30 days, in advance of the scheduled hearing date.
3. Contents. The notice shall include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property.

**B. Mailed or Delivered Notice.**

1. Special Use Permits, Variations, Zoning Map Amendments, and Planned Unit Developments.
  - a. Time Frame. The notice shall be provided no less than 15 days, but no more than 30 days, in advance of the scheduled hearing date.
  - b. Notice to Neighboring Properties. Mailed or delivered notice shall be provided by the Village to the owners of all properties located within 250 feet of the property line of the subject property. The area occupied by any public right-of-way shall not be included as part of this requirement. The Zoning Administrator shall prepare an affidavit stating that notice was provided to every property within 250 feet of the subject property that states the names, addresses, and property identification numbers of all notice recipients. The requirements of this Section shall not prevent the Village from providing additional notice to properties located more than 250 feet from the property line of the subject property as the Village may deem appropriate.
  - c. Contents. The notice shall include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property.
2. Administrative Adjustments.
  - a. Time Frame. The notice shall be provided at least 15 days prior to the date that the Zoning Administrator indicates that a decision will be rendered on the application.
  - b. Notice to Neighboring Properties. Mailed or delivered notice shall be provided by the Village to the owners of all properties located adjacent to and across the street from the subject property. Mailed or delivered notice of Zoning Administrator review shall be provided by the Village for applications for administrative adjustments. The Zoning Administrator shall prepare an affidavit stating that notice was provided to each property that states the names, addresses, and property identification numbers of all notice recipients.

C. Posted Sign Notice.

1. Applicability. Posted sign notice of a public hearing shall be provided by the Village.
2. Time Frame. The notice shall be provided no less than 15 days, but no more than 30 days, in advance of the scheduled hearing date.
3. Location. Posted sign notice shall be located on the property so that it is legible to passersby. A minimum of one sign shall be provided per street frontage.
4. Contents. The notice shall include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property.
5. Requirement Modifications. The Zoning Administrator may modify the posted sign notice requirements when these requirements are found to be inappropriate or ineffective in providing the intended notice. Modifications to the posted sign notice may include content, quantity, and location.

**§ 10-2-7 Public Hearing**

- A. Call for Public Hearings. All public hearings shall be held at the call of the chairperson of the hearing body and shall be open to the public.
- B. Testimony. Any person who attends a public hearing may appear and present testimony regarding an application. All testimony shall be given under oath or by affirmation.
- C. Voting. The hearing body shall keep minutes of its proceedings that show the vote of each member of the hearing body upon each application, or if absent, or failing to vote, indicating that fact.
- D. Meetings and Records. The hearing body shall keep records of its hearings, and evaluation standards shall be included in the minutes of each application specifying the reasons for the hearing body's decision. Every determination of the hearing body shall be part of the public record.
- E. Rules of Procedure. The hearing body's rules of procedure shall not conflict with this Ordinance or with state statutes.

## CHAPTER 3: ZONING APPLICATIONS

- § 10-3-1 Purpose
- § 10-3-2 Site Plan Review
- § 10-3-3 Special Use Permit
- § 10-3-4 Variation
- § 10-3-5 Administrative Adjustment
- § 10-3-6 Zoning Text and Map Amendment
- § 10-3-7 Zoning Appeal
- § 10-3-8 Zoning Interpretation
- § 10-3-9 Sign Permit
- § 10-3-10 Temporary Use Permit

### § 10-3-1 Purpose

The purpose of this Chapter is to establish the applicability, procedures, requirements, and approval standards for each of the Village's zoning applications.

### § 10-3-2 Site Plan Review

- A. Purpose. The purpose of this site plan review application is to ensure development and redevelopment that is harmonious with surrounding properties, and consistent with the intent of the Comprehensive Plan and this Ordinance.
- B. Applicability. Approval of a site plan review application shall be required for the following:
  - 1. New construction of a principal structure or use in any zoning district with the exception of single-family and two-family dwellings. However, all development in the R-4 Single-Family Residential District is subject to site plan review.
  - 2. An addition to a building in any zoning district that increases the gross floor area of the building by ten percent, with the exception of single-family and two-family dwellings.
  - 3. Establishment of a home-based business.
  - 4. New construction, expansion, reconstruction, or reduction of an off-street parking lot, tandem parking facility, shared parking facility, or any loading facility.
- C. Procedure.
  - 1. Action by the Zoning Administrator
    - a. An application for site plan review shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
    - b. Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Community Development Commission based upon each of the standards of [§ 10-3-2.D \(Standards for Site Plan Review\)](#), and schedule the application for consideration by the Community Development Commission.
  - 2. Action by the Community Development Commission
    - a. The Community Development Commission shall consider the application at a public meeting within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - b. The Community Development Commission shall evaluate the application based upon the Zoning Administrator's report, the information presented at the public meeting, and each of the standards of [§ 10-3-2.D \(Standards for Site Plan Review\)](#).

- c. The Community Development Commission shall take action in the form of approval, approval with conditions, or denial of the application.

**Figure 10-3-2-1. Site Plan Review Application Procedure**



- D. Standards for Site Plan Review. The Community Development Commission and Zoning Administrator shall evaluate applications for site plan review with specific written findings based on each of the standards of this Section.
  1. The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.
  2. The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.
  3. The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.
  4. The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.
  5. The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.
  6. The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.
  7. The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.
  8. The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.
- E. Amendment to Approved Site Plan. An approved site plan may be amended as either a major or minor amendment in accordance with the requirements of this Section.
  1. Major Amendments. Any amendment to an approved site plan that is not established as a minor amendment in [§ 10-3-2.E.2 \(Minor Amendments\)](#) shall be considered a major amendment. The Community Development Commission shall make a decision on a request for a major amendment in accordance with [§ 10-3-2.D \(Standards for Site Plan Review\)](#).
  2. Minor Amendments. Any change to an approved site plan that minimally affects the essential design, composition, and character of the site plan may be considered a minor amendment. The Zoning Administrator shall make a decision on a request for a minor amendment in accordance with [§ 10-3-2.D \(Standards for Site Plan Review\)](#) or determine that any received application shall be resubmitted as a major amendment in accordance with [§ 10-3-2.E.1 \(Major Amendments\)](#). Minor amendments shall include the following:
    - a. Any change in the gross floor area of the development by less than five percent.
    - b. Any change in the building height of the development by less than five percent.
    - c. Any change in the proportion of the impervious coverage of the development by less than five percentage points.

- d. Any change in the location or dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by less than five feet.
  - e. Any change in the number of off-street parking spaces provided within the development by less than 10 percent.
- F. Expiration of Site Plan Approval. Site plan approval shall expire and be revoked if either of the following conditions occur.
- 1. A building permit has not been obtained within six months after approval of the site plan. The applicant may request one six-month extension of this period by means of a written request filed no later than 30 days prior to the expiration of the six-month period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.
  - 2. The standards of this Ordinance or any of the terms and conditions of the site plan approval are violated.

### **§ 10-3-3 Special Use Permit**

- A. Purpose. The purpose of this special use application is to provide for uses which may have a special, unique, or unusual impact upon the use of neighboring property.
- B. No Presumption of Approval. A use established as a special use in [§ 10-7 \(Uses\)](#) does not constitute a presumption that an application for such special use will be approved. Each proposed special use shall be evaluated on an individual basis with regard to the applicable standards of this Ordinance to determine whether approval of the special use is appropriate at the particular location in the manner proposed.
- C. Expansion or Alteration. Any addition, enlargement, or expansion of a use holding a special use permit shall require a new permit.
- D. Procedure.
- 1. Action by the Zoning Administrator
    - a. An application for a special use permit shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
    - b. Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Community Development Commission based upon the standards of [§ 10-3-3.E \(Standards for Special Use Permits\)](#), and schedule the application for consideration by the Community Development Commission.
  - 2. Action by the Community Development Commission
    - a. The Community Development Commission shall conduct a public hearing on the application in accordance with [§ 10-2-7 \(Public Hearing\)](#) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - b. The Community Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of [§ 10-3-3.E \(Standards for Special Use Permits\)](#).
    - c. The Community Development Commission shall recommend approval, approval with conditions, or denial of the application. In recommending approval, the Community Development Commission may:
      - (1) Recommend conditions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest.



- (2) Recommend guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
- d. The Community Development Commission shall forward its recommendation to the Village Board within 30 days after the close of the public hearing.
3. Action by the Village Board
  - a. The Village Board shall consider the application within 60 days after receiving the recommendation of the Community Development Commission. The 60-day period may be extended with the written consent of the applicant.
  - b. The Village Board shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Community Development Commission, the evidence presented at the public hearing, and each of the standards of [§ 10-3-3.E \(Standards for Special Use Permits\)](#).
  - c. The Village Board shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Community Development Commission for further consideration. In approving a special use permit, the Village Board may:
    - (1) Require conditions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest.
    - (2) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
  - d. A two-thirds favorable vote of the Village Trustees is required to approve the application if the Community Development Commission recommends denial of the application.

**Figure 10-3-3-1. Special Use Permit Application Procedure**



- E. Standards for Special Use Permits. The Village Board, Community Development Commission, and Zoning Administrator shall evaluate applications for special use permits with specific written findings based on each of the standards of this Section.
  1. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
  2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
  3. The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.
  4. The proposed special use will not require utilities, access roads, drainage and/or other 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. The proposed special use is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.
- F. Expiration of Special Use Permit Approval. Special use permit approval shall expire and be revoked if any of the following conditions occur.
  1. The use has not commenced or a building permit has not been obtained within one year after approval of the special use permit. The applicant may request one extension of this period for up



to one additional year by means of a written request filed at least 30 days prior to the expiration of the initial one-year period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

2. The licenses or permits required for the operation or maintenance of the use are not obtained or are subsequently terminated.
3. The standards of this Ordinance or any of the terms and conditions of the special use permit are violated.
4. The operation of the use for which a special use permit has been issued ceases for a period of six consecutive months.

#### **§ 10-3-4 Variation**

- A. Purpose. The purpose of this variation application is to grant relief from the regulations of this Ordinance to the extent that literal enforcement of such regulations creates particular hardships or practical difficulties in developing property due to the unique attributes of the property. The purpose of the variation process is not to provide relief from the use permissions of this Ordinance.
- B. Applicability. Any application for relief from the regulations of this Ordinance that is not established as an administrative adjustment in [§ 10-3-5 \(Administrative Adjustments\)](#) shall be considered a variation.
- C. Procedure.
  1. Action by the Zoning Administrator
    - a. An application for a variation shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
    - b. Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Community Development Commission based upon each of the standards of [§ 10-3-4.D \(Standards for Variations\)](#), and schedule the application for consideration by the Community Development Commission.
  2. Action by the Community Development Commission
    - a. The Community Development Commission shall conduct a public hearing on the application in accordance with [§ 10-2-7 \(Public Hearing\)](#) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
    - b. The Community Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of [§ 10-3-4.D \(Standards for Variations\)](#).
    - c. The Community Development Commission shall recommend approval, approval with conditions, or denial of the application. In recommending approval, the Community Development Commission may:
      - (1) Recommend conditions upon the establishment, location, construction, maintenance, and operation of the property that receives a variation as deemed necessary to protect the public interest.
      - (2) Recommend approval of a variation from the regulations of this Ordinance less than that requested by the applicant, if the Community Development Commission finds that the applicant is entitled to some relief, but not to the entire relief requested, based upon each of the standards of [§ 10-3-4.D \(Standards for Variations\)](#).
      - (3) Recommend guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.

- d. The Community Development Commission shall forward its recommendation to the Village Board within 30 days after the close of the public hearing.
3. Action by the Village Board
  - a. The Village Board shall consider the application within 60 days after receiving the recommendation of the Community Development Commission. The 60-day period may be extended with the written consent of the applicant.
  - b. The Village Board shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Community Development Commission, the evidence presented at the public hearing, and each of the standards of [§ 10-3-4.D \(Standards for Variations\)](#).
  - c. The Village Board shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Community Development Commission for further consideration. In approving a variation, the Village Board may:
    - (1) Impose conditions upon the establishment, location, construction, maintenance, and operation of the property that receives a variation as deemed necessary to protect the public interest.
    - (2) Grant a variation from the regulations of this Ordinance less than that requested by the applicant, if the Village Board finds that the applicant is entitled to some relief, but not to the entire relief requested, based upon each of the standards of [§ 10-3-4.D \(Standards for Variations\)](#).
    - (3) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
  - d. A two-thirds favorable vote of the Village Trustees is required to approve the application if the Community Development Commission recommends denial of the application.

**Figure 10-3-4-1. Variation Application Procedure**



- D. Standards for Variations. The Village Board, Community Development Commission, and Zoning Administrator shall evaluate applications for variations with specific written findings based on each of the standards of this Section.
  1. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.
  2. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
  3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.
  4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
  5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.
  6. The proposed variation is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.
- E. Transferability. Variation approval runs with the land and is not affected by changes of ownership, tenancy, or management.

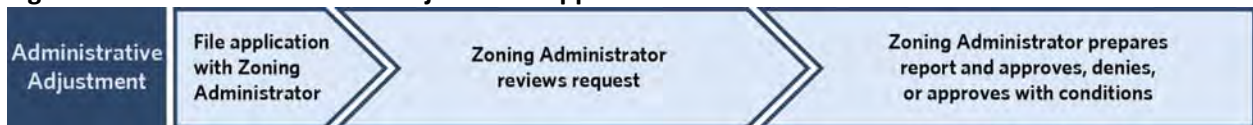
- F. Expiration of Variation Approval. Variation approval shall expire and be revoked if any of the following conditions occur.
1. A building permit has not been obtained within one year after approval of the variation. The applicant may request one six-month extension of this period by means of a written request filed at least 30 days prior to the expiration of the initial six-month period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.
  2. The standards of this Ordinance or any of the terms and conditions of the variation are violated.

### **§ 10-3-5 Administrative Adjustment**

- A. Purpose. The purpose of this administrative adjustment application is to allow development that deviates from the specific regulations of this Ordinance within a narrowly defined set of circumstances to the extent that literal enforcement of such regulations creates particular hardships or practical difficulties in developing property due to the unique attributes of the property.
- B. Applicability. Any application to allow development that deviates from the specific regulations of this Ordinance established in this Section shall be considered an administrative adjustment.
1. A reduction of the minimum required lot area up to 10 percent.
  2. A reduction of the minimum required lot width up to 10 percent.
  3. An increase in the maximum permitted impervious coverage by five percentage points or less.
  4. A reduction of the minimum required front setback up to 20 percent.
  5. An increase in the maximum permitted front setback up to 20 percent.
  6. A reduction of the minimum required corner side setback up to 20 percent.
  7. An increase in the maximum permitted corner side setback up to 20 percent.
  8. A reduction of the minimum required interior side setback up to 20 percent.
  9. A reduction of the minimum required rear setback up to 20 percent.
  10. A reduction of the minimum required street frontage up to 10 percentage points.
  11. A modification of the required and prohibited materials established in [§ 10-6-17 \(Design Requirements for Commercial Districts\)](#) and [§ 10-6-20 \(Design Requirements for Industrial Districts\)](#).
  12. A reduction of the minimum required off-street parking up to 10 percent, or four spaces, whichever is higher.
  13. An increase in the maximum permitted sign area up to 10 percent.
  14. An increase in the maximum permitted sign height up to 10 percent.
  15. Any change to the standards for temporary signs with permit requirements as established in [§ 10-10-6.C \(Temporary Signs with Permit Requirement\)](#).
- C. Procedure.
1. An application for an administrative adjustment shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
  2. Upon determining that the application is complete, the Zoning Administrator shall evaluate the application based upon each of the standards of [§ 10-3-5.D \(Standards for Administrative Adjustments\)](#).
  3. Due to the nature of an application for an administrative adjustment, the Zoning Administrator may determine that the application must be resubmitted as a variation in accordance with [§ 10-3-4 \(Variation\)](#) even if it meets the criteria for an administrative adjustment in [§ 10-3-5.B \(Applicability\)](#).

4. A property owner that receives notice of an administrative adjustment application may object to the application by written submission to the Zoning Administrator, prior to the Zoning Administrator's decision on the application. Any administrative adjustment application for which an objection is received from a noticed property owner shall be resubmitted as a variation in accordance with [§ 10-3-4 \(Variation\)](#).
5. The Zoning Administrator shall prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval, approval with conditions, or denial of the application. In approving an administrative adjustment, the Zoning Administrator may:
  - a. Require conditions upon the establishment, location, construction, maintenance, and operation of the property that receives an administrative adjustment as deemed necessary to protect the public interest.
  - b. Grant an administrative adjustment less than that requested by the applicant if the Zoning Administrator finds that the applicant is entitled to some deviation from the specific regulations of this Ordinance, but not to the entire amount requested, based on each of the standards of [§ 10-3-5.D \(Standards for Administrative Adjustments\)](#).
6. If the Zoning Administrator denies an application for an administrative adjustment, the applicant may resubmit the application as a variation in accordance with [§ 10-3-4 \(Variation\)](#).

**Figure 10-3-5-1. Administrative Adjustment Application Procedure**



- D. Standards for Administrative Adjustments. The Zoning Administrator shall evaluate applications for administrative adjustments with specific written findings based on each of the standards of this Section.
  1. The proposed administrative adjustment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
  2. The proposed administrative adjustment is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed administrative adjustment.
  3. The proposed administrative adjustment alleviates an undue hardship created by the literal enforcement of this Ordinance.
  4. The proposed administrative adjustment is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
  5. The proposed administrative adjustment represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject adjustment.
  6. The proposed administrative adjustment is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.
- E. Transferability. Administrative adjustment approval runs with the land and is not affected by changes of ownership, tenancy, or management.
- F. Expiration of Administrative Adjustment Approval. Administrative adjustment approval shall expire and be revoked if any of the following conditions occur.
  1. A building permit has not been obtained within one year after approval of the administrative adjustment. The applicant may request one six-month extension of this period by means of a

written request filed at least 30 days prior to the expiration of the initial six-month period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

2. The standards of this Ordinance or any of the terms and conditions of the administrative adjustment are violated.

#### **§ 10-3-6 Zoning Text or Map Amendment**

A. Purpose. The purpose of this zoning text or map amendment application is to allow modifications to the text of this Ordinance and the boundaries of the Zoning Map in response to changing conditions and policies.

B. Procedure.

1. Action by the Zoning Administrator

- a. An application for a zoning text or map amendment shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
- b. Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Community Development Commission based upon a balance of the standards of [§ 10-3-6.C \(Standards for Zoning Amendments\)](#) and schedule the application for consideration by the Community Development Commission.

2. Action by the Community Development Commission

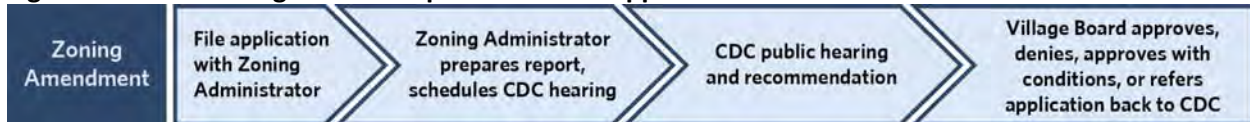
- a. The Community Development Commission shall conduct a public hearing on a proposed zoning amendment in accordance with [§ 10-2-7 \(Public Hearing\)](#) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
- b. The Community Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and the standards of [§ 10-3-6.C \(Standards for Zoning Amendments\)](#).
- c. For zoning text amendments, the Community Development Commission shall recommend approval, approval with modifications to the proposed text, or denial of the application.
- d. For zoning map amendments, the Community Development Commission shall recommend approval or denial of the application.
- e. The Community Development Commission shall forward its recommendation to the Village Board within 30 days after the close of the public hearing.

3. Action by the Village Board

- a. The Village Board shall consider the application within 60 days after receiving the recommendation of the Community Development Commission. The 60-day period may be extended with the written consent of the applicant.
- b. The Village Board shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Community Development Commission, the evidence presented at the public hearing, and the standards of [§ 10-3-6.C \(Standards for Zoning Amendments\)](#).
- c. For zoning text amendments, the Village Board shall take action in the form of approval, approval with modifications to the proposed text, denial, or referral of the application back to the Community Development Commission for further consideration.
- d. For zoning map amendments, the Village Board shall take action in the form of approval, denial, or referral of the application back to the Community Development Commission for further consideration.

- e. A two-thirds favorable vote of the Village Trustees is required to approve the application if the Community Development Commission recommends denial of the application.
- f. A two-thirds favorable vote of the Village Trustees is required if written protest is filed with the Village Clerk against the proposed zoning text or map amendment, signed by the owners of no less than 20 percent of the frontage along, immediately adjacent to, immediately across an alley from, or directly across the street from the subject property.

**Figure 10-3-6-1. Zoning Text or Map Amendment Application Procedure**



- C. Standards for Zoning Amendments. The Village Board, Community Development Commission, and Zoning Administrator shall evaluate applications for zoning text or map amendments with specific written findings based on a balance of the standards for each type of amendment.
  - 1. Approval Standards for Text Amendments
    - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
    - b. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
    - c. The proposed amendment is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.
  - 2. Approval Standards for Map Amendments
    - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
    - b. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
    - c. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.
    - d. The proposed amendment addresses the community need for a specific use.
    - e. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
    - f. The proposed amendment is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

### **§ 10-3-7 Zoning Appeal**

- A. Purpose. The purpose of this zoning appeal application is to provide for the review of decisions made by the Zoning Administrator in the course of carrying out the duties and responsibilities associated with this Ordinance.
- B. Initiation. A zoning appeal may be proposed by any person that has been aggrieved or affected by a decision of the Zoning Administrator pursuant to this Ordinance. A zoning appeal must be proposed within 30 days after the date of the decision being appealed.
- C. Procedure.
  - 1. Action by the Zoning Administrator
    - a. An application for a zoning appeal shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).

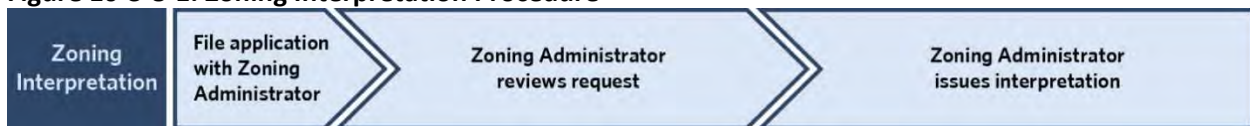


- b. Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Community Development Commission, and schedule the application for consideration by the Community Development Commission.
2. Action by the Community Development Commission
  - a. The Community Development Commission shall conduct a public hearing on a proposed zoning appeal in accordance with [§ 10-2-7 \(Public Hearing\)](#) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
  - b. The Community Development Commission shall take action in the form of affirming, modifying, or reversing the decision made by the Zoning Administrator.
  - c. A party aggrieved or affected by a decision of the Community Development Commission regarding a zoning appeal may appeal this decision to the Village Board. An application for appeal to the Village Board shall be filed no later than 15 days following the Community Development Commission's decision. The Village Board will consider the appeal at a public meeting within 30 days of receiving a completed application for appeal. The Village Board's decision on appeal shall be a final decision.

### § 10-3-8 Zoning Interpretation

- A. Purpose. The purpose of this zoning interpretation application is to provide a process by which the standards of this Ordinance can be clarified and explained, in order to ensure consistent interpretation and application. Zoning interpretations are not intended to amend or modify the content of this Ordinance.
- B. Limitation. All zoning interpretation requests shall be requested for the purpose of furthering an actual development or the establishment or clarification of a use.
- C. Procedure.
  1. An application for a zoning interpretation shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
  2. Upon determining that the application is complete, the Zoning Administrator shall render an interpretation within 15 days after receipt of the complete application.
  3. The determination of the Zoning Administrator may be appealed to the Community Development Commission in accordance with [§ 10-3-7 \(Zoning Appeal\)](#).

**Figure 10-3-8-1. Zoning Interpretation Procedure**



### § 10-3-9 Sign Permit

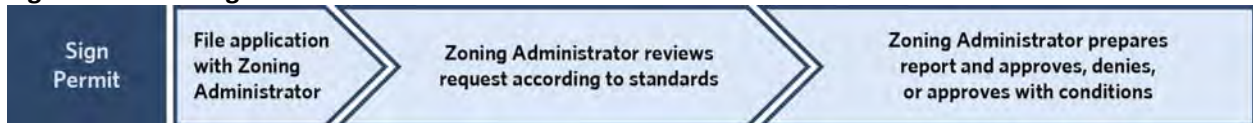
- A. Purpose. The purpose of this sign permit application is to establish a process for obtaining a permit to erect, construct, alter, or relocate signs within the Village.
- B. Applicability. An applicant must obtain a sign permit in order to erect, construct, alter, or relocate a sign, except for certain exempt permanent and temporary signs as specified in [§ 10-10-5.A \(Permanent Signs Exempt from Permit Requirements\)](#) and [§ 10-10-6.B \(Temporary Signs Exempt from Permit Requirements\)](#). The maintenance of signs does not require a sign permit and includes, but is

not limited to, cleaning, painting, repairing, changing advertising copy, changing items of information, or modifying the copy of changeable copy signs.

C. Procedure.

1. An application for a sign permit shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
2. Upon determining that the application is complete, the Zoning Administrator shall approve, approve with conditions, or deny the sign permit based on the standards of [§ 10-10 \(Signs\)](#) within 30 days after receipt of the complete application.

**Figure 10-3-9-1. Sign Permit Procedure**



D. Expiration of Sign Permit Approval. Sign permit approval shall expire and be revoked if any of the following conditions occur.

1. A building permit has not been obtained within six months after approval of the sign permit. The applicant may request one six-month extension of this period by means of a written request filed prior to the expiration of the initial six-month period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.
2. The standards of this Ordinance or any of the terms and conditions of the sign permit are violated.

**§ 10-3-10 Temporary Use Permit**

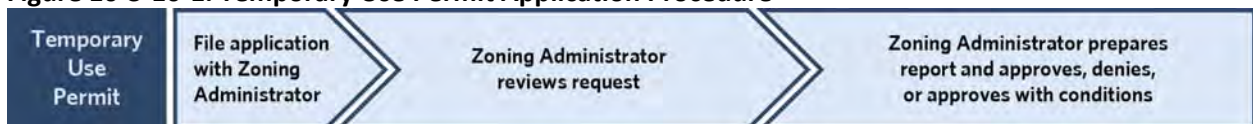
A. Purpose. The purpose of this temporary use permit application is to accommodate reasonable requests for temporary uses that are desirable for the community in the short term.

B. Applicability. An applicant must obtain a temporary use permit to establish a temporary use in accordance with [§ 10-7-5 \(Temporary Structures and Uses\)](#).

C. Procedure.

1. An application for a temporary use permit shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#).
2. Upon determining that the application is complete, the Zoning Administrator shall approve, approve with conditions, or deny the temporary use permit based on the standards of [§ 10-7-5 \(Temporary Structures and Uses\)](#), within 30 days after receipt of the complete application. Temporary uses not established in [§ 10-7-5 \(Temporary Structures and Uses\)](#) shall require approval by the Village Board through a zoning text or map amendment as established in [§ 10-3-6 \(Zoning Text or Map Amendment\)](#).

**Figure 10-3-10-1. Temporary Use Permit Application Procedure**





D. Expiration of Temporary Use Permit Approval. The temporary use permit is valid for the time period granted as part of the approval.

## CHAPTER 4: PLANNED UNIT DEVELOPMENTS

- § 10-4-1 Purpose
- § 10-4-2 Applicability
- § 10-4-3 Procedure
- § 10-4-4 Amendments to Approved Planned Unit Developments
- § 10-4-5 Standards for Planned Unit Developments
- § 10-4-6 Provision of Community Amenities
- § 10-4-7 Expiration of Approved Planned Unit Developments

### § 10-4-1 Purpose

Planned unit developments are a distinct category of special use permit intended to allow flexibility in the application of the standards of this Ordinance for significant development proposals that provide amenities to the community beyond those required of conventional development applications. The planned unit development process seeks to achieve the following specific purposes:

- A. Protect and promote the health, safety, comfort, convenience, and general welfare of the public.
- B. Encourage creativity, flexibility, sustainability, and environmental sensitivity in the development of land and the design of structures.
- C. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, utilities, circulation systems, parking, and other facilities.
- D. Facilitate development that is consistent with Village land use policies, particularly in areas designated for potential redevelopment.
- E. Encourage development that preserves and enhances the natural features, environmental resources, watercourses, and topography of the site.
- F. Facilitate the provision of public and private open space, recreational facilities, and other amenities that will enhance the character of the site.

### § 10-4-2 Applicability

- A. Special Use Permit Standards. A planned unit development shall be granted in accordance with the procedures, standards, and requirements of this Section, [Chapter 7 \(Uses\)](#) and [§ 10-3-3 \(Special Use Permit\)](#). The Ordinance granting or amending the planned unit development as a special use may depart from the standards and requirements of this Ordinance.
- B. Zoning District Exceptions. Planned unit developments are subject to the regulations of the zoning district in which they are located, unless exceptions from these regulations are approved by the Village Board and found to be in accordance with [§ 10-4-5 \(Standards for Planned Unit Developments\)](#).
- C. Subdivision Plats and Building Permits. A planned unit development must be granted prior to the applicant receiving approval of a subdivision plat in accordance with Title 11, Chapter 3 (Subdivision Procedures) or a building permit in accordance with Title 9 (Building Regulations).

### **§ 10-4-3 Procedure**

An application for a planned unit development shall follow a four-step procedure, which includes a staff consultation, an optional concept plan consultation, a preliminary plan, and a final plan. The applicant may submit concurrent applications for the preliminary plan and final plan, in which case the preliminary plan and the final plan shall be comprised of the same document in accordance with [§ 10-4-3.D \(Final Plan\)](#).

- A. Staff Consultation. The purpose of the staff consultation is to allow the applicant to receive advice and assistance from the Zoning Administrator and appropriate Village staff prior to preparation of the optional concept plan or preliminary plan.
  - 1. Action by the Zoning Administrator
    - a. Prior to filing a formal application for a planned unit development, the applicant shall arrange a staff consultation with the Zoning Administrator to discuss the proposed planned unit development.
    - b. The Zoning Administrator and appropriate Village staff shall meet with the applicant to discuss the proposed planned unit development and the requirements for a planned unit development application.
    - c. The Zoning Administrator shall provide advice and assistance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the Village.
    - d. Any advice and assistance provided by the Zoning Administrator and Village staff shall not be binding upon the Community Development Commission or Village Board with respect to the formal planned unit development application.
- B. Optional Concept Plan Consultation. The purpose of the optional concept plan consultation is to allow the applicant to obtain information and guidance from the Community Development Commission and Village Board prior to preparation of the preliminary plan.
  - 1. Action by the Community Development Commission
    - a. Prior to filing a formal application for a planned unit development, the applicant may arrange an optional concept plan consultation with the Community Development Commission to discuss the proposed planned unit development.
    - b. The Community Development Commission shall meet with the applicant to discuss the proposed planned unit development and the requirements for a planned unit development application.
    - c. The Community Development Commission shall provide information and guidance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the Village.
    - d. Any information and guidance provided by the Community Development Commission shall be considered advisory and shall not be binding upon the Community Development Commission or Village Board with respect to any formal planned unit development application.
  - 2. Action by the Village Board
    - a. Following a meeting with the Community Development Commission to discuss a proposed planned unit development, the applicant may also arrange an optional concept plan consultation with the Village Board to discuss the proposed planned unit development.

- b. The Village Board shall meet with the applicant to discuss the proposed planned unit development and the requirements for a planned unit development application.
  - c. The Village Board shall provide information and guidance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the Village.
  - d. Any information and guidance provided by the Village Board shall be considered advisory and shall not be binding upon the Village Board or Community Development Commission with respect to any formal planned unit development application.
- C. Preliminary Plan. The purpose of the preliminary plan is to allow the applicant to obtain a preliminary recommendation from the Community Development Commission and preliminary approval from the Village Board prior to preparation of the final plan.
- 1. Action by the Zoning Administrator
    - a. Applications for a preliminary plan for a planned unit development and a special use permit shall be filed concurrently with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#) and the requirements for a planned unit development application. Applications shall not be filed prior to completion of the staff consultation.
    - b. Upon determining that the application is complete, the Zoning Administrator shall prepare a report for the Community Development Commission based upon the standards of [§ 10-4-5 \(Standards for Planned Unit Developments\)](#) and [10-3-3.E \(Standards for Special Use Permits\)](#), and schedule the application for consideration by the Community Development Commission.
  - 2. Action by the Planning Commission
    - a. The Community Development Commission shall conduct a public hearing on a proposed preliminary plan for a planned unit development and a special use permit in accordance with [§ 10-2-7 \(Public Hearing\)](#) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant. Notice for the public hearing shall be in accordance with [§ 10-2-6 \(Notice\)](#).
    - b. The Community Development Commission shall evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and the standards of [§ 10-4-5 \(Standards for Planned Unit Developments\)](#) and [10-3-3.E \(Standards for Special Use Permits\)](#).
    - c. The Community Development Commission shall recommend approval, approval with conditions, or denial of the application.
      - (1) In recommending approval of a preliminary plan for a planned unit development and a special use permit, the Community Development Commission may recommend conditions upon the establishment, location, construction, maintenance, and operation of the planned unit development and a special use permit as deemed necessary to protect the public interest.
      - (2) In recommending approval of a preliminary plan for a planned unit development and a special use permit, the Community Development Commission may recommend guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
    - d. The Community Development Commission shall forward its recommendation to the Village Board within 30 days after the close of the public hearing.

3. Action by the Village Board
  - a. The Village Board shall consider the application within 60 days after receiving the recommendation of the Community Development Commission. The 60-day period may be extended with the written consent of the applicant.
  - b. The Village Board shall evaluate the application based upon the Zoning Administrator's report, the recommendation of the Community Development Commission, the evidence presented at the public hearing, and the standards of [§ 10-4-5 \(Standards for Planned Unit Developments\)](#) and [10-3-3.E \(Standards for Special Use Permits\)](#).
  - c. The Village Board shall take action in the form of approval, approval with conditions, denial, or referral of the application back to the Community Development Commission for further consideration. In approving a preliminary plan for a planned unit development and a special use permit, the Village Board may:
    - (1) Identify conditions upon the establishment, location, construction, maintenance, and operation of the planned unit development and the special use as deemed necessary to protect the public interest, to be imposed at such time as final plan approval of the planned unit development is granted.
    - (2) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions.
  - d. Following approval of a preliminary plan for a planned unit development and a special use permit the applicant shall be entitled to submit a final plan for the planned unit development.
- D. Final Plan. The purpose of the final plan is to allow the applicant to obtain final approval of the planned unit development from the Village Board.
  1. Action by the Zoning Administrator
    - a. Applications for a final plan for a planned unit development shall be filed with the Zoning Administrator in accordance with [§ 10-2-5 \(Application Procedure\)](#) and the requirements for a planned unit development application. Applications shall be filed within one year after approval of the preliminary plan.
    - b. Upon determining that the application is complete, the Zoning Administrator shall determine whether the final plan is in conformance with the approved preliminary plan and any conditions and guarantees deemed necessary by the Village Board.
    - c. If the final plan is in substantial conformance with the approved preliminary plan, the Zoning Administrator shall prepare a report for the Village Board recommending approval of the final plan and schedule the application for consideration by the Village Board.
    - d. If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator shall allow the applicant to revise any parts of the application that are not in substantial conformance with the preliminary plan prior to preparing the report, and shall allow the applicant to resubmit the application as a final plan in accordance with the requirements of this Section.
  2. Action by the Village Board
    - a. The Village Board shall consider the application within 30 days after receiving the report of the Zoning Administrator recommending approval of the final plan. The 30-day period may be extended with the written consent of the applicant.
    - b. The Village Board shall take action in the form of approval, approval with conditions, or denial of the application.
    - c. Upon approval of the final plan by the Village Board, the use of land and the construction or modification of any buildings or structures on the site will be governed by the approved final plan rather than by other provisions of this Ordinance.

**Figure 10-4-3-1. Planned Unit Development Procedure**



#### **§ 10-4-4 Amendment to Approved Planned Unit Developments**

A final plan for an approved planned unit development may be amended in accordance with the requirements of this Section.

- A. Major Amendments. Any change to an approved final plan that substantially affects the essential design, composition, and character of the planned unit development shall be considered a major amendment. Any amendment that is not established as a minor amendment in [§ 10-4-4.B \(Minor Amendments\)](#) shall be considered a major amendment. The Village Board shall make a decision on a request for a major amendment after receiving a recommendation from the Community Development Commission in accordance with [§ 10-4-3.C \(Preliminary Plan\)](#).
- B. Minor Amendments. Any change to an approved final plan that minimally affects the essential design, composition, and character of the planned unit development shall be considered a minor amendment. The Zoning Administrator shall make a decision on a request for a minor amendment in accordance with [§ 10-4-3.C \(Preliminary Plan\)](#). The Zoning Administrator may determine that the application shall be resubmitted as a major amendment in accordance with [§ 10-4-4.A \(Major Amendments\)](#). Minor amendments shall include the following:
1. Any change in the proportion of land uses in the development by less than 10 percentage points.
  2. Any change in the gross floor area of the development by less than five percent.
  3. Any change in the building height of the development by less than five percent.
  4. Any change in the proportion of the impervious coverage of the development by less than five percentage points.
  5. Any change in the location or dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by less than five feet.
  6. Any change in the number of off-street parking spaces provided within the development by less than 10 percent.

#### **§ 10-4-5 Standards for Planned Unit Developments**

The Village Board, Community Development Commission, and Zoning Administrator shall evaluate applications for planned unit developments with specific written findings based on a balance of both the standards of this Section and the standards for special use permits in accordance with [10-3-3.E \(Standards for Special Use Permits\)](#).

- A. The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.
- B. The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.

- C. The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.
- D. The proposed planned unit development will incorporate sustainable and low impact site design and development principles.
- E. The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.
- F. The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

#### **§ 10-4-6 Provision of Community Amenities**

Planned unit developments may be granted specific exceptions from zoning district regulations if the applicant demonstrates that the development will provide amenities to the Village that are not required from conventional development applications. The amenities to be considered by the Village Board, Community Development Commission, and Zoning Administrator shall be appropriate for the scale of the planned unit development and may include, but are not limited to, the following:

- A. Establishment of community amenities, such as plazas, gardens, public art features, outdoor seating areas, pedestrian facilities, and transit facilities.
- B. Establishment of open space amenities, such as playing fields, playgrounds, swimming pools, and fitness facilities.
- C. Enhancement of the community's natural environment, including existing natural features, water courses, trees, and native vegetation.
- D. Preservation and enhancement of the community's cultural resources and historic places.
- E. Provision of public infrastructure improvements that exceed the requirements of the planned unit development, such as enhancements to rights-of-way, stormwater management systems, and sewer systems.
- F. Incorporation of sustainable development techniques, such as meeting the requirements of LEED or LEED-equivalent rating systems.
- G. Provision of residential dwelling units for affordable housing or senior housing.
- H. Provision of residential dwelling units with accessible features that exceed the requirements of the Americans with Disabilities Act.

#### **§ 10-4-7 Expiration of Approved Planned Unit Developments**

- A. Preliminary Plan Expiration. Preliminary plan approval shall expire and be revoked if a complete application for the final plan has not been approved within one year after approval of the preliminary

plan by the Village Board. The applicant may extend this one-year period by means of a written request filed with the Zoning Administrator at least 30 days prior to the expiration of the period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

- B. Final Plan Expiration. Final plan approval shall expire and be revoked if a building permit has not been approved within one year after approval of the final plan by the Village Board. The applicant may extend this one-year period by means of a written request filed with the Zoning Administrator at least 30 days prior to the expiration of the period. The Zoning Administrator shall decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.



## **CHAPTER 5: NONCONFORMITIES**

§ 10-5-1 Purpose

§ 10-5-2 Applicability

§ 10-5-3 Nonconforming Uses

§ 10-5-4 Nonconforming Structures

§ 10-5-5 Nonconforming Lots of Record

### **§ 10-5-1 Purpose**

The purpose of this Chapter is to regulate uses, structures, and lots that were in compliance with previous zoning regulations, but do not conform to current zoning regulations as a result of adoption of or amendments to this Ordinance. The intent of this Chapter is to specify the circumstances under which legal nonconforming uses, structures, and lots may be continued, altered, or expanded as well as circumstances under which such nonconformities shall be gradually eliminated.

### **§ 10-5-2 Applicability**

A. Authority to Continue.

1. Any use, structure, or lot that was established legally as of the effective date of this Ordinance, or its subsequent amendments, may continue as long as it remains lawful.
2. Any use, structure, or lot that was established legally as of the effective date of this Ordinance, or its subsequent amendments, and has been made nonconforming due to the regulations of this Ordinance, or its subsequent amendments, is a legal nonconforming use, structure, or lot and may continue subject to the provisions of this Chapter as long as it remains otherwise lawful.
3. Any use, structure, or lot that was established illegally as of the effective date of this Ordinance, or its subsequent amendments, shall remain illegal if it does not conform with the requirements of this Ordinance.

B. Nonconforming Status. The legal nonconforming status of a nonconforming use, structure, or lot rests with the property and shall not be affected by changes in property ownership, tenancy, or management.

C. Burden of Establishing Legal Status. The burden of establishing the legal status of a nonconforming use, structure, or lot under the provisions of this Ordinance shall be the responsibility of the owner of such use, structure, or lot.

### **§ 10-5-3 Nonconforming Uses**

A. Applicability. A legal nonconforming use is the use of land or a structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.

B. Expansion of Use. A legal nonconforming use shall not be expanded, enlarged, or increased in intensity to include any land area or structure not previously occupied by such legal nonconforming use.

C. Relocation of Use. A legal nonconforming use shall not be relocated on the same lot or any other lot unless the relocation of such use meets the requirements of the zoning district in which the use is relocated.

- D. **Damage or Destruction of Use.** In the event that any structure devoted in whole or in part to a legal nonconforming use is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the use cannot continue unless it meets the requirements of the zoning district in which the use is located.
- E. **Change of Use.** A legal nonconforming use shall not be changed to any other use unless the use is allowed within the zoning district in which the use is located.
- F. **Discontinuation or Abandonment of Use.** If a legal nonconforming use is discontinued, or the structure that it occupies becomes vacant or remains unoccupied for a period of six consecutive months, such use shall be deemed abandoned and shall not be reestablished regardless of the intent to continue the use. Any period of discontinuance or abandonment caused by a government action or an act of nature shall not be included in the six-month period. Any subsequent use or occupancy of such land or structure shall meet the requirements of the zoning district in which the use is located.

#### **§ 10-5-4 Nonconforming Structures**

- A. **Applicability.** A legal nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance. For the purposes of this Section, legal nonconforming structures shall include nonconforming signs, on-site development, off-street parking and loading facilities, and landscape characteristics.
- B. **Ordinary Maintenance and Repair.** Ordinary maintenance and repair may be performed on any legal nonconforming structure provided that such activities will not create any new nonconformity or increase the degree of any existing nonconformity.
- C. **Structural Alterations, Enlargements, and Additions.** Structural alterations, enlargements, and additions shall not be performed on any legal nonconforming structure, except in the following situations:
  - 1. When the alteration, enlargement, or addition is required by law or is necessary to restore the structure to a safe condition upon the order of any official representative of the Village.
  - 2. When the alteration, enlargement, or addition is for the purpose of creating a conforming structure.
  - 3. When the alteration, enlargement, or addition will not create any new nonconformity or increase the degree of any existing nonconformity.
  - 4. When the alteration, enlargement, or addition expands the existing perimeter walls of a legal nonconforming single-family or two-family residential structure, provided that it meets the following conditions:
    - a. The resulting structure will not create any new nonconformity or increase the degree of any existing nonconformity.
    - b. The resulting interior side setback is no less than 50 percent of the required interior side setback.
    - c. The resulting front, corner side, or rear setback is no less than 75 percent of the required front, corner side, or rear setback.
  - 5. When the alteration, enlargement, or addition develops a sustainable accessory structure, such as a rainwater cistern, small wind energy system, or solar energy collection system.

- D. Relocation. A legal nonconforming structure shall not be relocated on the same lot or any other lot unless the relocation of such structure meets the requirements of the zoning district to which the structure is relocated.
- E. Damage or Destruction.
1. In the event that a legal nonconforming structure is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the structure may not be repaired unless it meets the requirements of the zoning district in which the structure is located.
  2. In the event that a legal nonconforming structure is damaged or destroyed to the extent of less than 50 percent of its replacement value, the structure may be repaired provided that:
    - a. The repairs will not create any new nonconformity or increase the degree of any existing nonconformity.
    - b. A building permit is obtained for such repairs within one year of the date of damage or destruction, and such repairs are completed within one year of issuance of the building permit.
  3. The replacement value of the legal nonconforming structure shall be established by:
    - a. The sale of the structure within the previous year, or if that is not applicable;
    - b. An appraisal of the structure within the last two years, or if that is not available;
    - c. The amount for which the structure was insured prior to the date of damage or destruction, or if that is not available;
    - d. An alternative method determined acceptable by the Village.
- F. Discontinuation or Abandonment of Nonconforming Signs. A legal nonconforming sign may not remain in use if the property on which the sign is located is vacant and unoccupied for a period of three months or more.

#### **§ 10-5-5 Nonconforming Lots of Record**

- A. Applicability. A legal nonconforming lot of record is a lot of record that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.
- B. Contiguous Nonconforming Lots of Record. If two or more contiguous lots of record are owned by a single party, or by related parties, and one or more of the lots does not meet the requirements for lot area or lot width as established by this Ordinance, then the lots of record shall be developed as a single entity. A building permit shall not be issued for the development of such contiguous lots of record in violation of this Section.
- C. Individual Nonconforming Lots of Record in Residential Districts. In the R-1, R-2, R-3, and R-4 Districts, a single-family dwelling unit and its accessory structures may be developed on a legal nonconforming lot of record provided that the owner of that lot of record, or a related party, does not own any lots of record that are contiguous to the subject lot of record and that the principal structure meets all of the bulk and yard requirements of the zoning district in which it is located.

## CHAPTER 6: ZONING DISTRICT REGULATIONS

- § 10-6-1 Purpose
- § 10-6-2 Applicability
- § 10-6-3 Development Standards of General Applicability
- § 10-6-4 Zoning Map
- § 10-6-5 Annexed Land
- § 10-6-6 Use of Land and Buildings
- § 10-6-7 Zoning District Purpose Statements
- § 10-6-8 Summary Table of Zoning Requirements
- § 10-6-9 Design Requirements for Residential Zoning Districts
- § 10-6-10 R-1 Single-Unit Dwelling District
- § 10-6-11 R-2 Single-Unit Dwelling District
- § 10-6-12 R-3 Single-Unit Dwelling District
- § 10-6-13 R-4 Single-Unit Dwelling District
- § 10-6-14 R-5 Multiple-Unit Dwelling District
- § 10-6-15 R-6 Multiple-Unit Dwelling District
- § 10-6-16 Design Requirements for Commercial Zoning Districts
- § 10-6-17 C-1 Downtown Mixed-Use District
- § 10-6-18 C-2 Commercial District
- § 10-6-19 Design Requirements for Industrial Zoning Districts
- § 10-6-20 I-1 Light Industrial District
- § 10-6-21 I-2 General Industrial District
- § 10-6-22 Principal Structure Encroachments

### § 10-6-1 Purpose

The purpose of this Chapter is to establish the development standards for properties within the Village.

### § 10-6-2 Applicability

The provisions of this Chapter apply to all new construction and significant exterior renovation of existing structures. The provisions of this Chapter are subject to the maximum height requirements of applicable federal, state, and local regulations for runway protection zones and airspace clearances for O'Hare International Airport. Refer to [Chapter 5 \(Nonconformities\)](#) for information on the continuation of nonconforming structures.

### § 10-6-3 Development Standards of General Applicability

The following sections provide development requirements that must be met in addition to the development requirements established in this Chapter.

- A. Site Plan Review. See [§ 10-3-2 \(Site Plan Review\)](#) for applicable site plan review requirements.
- B. Uses. See [Chapter 7 \(Uses\)](#) for principal, accessory, and temporary use requirements. See [Chapter 7 \(Uses\)](#) for accessory and temporary structure requirements.
- C. Parking and Loading. See [Chapter 8 \(Off-Street Parking and Loading\)](#) for off-street parking, loading, and access requirements.

- D. Landscaping and Buffering. See [Chapter 9 \(Landscape Standards\)](#) for landscaping, buffering, and screening requirements.
- E. Signs. See [Chapter 10 \(Signs\)](#) for signage requirements.
- F. Building Regulations. Refer to Title 9 (Building Regulations) of the Bensenville Village Code for additional development requirements outside the purview of this Ordinance.

#### **§ 10-6-4 Zoning Map**

- A. Establishment of Zoning Map. The location and boundaries of the districts established in this Chapter are hereby established on the map designated as the Zoning Map of the Village of Bensenville and referred to herein as “Zoning Map.” The Zoning Map is adopted by reference and declared to be part of this Ordinance.
- B. Map for Reference. The Zoning Map shall be kept for reference on the Village’s public website and in the offices of both the Village Clerk and the Zoning Administrator.
- C. Zoning Map Amendments. All amendments to this Ordinance (see [§ 10-3-6 \(Zoning Text or Map Amendment\)](#)) that involve a change to the designation of a lot within a zoning district shall be recorded on the Village’s official Zoning Map.
- D. Interpretation of Boundary Lines. The boundaries of all zoning districts shown on the Zoning Map shall be determined in accordance with the following:
  - 1. Right-of-Way Lines. Where zoning district boundary lines coincide with streets, alleys, railroads, easements, or similar rights-of-way, the centerline of the right-of-way shall be considered the boundary line of the district.
  - 2. Lot Lines. Where zoning district boundary lines coincide with a lot line, the lot line shall be considered the boundary line of the district.

#### **§ 10-6-5 Annexed Land**

Any property annexed to the Village shall be classified R-1 Single-Unit Dwelling District upon annexation and shall be subject to the requirements of the R-1 District until the property is rezoned, unless designated otherwise as part of an annexation agreement. Property annexed to the Village in the area bounded by 3<sup>rd</sup> Avenue and Jefferson Street to the north, Church Road to the east, the Fisher Woods Forest Preserve to the south, and Illinois Route 83 to the west, shall be classified as the WPNOD White Pines Neighborhood Overlay District.

#### **§ 10-6-6 Use of Land and Buildings**

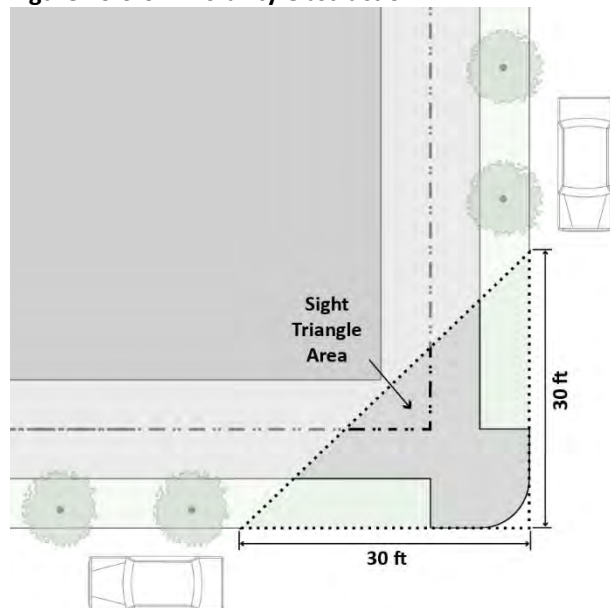
- A. Number of Buildings on a Lot. No more than one principal building may be located on a lot used for a single-unit or two-unit dwelling. For other uses, more than one principal building may be located on a lot provided that each building complies with the applicable requirements of this Chapter as though it were an individual principal building on a lot.

B. Applicability of Regulations.

1. Applicability of Use Regulations. No building, structure, or land shall be used for any use other than a use allowed as either a permitted or special use in the zoning district in which such building, structure, or land is located. Buildings, structures, or land may also be used for an accessory use or a temporary use in accordance with the requirements of [§ 10-7-4 \(Accessory Structures and Uses\)](#) and [§ 10-7-5 \(Temporary Structures and Uses\)](#).
2. Applicability of Lot and Setback Regulations. No lot or setback shall be reduced in dimension or area below the minimum requirements of this Ordinance. Lots or setbacks created after the effective date of this Ordinance shall meet the minimum requirements for the zoning district in which the structure is located. All setbacks allocated to a building shall be located on the same zoning lot as such building.
3. Applicability of Bulk and Height Regulations. All buildings and structures erected after the effective date of this Ordinance shall meet the bulk and height requirements for the zoning district in which the structure is located. No existing structure shall be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located.

- C. Visibility Obstruction. Nothing shall be erected, placed, or allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians. No building, structure, sign, or landscape element shall obstruct the area between 2.5 feet and eight feet in height within the sight triangle area. The sight triangle area is measured along 30 feet of curb line, or edge of pavement where no curbs are present, from the point where two or more streets intersect or where a street intersects railroad tracks (see [Figure 10-6-6-1 Visibility Obstruction](#)).

**Figure 10-6-6-1 Visibility Obstruction**



## § 10-6-7 Zoning District Purpose Statements

In order to carry out the purpose and intent of this Ordinance, the Village is hereby divided into zoning districts with the following purpose statements.

### A. Residential Districts.

1. R-1 Single-Unit Dwelling District. The R-1 Single-Unit Dwelling District is established to accommodate low-density single-unit dwelling development in a manner consistent with existing single-unit dwelling neighborhoods in the Village. The R-1 District allows single-dwelling units and limited non-residential uses that are compatible with surrounding residential neighborhoods.
2. R-2 Single-Unit Dwelling District. The R-2 Single-Unit Dwelling District is established to accommodate moderate density single-unit dwelling development in a manner consistent with existing single-unit dwelling neighborhoods in the Village. The R-2 District allows single-dwelling units and limited non-residential uses that are compatible with surrounding residential neighborhoods.
3. R-3 Single-Unit Dwelling District. The R-3 Single-Unit Dwelling District is established to accommodate moderate density single-unit dwelling development in a manner consistent with existing single-unit dwelling neighborhoods in the Village. The R-3 District allows single-dwelling units and limited non-residential uses that are compatible with surrounding residential neighborhoods.
4. R-4 Single-Unit Dwelling District. The R-4 Single-Unit Dwelling District is established to accommodate high density single-unit dwelling development in a manner consistent with the character of traditional neighborhood design. The R-4 District allows single-dwelling units and limited non-residential uses that are compatible with surrounding residential neighborhoods.
5. R-5 Multiple-Unit Dwelling District. The R-5 Multiple-Unit Dwelling District is established to accommodate townhouse dwelling units and small-scale multiple-unit dwelling development in a manner consistent with existing townhouse dwelling unit and multiple-unit dwelling neighborhoods in the Village. The R-5 District allows townhouse dwelling units and multiple-unit dwellings and limited non-residential uses that are compatible with surrounding residential neighborhoods.
6. R-6 Multiple-Unit Dwelling District. The R-6 Multiple-Unit Dwelling District is established to accommodate large-scale multiple-unit dwelling development in a manner consistent with existing multiple-unit dwelling neighborhoods in the Village. The R-6 District allows multiple-unit dwellings and limited non-residential uses that are compatible with surrounding residential neighborhoods.
7. WPNOD White Pines Neighborhood Overlay District. The WPNOD White Pines Neighborhood Overlay District is established to accommodate development in the area bounded by 3<sup>rd</sup> Avenue and Jefferson Street to the north, Church Road to the east, the Fisher Woods Forest Preserve to the south, and Illinois Route 83 to the west. For zoning district standards for the WPNOD see [Chapter 12 \(Overlay Districts\)](#).

### B. Business Districts.

1. C-1 Downtown Mixed-Use District. The C-1 Downtown Mixed-Use District is established to accommodate pedestrian-oriented commercial and high density residential development that serves the Village and surrounding communities. The C-1 District allows a wide range of commercial, residential, and institutional uses within Downtown Bensenville.
2. C-2 Commercial District. The C-2 Commercial Districts is established to accommodate auto-oriented commercial development that serves the Village and surrounding communities. The C-2

District allows a wide range of commercial and institutional uses primarily along major arterials, such as Irving Park Road, Green Street, and Grand Avenue.

C. Industrial Districts.

1. I-1 Light Industrial District. The I-1 Light Industrial District is established to accommodate low intensity industrial development with minimal impacts on neighboring properties. The I-1 District allows a narrowly defined set of light industrial, office, and research uses in transition areas between residential neighborhoods and high intensity industrial areas.
2. I-2 General Industrial District. The I-2 General Industrial District is established to accommodate high intensity industrial development with the potential for impacts on neighboring properties. The I-2 District allows a wide array of light, medium, and heavy industrial uses primarily north of Eagle Drive and around the eastern portion of Green Street.



### § 10-6-8 Summary Table of Zoning Requirements

[Table 10-6-8-1 Summary Table of Zoning District Requirements](#) provides a summary of the bulk and setback requirements for each zoning district established in this Chapter.

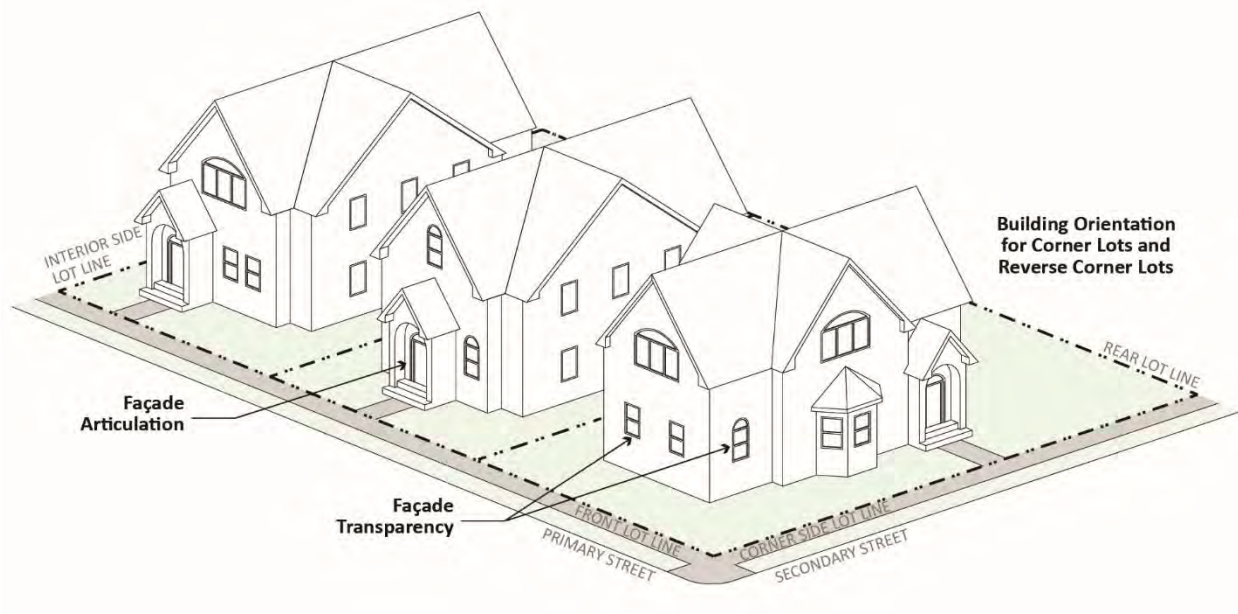
**Table 10-6-8-1 Summary Table of Zoning District Requirements**

	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2
<b>Bulk Requirements</b>										
Minimum Lot Area	16,000 sf	7,500 sf	6,000 sf	4,400 sf	7,500 sf	10,000 sf	N/A	N/A	10,000 sf	20,000 sf
Minimum Lot Width	100 ft	60 ft	50 ft	45 ft	50 ft	60 ft	25 ft	50 ft	50 ft	100 ft
Maximum Principal Building Height	32 ft	32 ft	32 ft	32 ft	40 ft	80 ft	100 ft	N/A	32 ft	50 ft
Maximum Impervious Coverage	50%	50%	50%	65%	65%	65%	N/A	90%	90%	90%
<b>Setback Requirements</b>										
Minimum Front Setback	30 ft	30 ft	30 ft	10 ft	30 ft	30 ft	N/A	N/A	20 ft	25 ft
Maximum Front Setback	N/A	N/A	N/A	N/A	N/A	N/A	0 ft	60 ft	N/A	N/A
Minimum Corner Side Setback	15 ft	10 ft	10 ft	5 ft	15 ft	15 ft	N/A	N/A	10 ft	15 ft
Maximum Corner Side Setback	N/A	N/A	N/A	N/A	N/A	N/A	0 ft	60 ft	N/A	N/A
Minimum Interior Side Setback	10 ft	6 ft	6 ft	5 ft	10 ft	10 ft	N/A	0 ft	10 ft	15 ft
Minimum Rear Setback	40 ft	25 ft	25 ft	25 ft	25 ft	25 ft	N/A	0 ft	20 ft	20 ft
Minimum Setback Adjacent to a Residential District	N/A	N/A	N/A	N/A	N/A	N/A	25 ft	25 ft	30 ft	40 ft

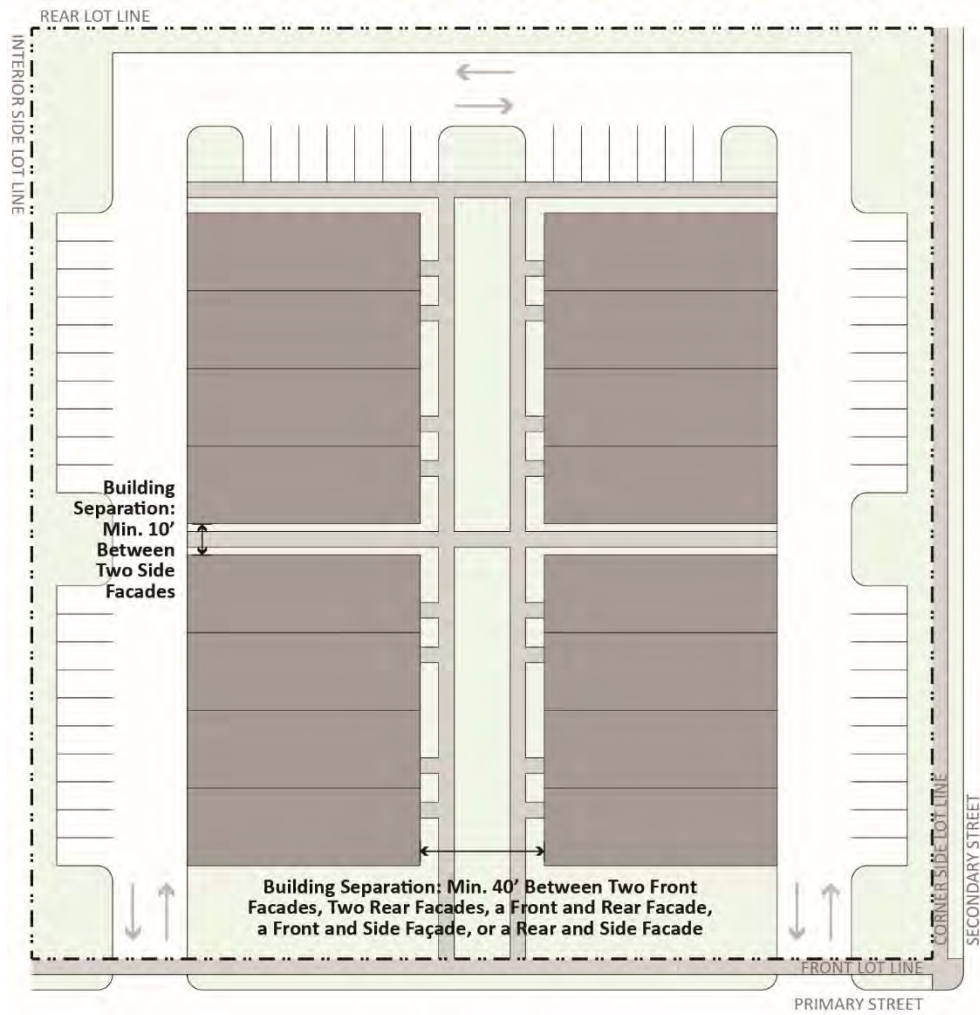
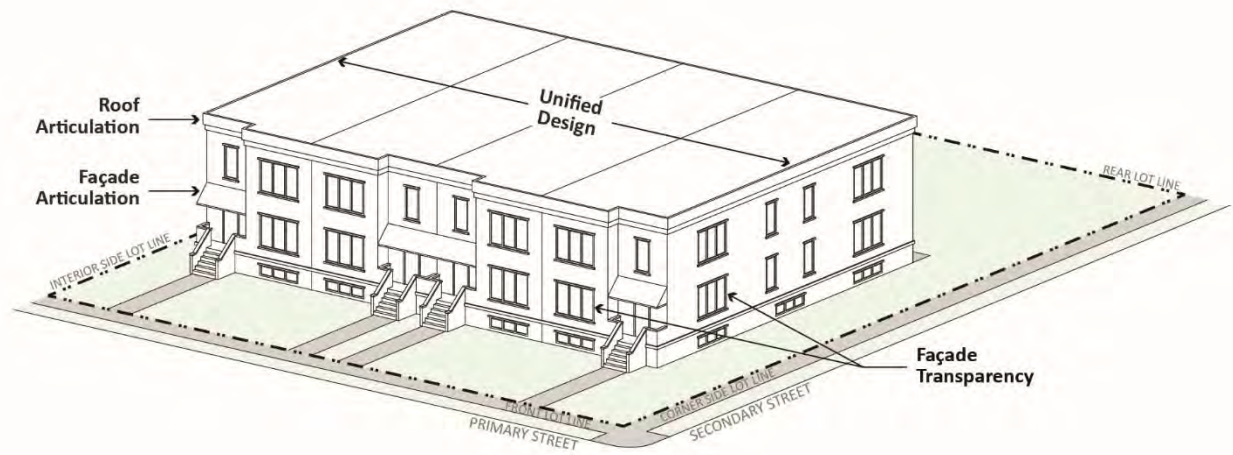
### § 10-6-9 Design Requirements for Residential Zoning Districts

- A. Applicability. The design requirements in this section apply to all new construction and additions to single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings within the Village's residential zoning districts. Refer to [Figure 10-6-9-1 Single-Unit Dwelling and Two-Unit Dwelling Design Requirements](#) and [Figure 10-6-9-2 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements](#).
- B. Design Requirements for Single-Unit Dwellings and Two-Unit Dwellings.
1. Façade Articulation. To avoid the appearance of blank walls on single-unit and two-unit dwellings, facades facing the front yard and corner side yard must include articulation of the façade, such as entrances, bay windows, porches, or other architectural features.
  2. Façade Transparency. Windows are required on facades facing the front yard, corner side yard, and interior side yard. Minimum transparency of 15% is required on facades facing the front yard and corner side yard. Minimum transparency of 10% is required on facades facing the interior side yard.
  3. Building Orientation for Corner Lots and Reverse Corner Lots. Single-unit and two-unit dwellings located on corner lots and reverse corner lots shall have a relationship with the primary and secondary street to maintain the existing street wall to the greatest extent possible.
  4. Additions. Additions to single-unit and two-unit dwellings shall maintain the architectural style, scale, and building mass of the existing structure. The exterior building materials, colors, trim, and other architectural details of the addition must complement the existing structure. All additions must meet the requirements of [§ 10-6-9.B \(Design Requirements of Single-Unit Dwellings and Two-Unit Dwellings\)](#).
- C. Design Requirements for Multiple-Unit Dwellings and Townhouse Dwelling Units.
1. Façade Articulation. To avoid the appearance of blank walls on multiple-unit and townhouse dwelling units, facades facing the front yard and corner side yard must include articulation of the façade, such as entrances, bay windows, porches, or other architectural features.
  2. Façade Transparency. Minimum transparency is required on facades facing the front yard, corner side yard, and interior side yard. Minimum transparency of 15% is required on facades facing the front yard and corner side yard. Minimum transparency of 10% is required on facades facing the interior side yard.
  3. Unified Design. The façades of multiple-unit and townhouse dwelling units shall utilize common architectural forms, elements, materials, and colors that wrap around all façades of the building to provide a unified architectural design when the development is viewed from all directions.
  4. Building Separation. In developments with more than one building, there must be a minimum separation of 40 feet between two front facades, two rear facades, a front and rear façade, a front and side façade, or a rear and side façade. There must be a minimum separation of 10 feet between two side facades. Driveways and parking areas may be located within this minimum building separation area.
  5. Doors, Windows, and Balconies. Doors and windows must have frames with raised elements, such as jambs, entablatures, thresholds, and casings, to create articulation. Windows must be set back into or projected out from the façade to provide façade depth and shadow. Bay windows and balconies are encouraged to provide dimensional elements on a façade.
  6. Roofs. Roof forms must be articulated so that varied planes and massing within the overall roof are provided. Large monotonous roofs and simple pitched roofs without breaks in the expanse of the roof are prohibited. For flat roofs, the use of cornices and/or parapets is required to break up the roofline.

**Figure 10-6-9-1 Single-Unit Dwelling and Two-Unit Dwelling Design Requirements**



**Figure 10-6-9-2 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements**



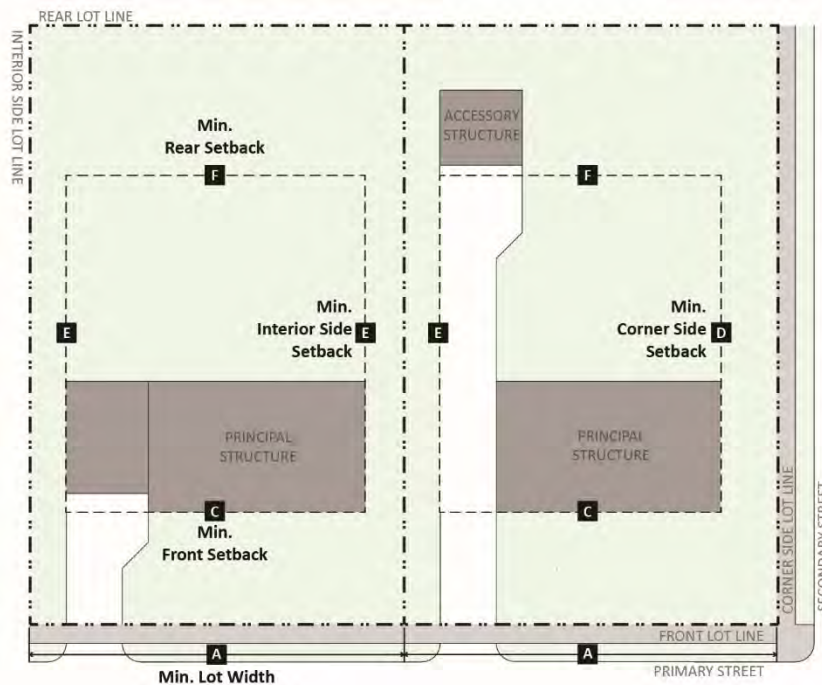
## § 10-6-10 R-1 Single-Unit Dwelling District

Table 10-6-10-1 R-1 District Requirements, Figure 10-6-10-1 R-1 District Requirements: Plan View, and Figure 10-6-10-2 R-1 District Requirements: 3-D View establish bulk and setback regulations for the R-1 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

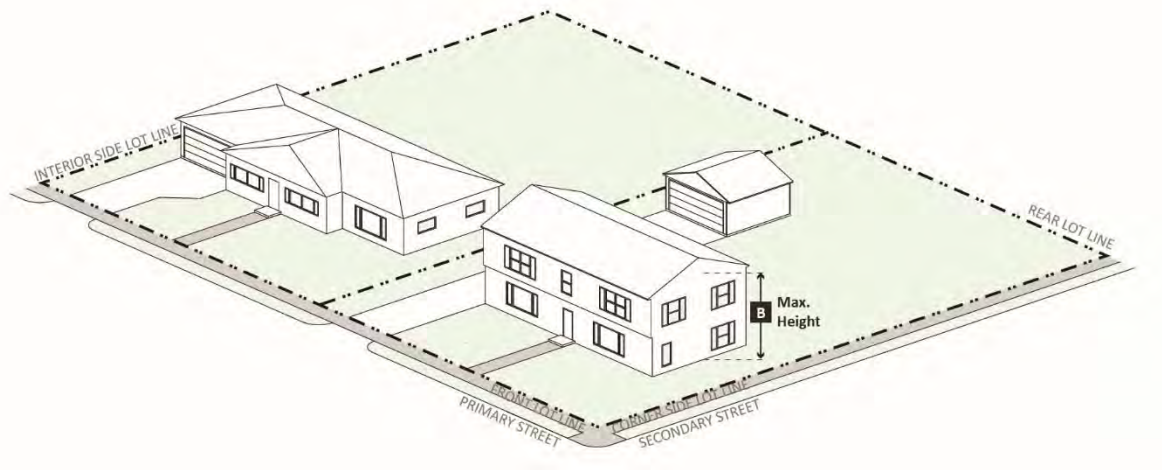
**Table 10-6-10-1 R-1 District Requirements**

Bulk Requirements		
	Minimum Lot Area	16,000 sf
<b>A</b>	Minimum Lot Width	100 ft
<b>B</b>	Maximum Principal Building Height	32 ft
	Maximum Impervious Coverage	50%
Setback Requirements		
<b>C</b>	Minimum Front Setback	30 ft
<b>D</b>	Minimum Corner Side Setback	15 ft
<b>E</b>	Minimum Interior Side Setback	10 ft
<b>F</b>	Minimum Rear Setback	40 ft

**Figure 10-6-10-1 R-1 District Requirements: Plan View**



**Figure 10-6-10-2 R-1 District Requirements: 3-D View**





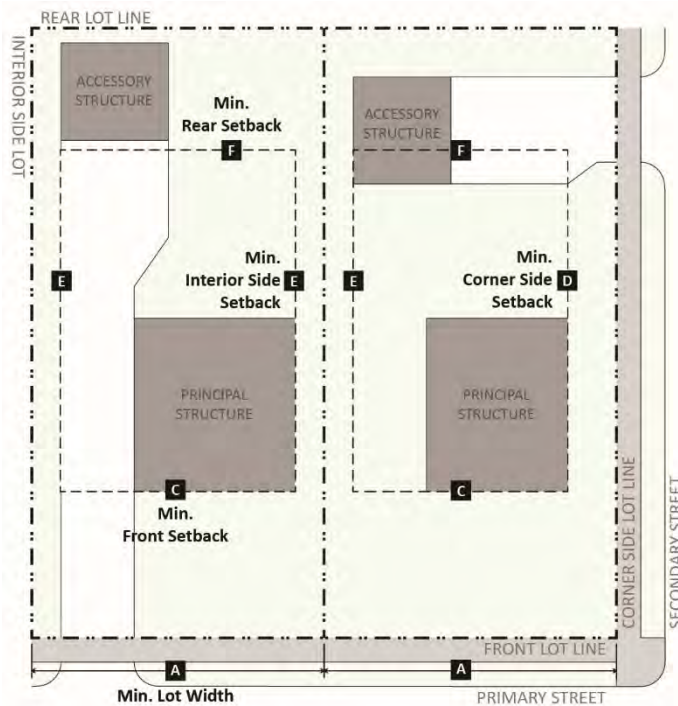
## § 10-6-11 R-2 Single-Unit Dwelling District

Table 10-6-11-1 R-2 District Requirements, Figure 10-6-11-1 R-2 District Requirements: Plan View, and Figure 10-6-11-2 R-2 District Requirements: 3-D View establish bulk and setback regulations for the R-2 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

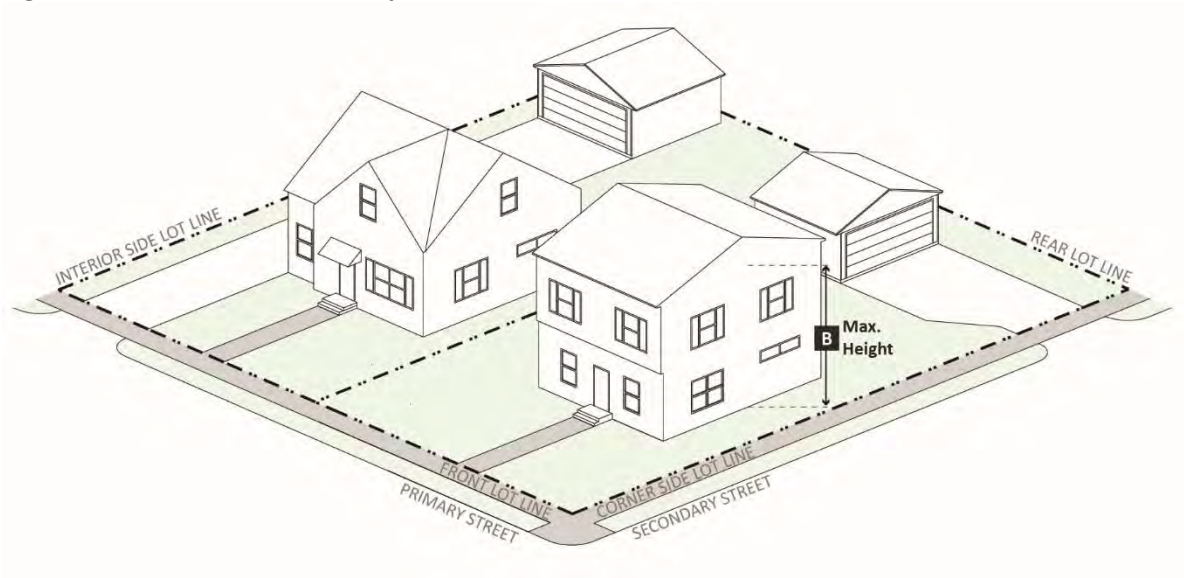
**Table 10-6-11-1 R-2 District Requirements**

Bulk Requirements		
	Minimum Lot Area	7,500 sf
<b>A</b>	Minimum Lot Width	60 ft
<b>B</b>	Maximum Principal Building Height	32 ft
	Maximum Impervious Coverage	50%
Setback Requirements		
<b>C</b>	Minimum Front Setback	30 ft
<b>D</b>	Minimum Corner Side Setback	10 ft
<b>E</b>	Minimum Interior Side Setback	6 ft
<b>F</b>	Minimum Rear Setback	25 ft

**Figure 10-6-11-1 R-2 District Requirements: Plan View**



**Figure 10-6-11-2 R-2 District Requirements: 3-D View**





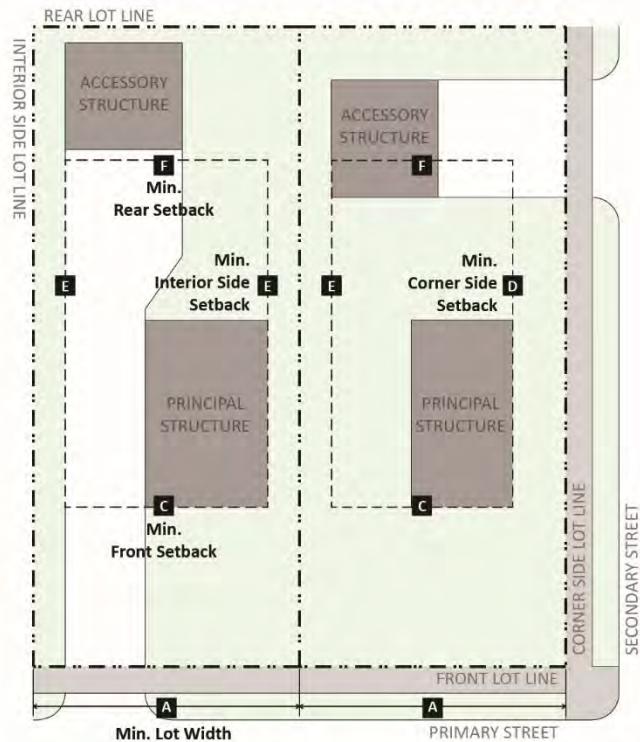
## § 10-6-12 R-3 Single-Unit Dwelling District

Table 10-6-12-1 R-3 District Requirements, Figure 10-6-12-1 R-3 District Requirements: Plan View, and Figure 10-6-12-2 R-3 District Requirements: 3-D View establish bulk and setback regulations for the R-3 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

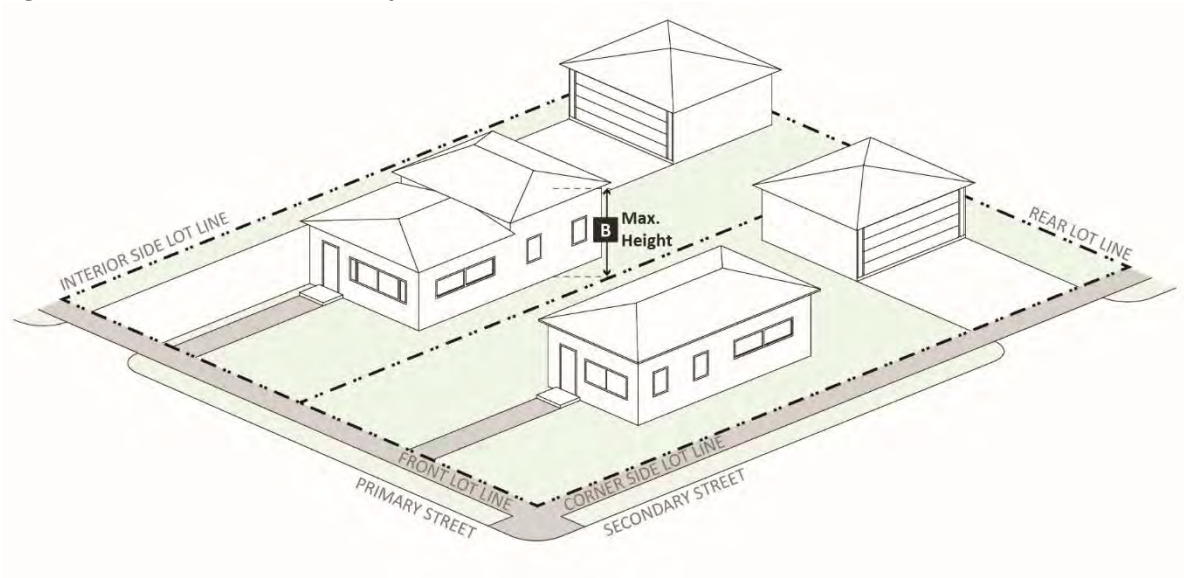
**Table 10-6-12-1 R-3 District Requirements**

Bulk Requirements		
	Minimum Lot Area	6,000 sf
<b>A</b>	Minimum Lot Width	50 ft
<b>B</b>	Maximum Principal Building Height	32 ft
	Maximum Impervious Coverage	50%
Setback Requirements		
<b>C</b>	Minimum Front Setback	30 ft
<b>D</b>	Minimum Corner Side Setback	10 ft
<b>E</b>	Minimum Interior Side Setback	6 ft
<b>F</b>	Minimum Rear Setback	25 ft

**Figure 10-6-12-1 R-3 District Requirements: Plan View**



**Figure 10-6-12-2 R-3 District Requirements: 3-D View**



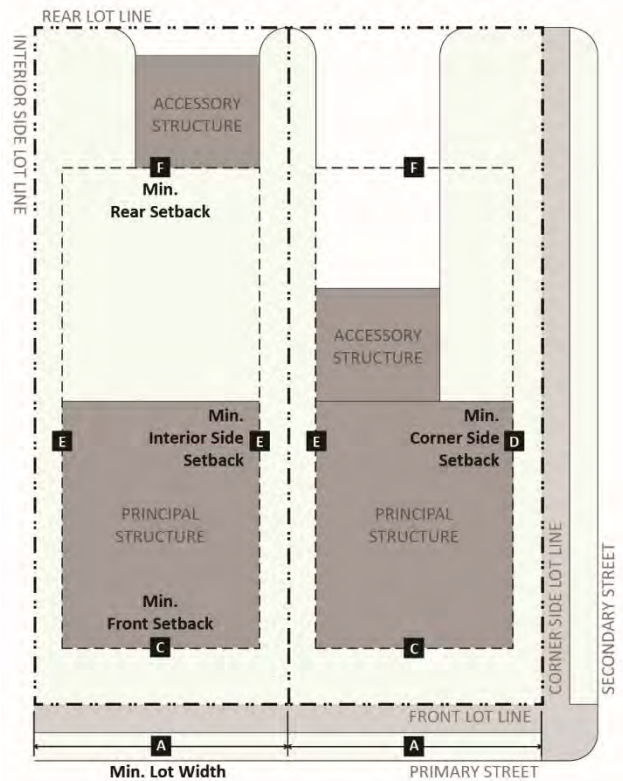
## § 10-6-13 R-4 Single-Unit Dwelling District

Table 10-6-13-1 R-4 District Requirements, Figure 10-6-13-1 R-4 District Requirements: Plan View, and Figure 10-6-13-2 R-4 District Requirements: 3-D View establish bulk and setback regulations for the R-4 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

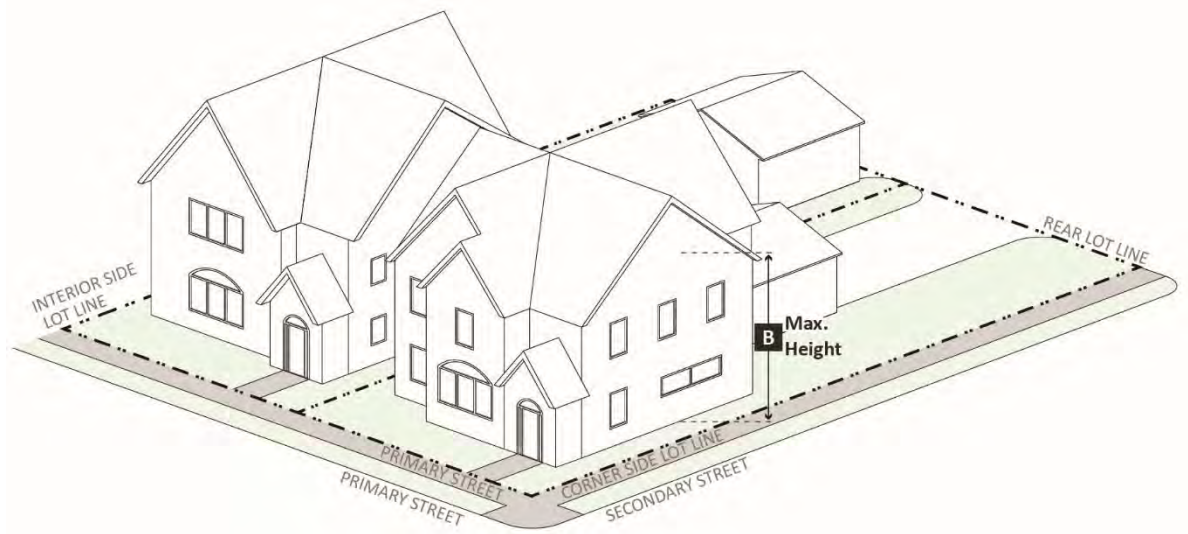
**Table 10-6-13-1 R-4 District Requirements**

Bulk Requirements		
	Minimum Lot Area	4,400 sf
<b>A</b>	Minimum Lot Width	45 ft
<b>B</b>	Maximum Principal Building Height	32 ft
	Maximum Impervious Coverage	65%
Setback Requirements		
<b>C</b>	Minimum Front Setback	10 ft
<b>D</b>	Minimum Corner Side Setback	5 ft
<b>E</b>	Minimum Interior Side Setback	5 ft
<b>F</b>	Minimum Rear Setback	25 ft

**Figure 10-6-13-1 R-4 District Requirements: Plan View**



**Figure 10-6-13-2 R-4 District Requirements: 3-D View**



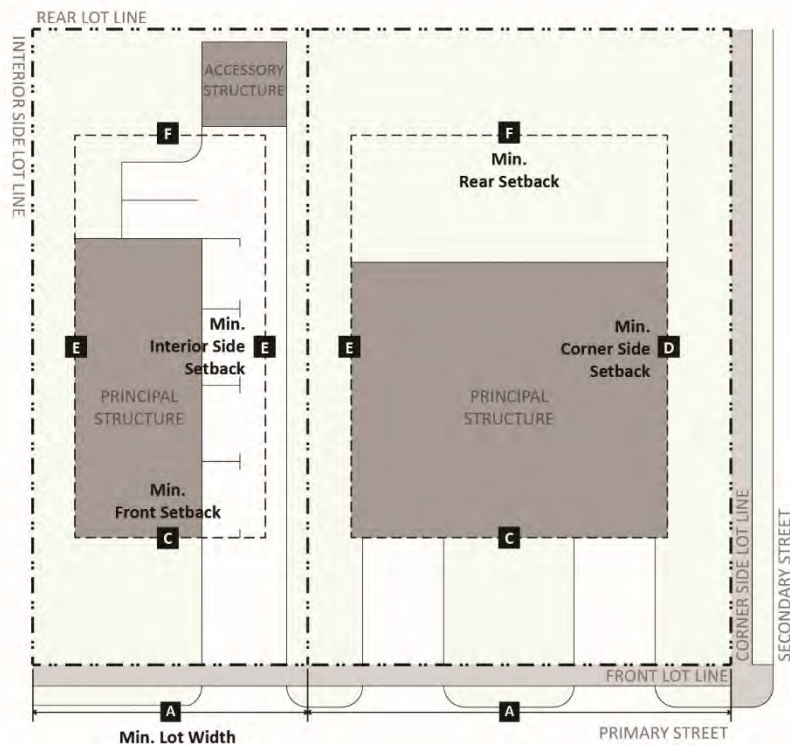
## § 10-6-14 R-5 Multiple-Unit Dwelling District

Table 10-6-14-1 R-5 District Requirements, Figure 10-6-14-1 R-5 District Requirements: Plan View, and Figure 10-6-14-2 R-5 District Requirements: 3-D View establish bulk and setback regulations for the R-5 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

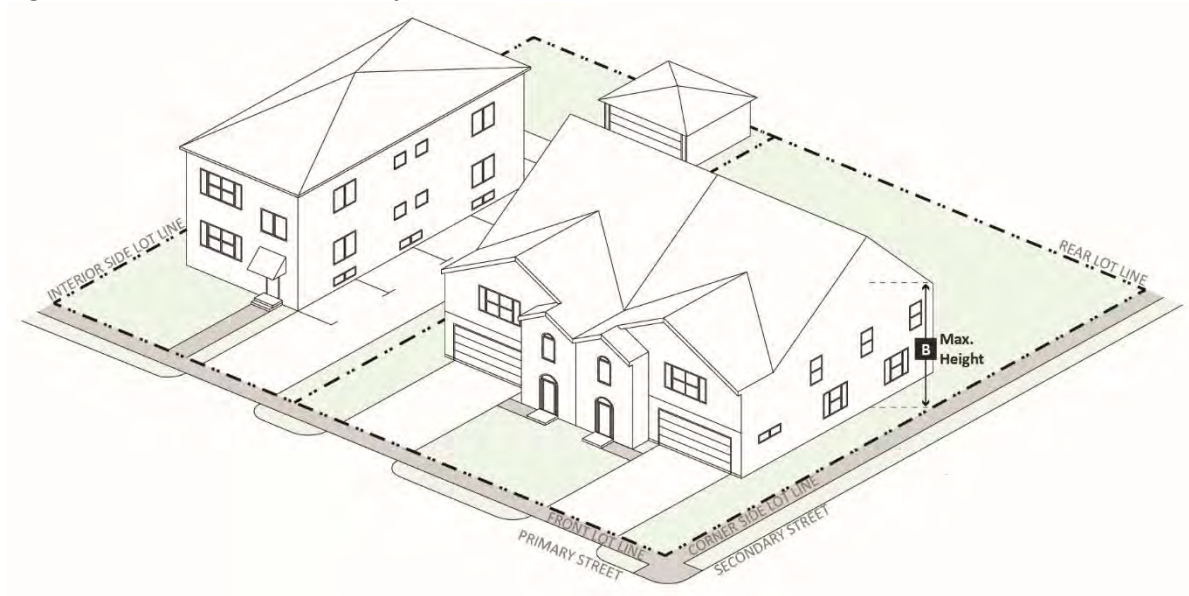
**Table 10-6-14-1 R-5 District Requirements**

Bulk Requirements		
	Minimum Lot Area	7,500 sf
<b>A</b>	Minimum Lot Width	50 ft
<b>B</b>	Maximum Principal Building Height	40 ft
	Maximum Impervious Coverage	65%
Setback Requirements		
<b>C</b>	Minimum Front Setback	30 ft
<b>D</b>	Minimum Corner Side Setback	15 ft
<b>E</b>	Minimum Interior Side Setback	10 ft
<b>F</b>	Minimum Rear Setback	25 ft

**Figure 10-6-14-1 R-5 District Requirements: Plan View**



**Figure 10-6-14-2 R-5 District Requirements: 3-D View**





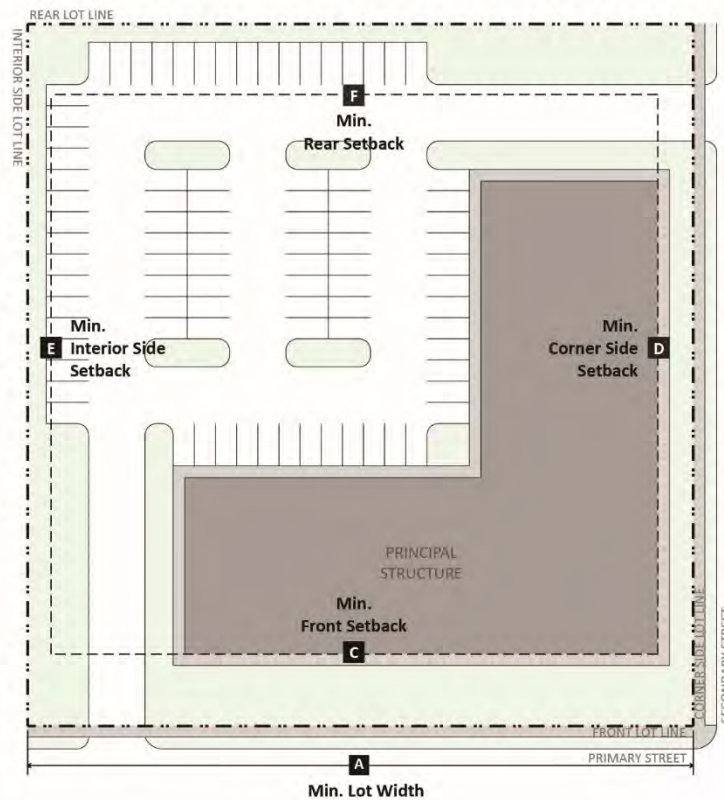
## § 10-6-15 R-6 Multiple-Unit Dwelling District

Table 10-6-15-1 R-6 District Requirements, Figure 10-6-15-1 R-6 District Requirements: Plan View, and Figure 10-6-15-2 R-6 District Requirements: 3-D View establish bulk and setback regulations for the R-5 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

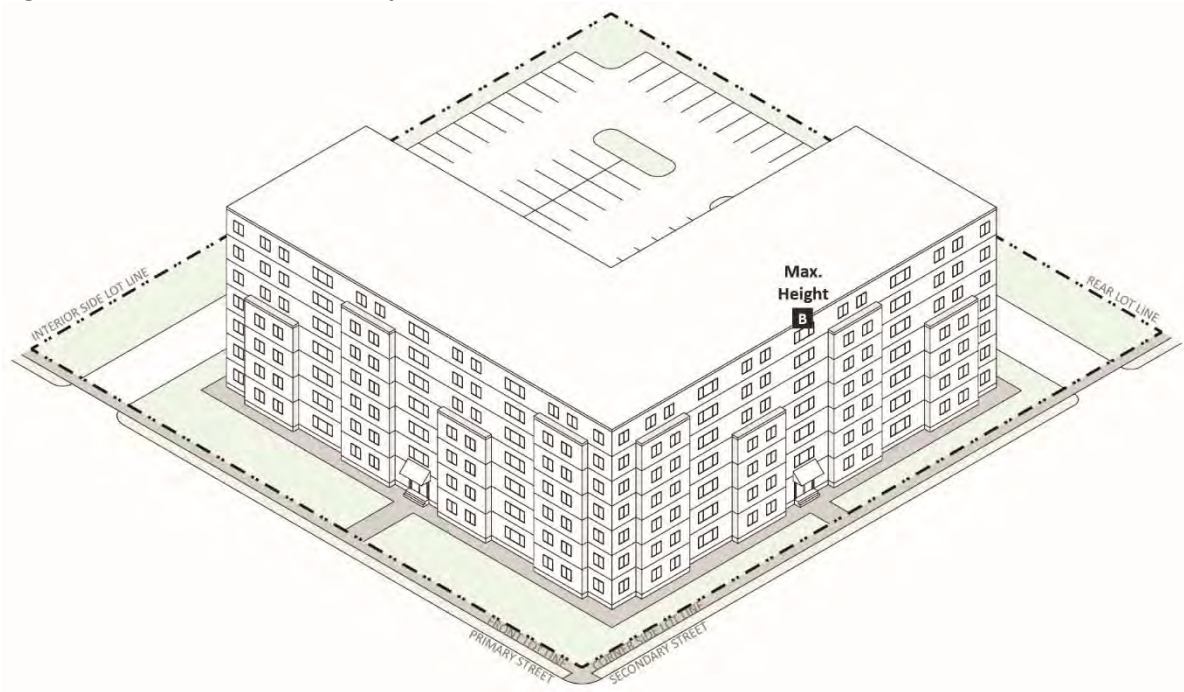
**Table 10-6-15-1 R-6 District Requirements**

Bulk Requirements		
	Minimum Lot Area	10,000 sf
<b>A</b>	Minimum Lot Width	60 ft
<b>B</b>	Maximum Principal Building Height	80 ft
	Maximum Impervious Coverage	65%
Setback Requirements		
<b>C</b>	Minimum Front Setback	30 ft
<b>D</b>	Minimum Corner Side Setback	15 ft
<b>E</b>	Minimum Interior Side Setback	10 ft
<b>F</b>	Minimum Rear Setback	25 ft

**Figure 10-6-15-1 R-6 District Requirements: Plan View**



**Figure 10-6-15-2 R-6 District Requirements: 3-D View**





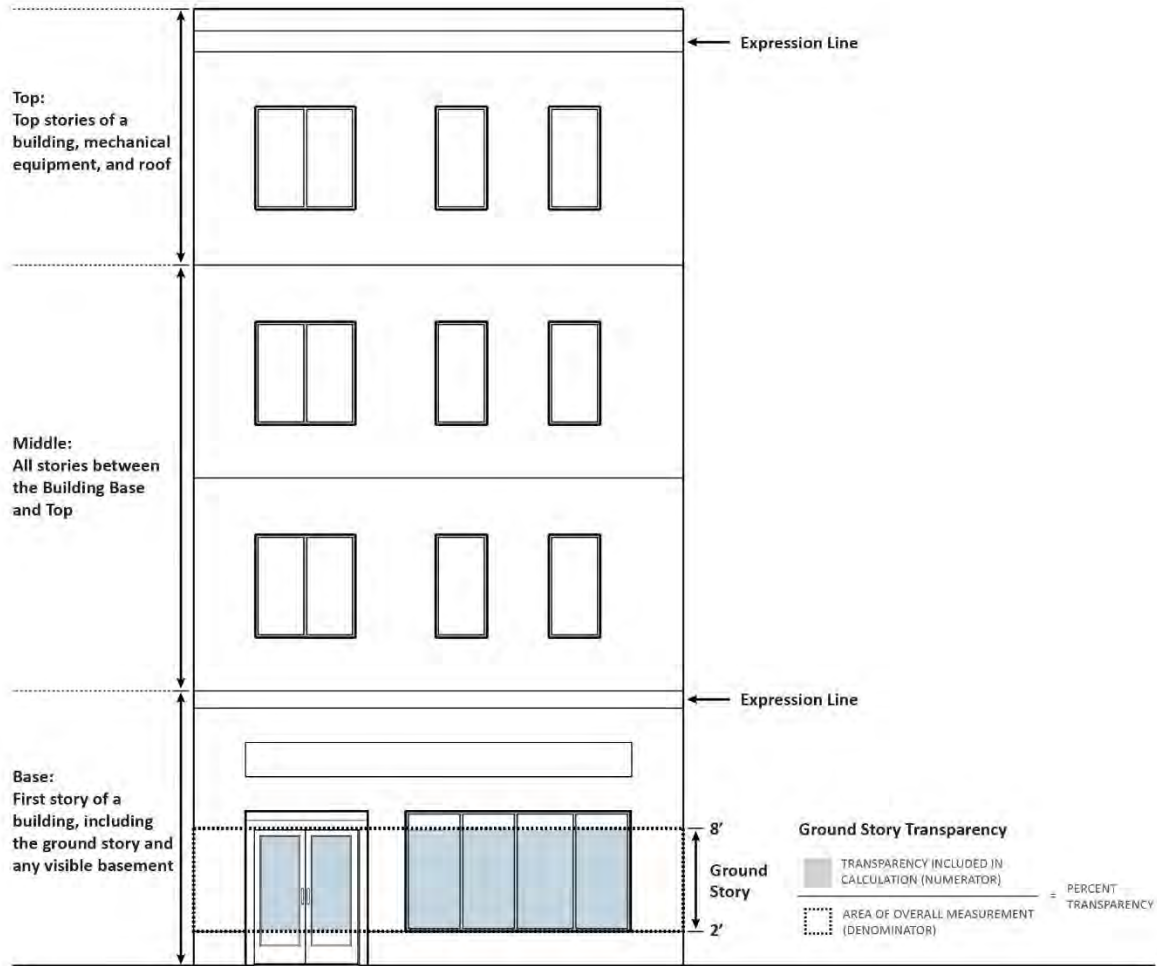
## **§ 10-6-16 Design Requirements for Commercial Districts**

- A. Applicability. The design requirements in this section apply to all new construction and significant exterior renovation of existing structures within the Village's C-1 and C-2 Districts, with the exception of single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings. See [§ 10-6-17 \(C-1 Downtown Mixed-Use District\)](#) and [§ 10-6-18 \(C-2 Commercial District\)](#) for additional design requirements specific to each commercial zoning district. See [§ 10-6-9 \(Design Requirements for Residential Zoning Districts\)](#) for design requirements specific to single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings within the Village's commercial zoning districts.
- B. Design Requirements.
1. Façade Design.
    - a. Defined Base, Middle, and Top. Buildings with multiple stories shall be designed with a distinct base (ground story), middle, and top. The base of the building shall be defined from the upper stories by a horizontal expression line, which is a decorative, three-dimensional linear element protruding or indented at least two inches from a building façade. The top of the building shall be crowned with a similar expression line no less than six inches in width.
    - b. Façade Articulation. For buildings with more than 50 feet of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing façades at regular intervals to divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.
  2. Building Façade Materials.
    - a. Allowed Materials. The following materials are allowed on any building façade: durable and natural materials, such as stone, brick, stucco, metal, concrete, burnished concrete masonry units, and non-reflective glass, unless otherwise limited by [§ 10-6-16.B.2.b \(Limited Materials\)](#).
    - b. Limited Materials. The following materials may only be utilized for trim or architectural details, and shall not exceed 20 percent of the total area of any building façade: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate (rough finish) concrete wall panels, non-burnished concrete masonry units, exterior insulation and finishing systems, fiberglass, plastic, untreated wood, and mirrored glass. The painting of brick, limestone, or other natural stone is prohibited so such materials retain their natural colors.
  3. Building Details. Pedestrian-scale elements, such as decorative lighting not more than nine feet in height, planters, and awnings, shall be included on any building façade fronting a public right-of-way.
  4. Roof Design. Green roof, white roof, and blue roof designs are encouraged.
- C. Explanation of Table Requirements. The following information explains the commercial design requirements established in [Tables 10-6-17-1 C-1 District Requirements](#) and [10-6-18-1 C-2 District Requirements](#). Refer to [Figure 10-6-16-1 Commercial Design Requirements: Front Elevation View](#) and [Figure 10-6-16-2 Commercial Design Requirements: 3-D View](#).
1. Minimum Street Frontage. The minimum proportion of a principal building required to be located adjacent to a right-of-way expressed as a percentage of the total length of the lot line adjacent to the right-of-way.
  2. Parking Location. The yards in which an off-street parking lot is allowed.
  3. Minimum Transparency. The amount of highly transparent, non-reflective glass required as a percentage of the total area of the street-facing ground story façades between two and eight feet

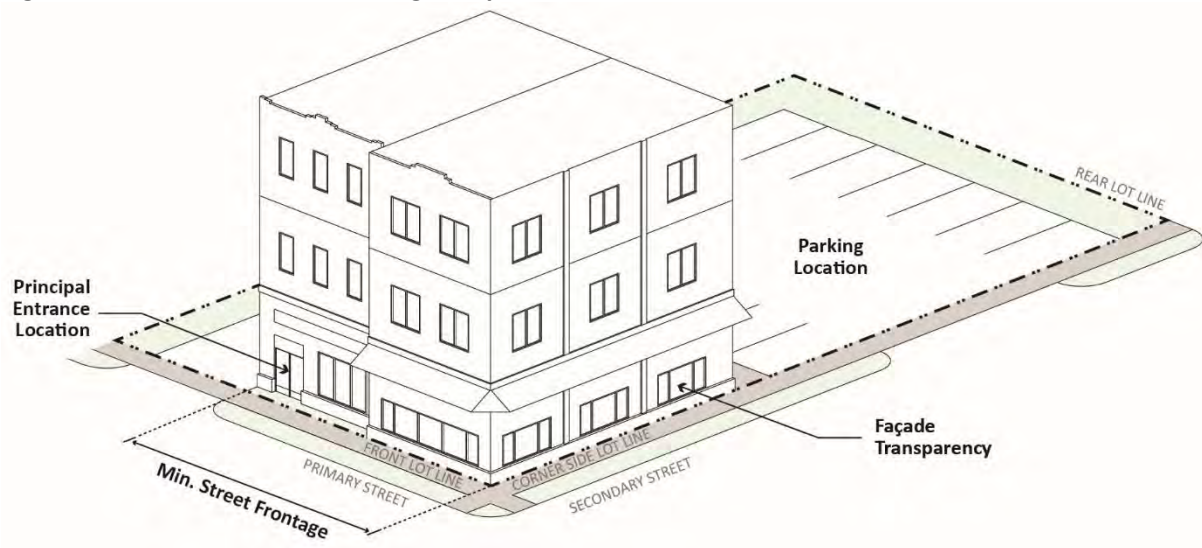
above grade. Tinting of glass in excess of 20 percent is prohibited. Buildings larger than 30,000 square feet shall be exempt from these standards.

4. Principal Entrance Location. The façade on which the principal building entrance must be located.

**Figure 10-6-16-1 Commercial Design Requirements: Front Elevation View**



**Figure 10-6-16-2 Commercial Design Requirements: 3-D View**



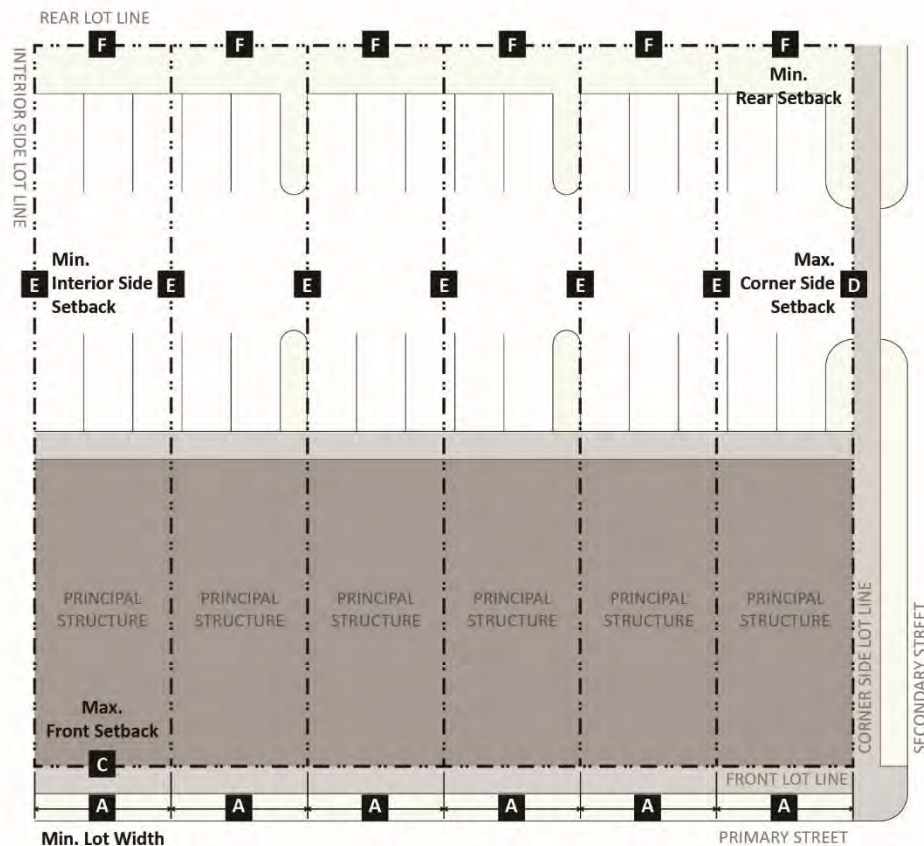
## § 10-6-17 C-1 Downtown Mixed-Use District

Table 10-6-17-1 C-1 District Requirements, Figure 10-6-17-1 C-1 District Requirements: Plan View, and Figure 10-6-17-2 C-1 District Requirements: 3-D View establish bulk and setback regulations for the C-1 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

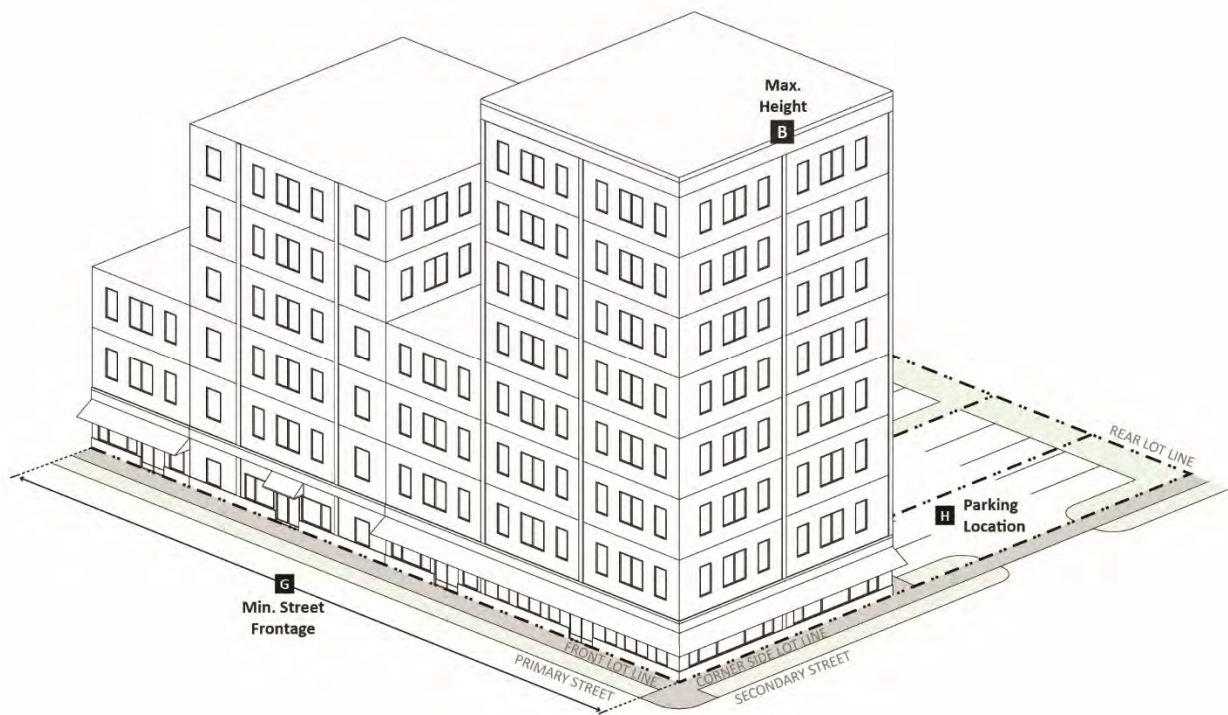
**Table 10-6-17-1 C-1 District Requirements**

Bulk Requirements		
	Minimum Lot Area	N/A
<b>A</b>	Minimum Lot Width	25 ft
<b>B</b>	Maximum Principal Building Height	100 ft
	Maximum Impervious Coverage	N/A
Setback Requirements		
<b>C</b>	Maximum Front Setback	0 ft
<b>D</b>	Maximum Corner Side Setback	0 ft
<b>E</b>	Minimum Interior Side Setback	N/A
<b>F</b>	Minimum Rear Setback	N/A
	Minimum Setback Adjacent to a Residential District	25 ft
Design Requirements		
<b>G</b>	Minimum Street Frontage on Primary Street	95%
<b>H</b>	Parking Location	Rear yard
	Minimum Transparency	60%
	Principal Entrance Location	Front or corner side façade

**Figure 10-6-17-1 C-1 District Requirements: Plan View**



**Figure 10-6-17-2 C-1 District Requirements: 3-D View**





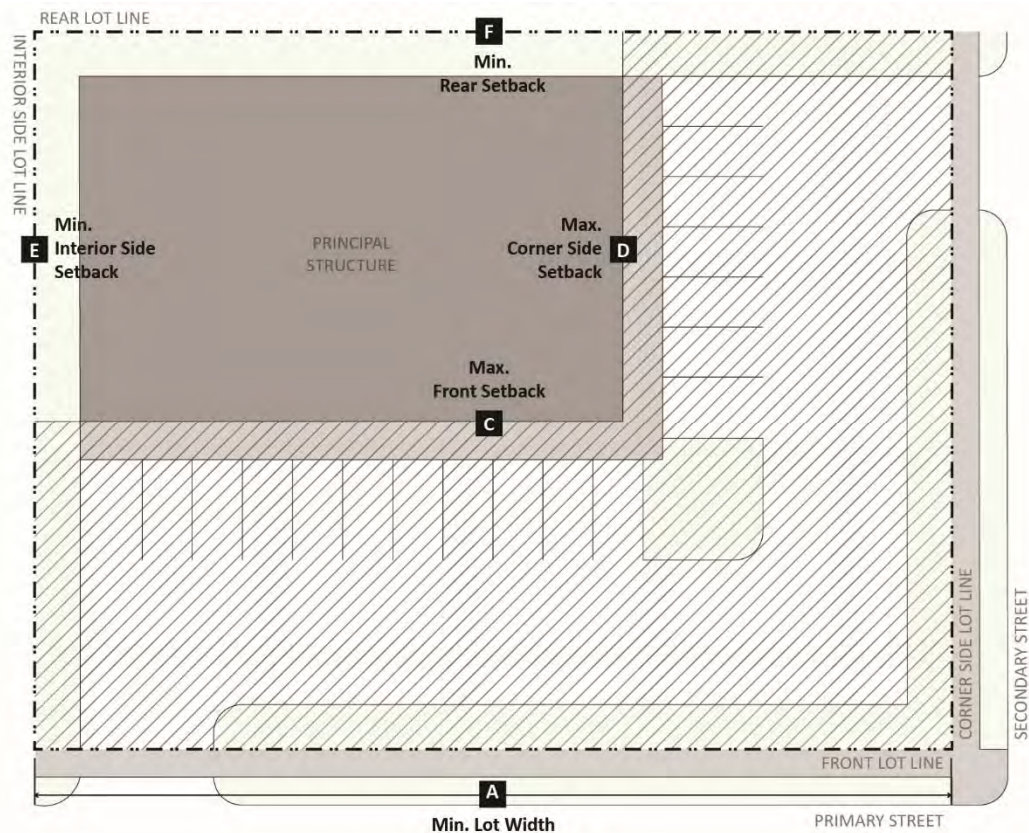
## § 10-6-18 C-2 Commercial District

Table 10-6-18-1 C-2 District Requirements, Figure 10-6-18-1 C-2 District Requirements: Plan View, and Figure 10-6-18-2 C-2 District Requirements: 3-D View establish bulk and setback regulations for the C-2 District. See § 10-7-4 (Accessory Structures and Uses) for provisions related to accessory structures.

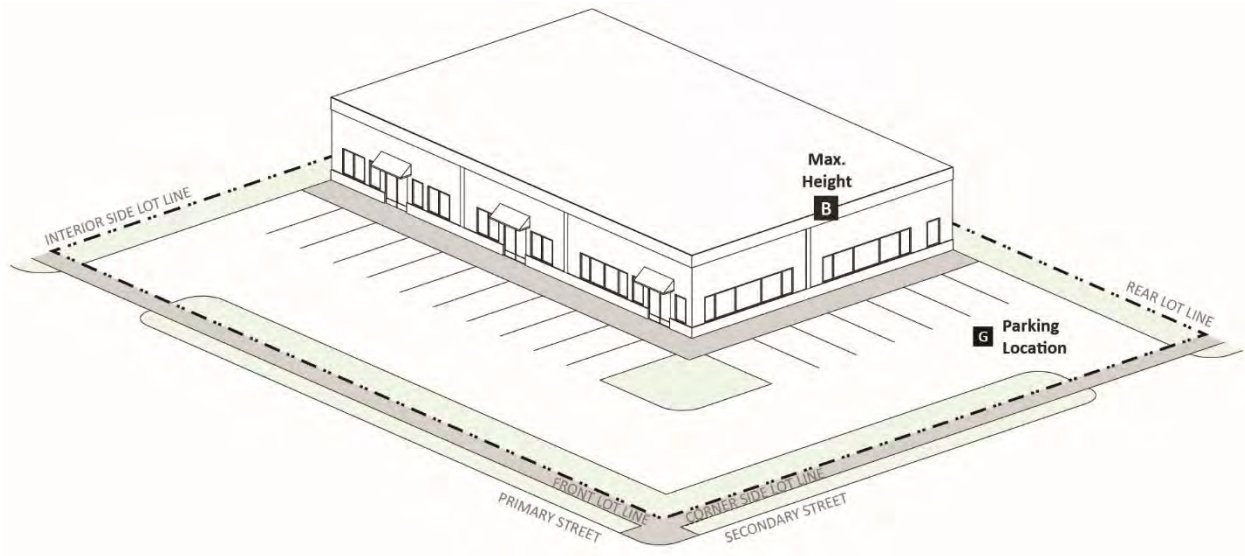
**Table 10-6-18-1 C-2 District Requirements**

Bulk Requirements		
	Minimum Lot Area	N/A
<b>A</b>	Minimum Lot Width	50 ft
<b>B</b>	Maximum Principal Building Height	N/A ft
	Maximum Impervious Coverage	90%
Setback Requirements		
<b>C</b>	Maximum Front Setback	60 ft
<b>D</b>	Maximum Corner Side Setback	60 ft
<b>E</b>	Minimum Interior Side Setback	0 ft
<b>F</b>	Minimum Rear Setback	0 ft
	Minimum Setback Adjacent to a Residential District	25 ft
Design Requirements		
<b>G</b>	Parking Location	Front, corner side, interior side, or rear yard
	Minimum Transparency	60%
	Principal Entrance Location	Front or corner side façade

**Figure 10-6-18-1 C-2 District Requirements: Plan View**



**Figure 10-6-18-2 C-2 District Requirements: 3-D View**

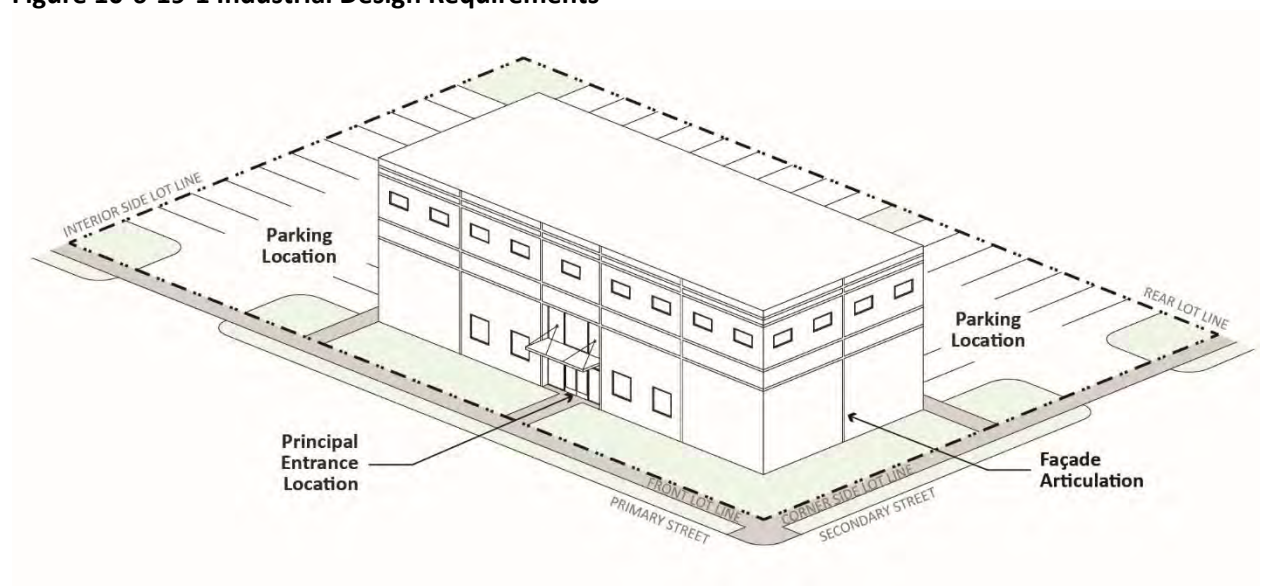


## **§ 10-6-19 Design Requirements for Industrial Districts**

- A. Applicability. The design requirements in this section apply to all new construction and significant exterior renovation of existing structures within the Village's I-1 and I-2 Districts, with the exception of single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings. See [§ 10-6-20 \(I-1 Light Industrial District\)](#) and [§ 10-6-21 \(I-2 General Industrial District\)](#) for additional design requirements specific to each industrial zoning district. Refer to [Figure 10-6-19-1 Industrial Design Requirements](#). See [§ 10-6-9 \(Design Requirements for Residential Zoning Districts\)](#) for design requirements specific to single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings within the Village's industrial zoning districts.
- B. Design Requirements.
1. Façade Articulation. For buildings with more than 100 ft of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing façades at regular intervals to vertically divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.
  2. Building Façade Materials.
    - a. Allowed Materials. The following materials are allowed on any building façade: durable and natural materials, such as stone, brick, stucco, metal, concrete, burnished concrete masonry units, and non-reflective glass, unless otherwise limited by [§ 10-6-19.B.2.b \(Limited Materials\)](#).
    - b. Limited Materials. The following materials may only be utilized for trim or architectural details, and shall not exceed 25 percent of the total area of any building façade: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate (rough finish) concrete wall panels, non-burnished concrete masonry units, exterior insulation and finishing systems, fiberglass, plastic, untreated wood, and mirrored glass. The painting of brick, limestone, or other natural stone is prohibited so such materials retain their natural colors.
  3. Roof Design. Green roof, white roof, and blue roof designs are encouraged.
  4. Parking Location. Parking areas may be located in the front, corner side, interior side, or rear yards. Parking areas located in the front or corner side yard must not be the dominant visual element of the site when viewed from a right-of-way. Parking areas of 50 parking spaces or more shall be located in interior side and rear yards.
  5. Principal Entrance Location. Principal entrances must be located on the front or corner side façade.



**Figure 10-6-19-1 Industrial Design Requirements**



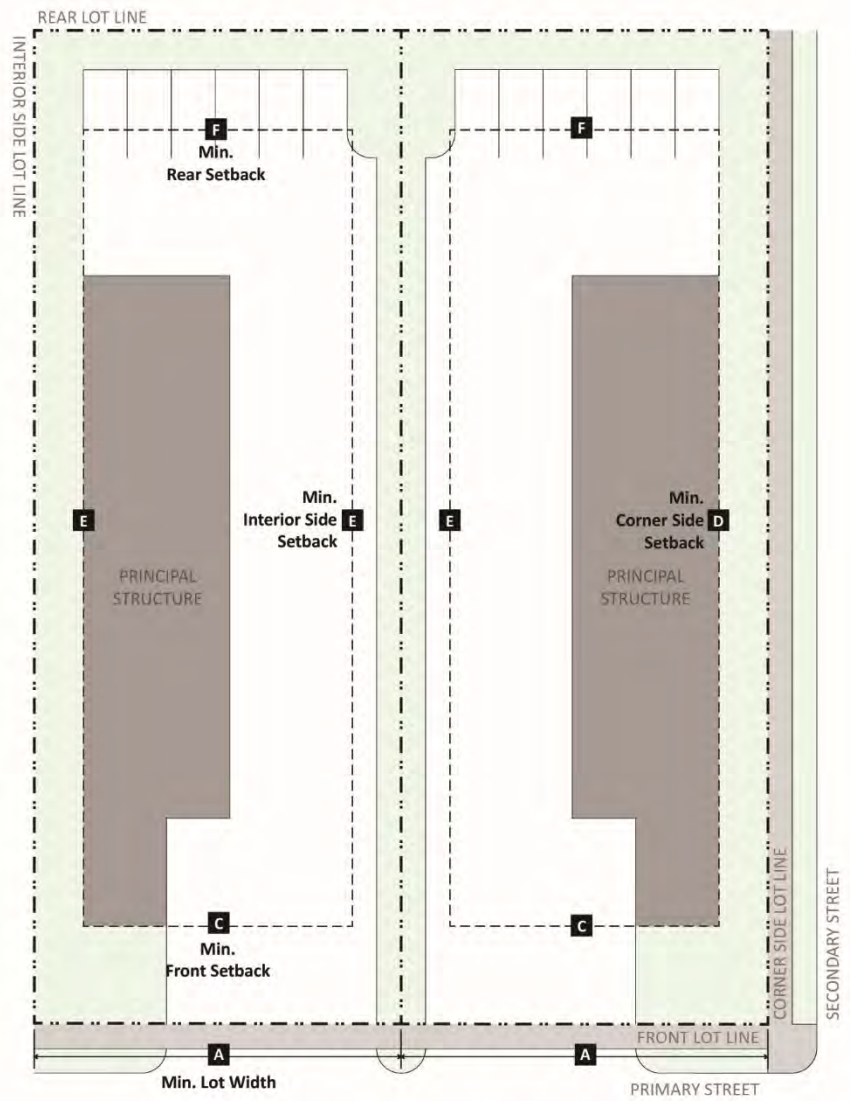
### § 10-6-20 I-1 Light Industrial District

Table 10-6-20-1 I-1 District Requirements, Figure 10-6-20-1 I-1 District Requirements: Plan View, and Figure 10-6-20-2 I-1 District Requirements: 3-D View establish bulk and setback regulations for the I-1 District. See [§ 10-7-4 \(Accessory Structures and Uses\)](#) for provisions related to accessory structures.

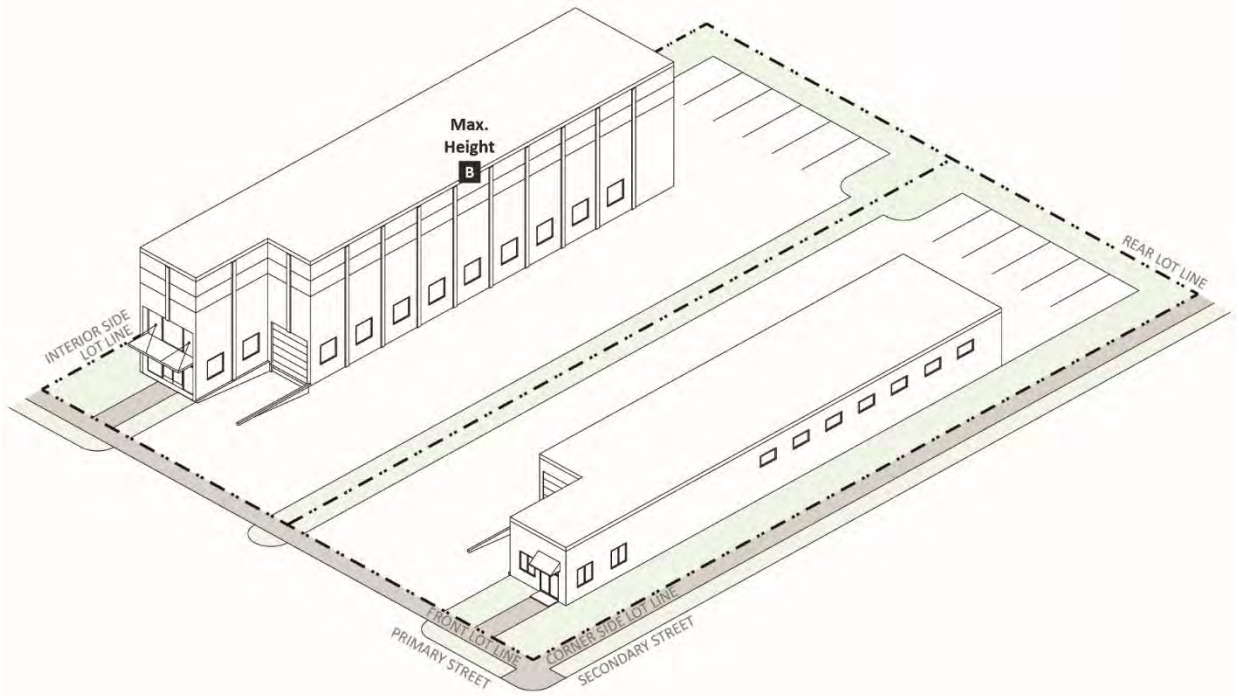
**Table 10-6-20-1 I-1 District Requirements**

Bulk Requirements		
	Minimum Lot Area	10,000 sf
<b>A</b>	Minimum Lot Width	50 ft
<b>B</b>	Maximum Principal Building Height	32 ft
	Maximum Impervious Coverage	90%
Setback Requirements		
<b>C</b>	Minimum Front Setback	20 ft
<b>D</b>	Minimum Corner Side Setback	10 ft
<b>E</b>	Minimum Interior Side Setback	10 ft
<b>F</b>	Minimum Rear Setback	20 ft
	Minimum Setback Adjacent to a Residential District	30 ft

**Figure 10-6-20-1 I-1 District Requirements: Plan View**



**Figure 10-6-20-2 I-1 District Requirements: 3-D View**



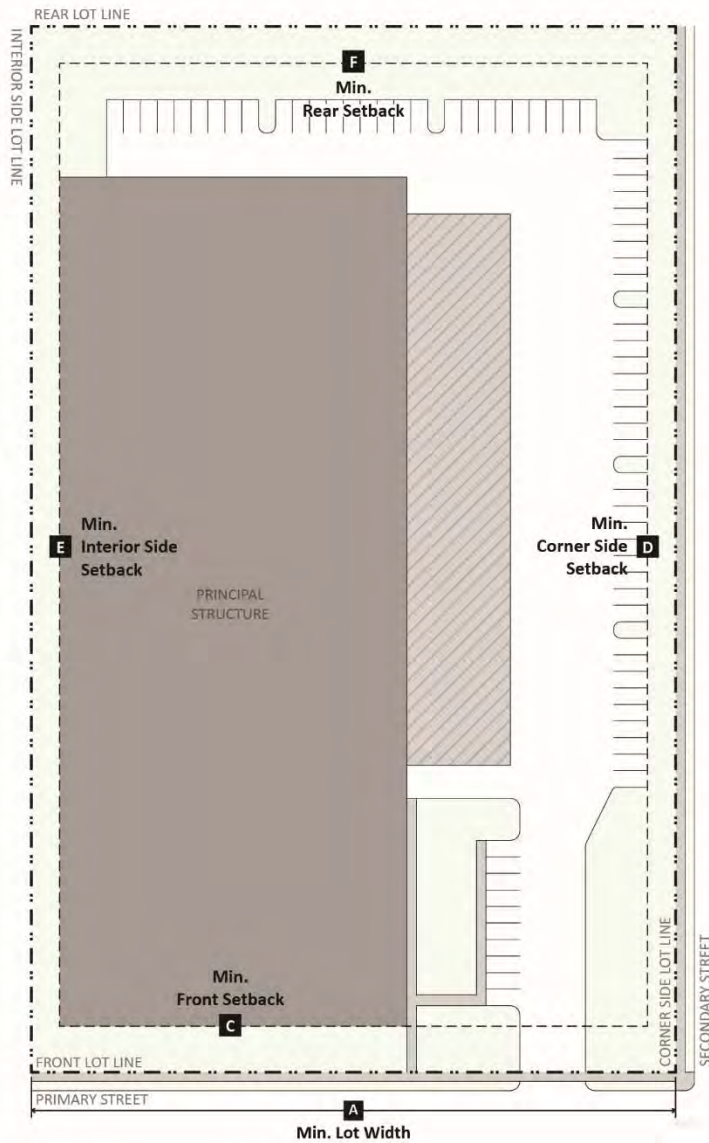
### § 10-6-21 I-2 General Industrial District

Table 10-6-21-1 I-2 District Requirements, Figure 10-6-21-1 I-2 District Requirements: Plan View, and Figure 10-6-21-2 I-2 District Requirements: 3-D View establish bulk and setback regulations for the I-2 District. See [§ 10-7-4 \(Accessory Structures and Uses\)](#) for provisions related to accessory structures.

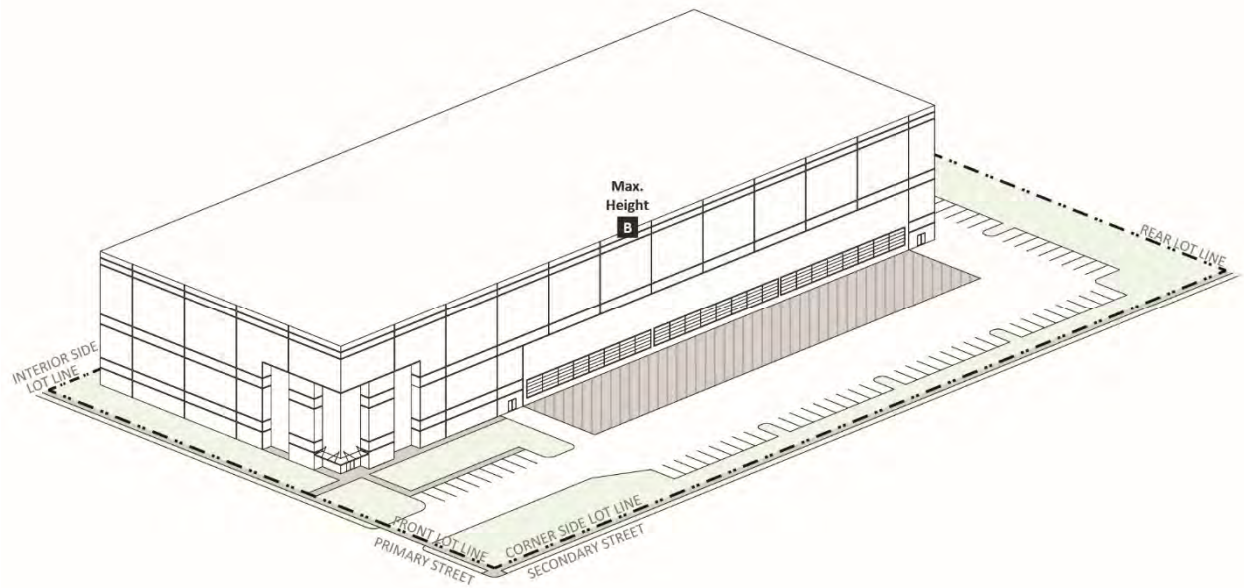
**Table 10-6-21-1 I-2 District Requirements**

Bulk Requirements		
	Minimum Lot Area	20,000 sf
<b>A</b>	Minimum Lot Width	100 ft
<b>B</b>	Maximum Principal Building Height	50 ft
	Maximum Impervious Coverage	90%
Setback Requirements		
<b>C</b>	Minimum Front Setback	25 ft
<b>D</b>	Minimum Corner Side Setback	15 ft
<b>E</b>	Minimum Interior Side Setback	15 ft
<b>F</b>	Minimum Rear Setback	20 ft
	Minimum Setback Adjacent to a Residential District	40 ft

**Figure 10-6-21-1 I-2 District Requirements: Plan View**



**Figure 10-6-21-2 I-2 District Requirements: 3-D View**



### § 10-6-22 Principal Structure Encroachments

- A. Applicability. The following standards for principal structure encroachments apply to all zoning districts.
- B. Principal Structure Encroachments. [Table 10-6-22-1 Permitted Principal Structure Encroachments](#) establishes the components of a principal structure that are permitted to encroach into required yards, provided that all additional requirements are met. Accessory structures are permitted to encroach into required yards in accordance with [§ 10-7-4 \(Accessory Structures and Uses\)](#).

**Table 10-6-22-1 Permitted Principal Structure Encroachments**

Type of Encroachment	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback	Additional Requirements
Accessibility Ramp	Y	Y	Y	Y	None
Awning or Canopy (without signage) <sup>1</sup>	Y	Y	Y	Y	May encroach up to 4 ft; minimum ground clearance of 8 ft
Balcony	Y	Y	Y	Y	May encroach up to 4 ft; minimum ground clearance of 2 ft for residential districts; minimum ground clearance of 8 ft for commercial districts
Bay Window	Y	Y	Y	Y	May encroach up to 3 ft
Chimney	Y	Y	Y	Y	May encroach up to 3 ft
Eave, Gutter, Sill, Cornice	Y	Y	Y	Y	May encroach up to 3 ft
Fire Escape	N	N	Y	Y	May encroach up to 5 ft
Porch	Y	Y	N	N	May encroach up to 10 ft
Stairs or Stoop	Y	Y	Y	Y	May encroach up to 5 ft
Window Well	N	Y	Y	Y	May encroach up to 3 ft

<sup>1</sup> See [§ 10-10-5.B.1 \(Awning Signs\)](#) and [§ 10-10-5.B.2 \(Canopy-Mounted Signs\)](#) for regulations pertaining to awning and canopy-mounted signs.



## CHAPTER 7: USES

§ 10-7-1 General Provisions

§ 10-7-2 Use Table

§ 10-7-3 Use Standards

§ 10-7-4 Accessory Structures and Uses

§ 10-7-5 Temporary Structures and Uses

§ 10-7-6 Environmental Performance Standards

### § 10-7-1 General Provisions

- A. Purpose. The purpose of this Chapter is to establish the uses of land allowed by this Ordinance.
- B. General Standards. The following standards apply generally to the uses allowed by this Ordinance.
1. Federal, State, and Local Requirements. All uses shall comply with relevant federal, state, and local standards including licensing, health, and safety requirements. The provisions of this Chapter are subject to the use regulations of applicable federal, state, and local regulations for runway protection zones and airspace clearances for O'Hare International Airport.
  2. Number of Principal Uses. A lot may contain more than one principal use.
  3. Principal, Accessory, and Temporary Uses. Each use may function as a principal, accessory, or temporary use on a lot, unless otherwise specified.
  4. Uses within Enclosed Buildings or Structures. Each use shall be primarily located within an enclosed building or structure. Uses exempt from this requirement include community garden, outdoor dining, outdoor entertainment, outdoor recreation, outdoor storage area, and park. All buildings and structures shall comply with the applicable requirements of this Chapter and [Chapter 6 \(Zoning District Regulations\)](#).
  5. Exempt Public Uses. The following public uses are allowed to be erected, constructed, altered, or maintained in any zoning district.
    - a. Traffic signals, fire hydrants, and other similar public safety devices.
    - b. Utility poles, wires, mains, drains, pipes, conduits, cables, and other similar public service devices.
- C. Interpretation. Some of the uses included in this Chapter are defined as broad, generic categories that contain a group of similar uses. See [§ 10-11 \(Definitions\)](#) for definitions of the uses included in this Chapter. Applicants may request an interpretation of the uses in this Ordinance from the Zoning Administrator in accordance with § 10-3-8 (Zoning Interpretation).
1. Unlisted Similar Use. If a use is not listed in this Chapter, but is similar in nature and impact to a permitted or special use allowed within a zoning district, the Zoning Administrator may interpret the unlisted use as an allowed use.
    - a. The unlisted use shall be subject to any use standards that apply to the similar allowed use.
    - b. The Zoning Administrator may interpret the unlisted use as requiring the approval of a special use permit if the similar allowed use requires the approval of a special use permit.
  2. Unlisted Dissimilar Use. If a use is not listed and the Zoning Administrator cannot interpret the use as similar in nature and impact to a permitted or special use, the use is not allowed and may only be approved through an amendment of this Ordinance (refer to [§ 10-3-6 \(Zoning Text or Map Amendment\)](#)).

## § 10-7-2 Use Table

A. Use Table. [Table 10-7-2-1. Use Table](#) establishes the uses allowed in each zoning district. Each use is given one of the following designations for each zoning district.

1. Permitted Use (“P”). A “P” indicates that a use is allowed by-right within the designated zoning district provided that it meets all applicable use standards set forth in [§ 10-7-3 \(Use Standards\)](#).
2. Special Use (“S”). An “S” indicates that the use requires the approval of a special use permit (refer to [§ 10-3-3 \(Special Use Permit\)](#)) in order to be allowed within the designated zoning district, and must meet all applicable use standards set forth in [§ 10-7-3 \(Use Standards\)](#).
3. No Designation. The absence of a letter (a blank space) or the absence of the use from the table indicates that the use is not allowed within the designated zoning district.

**Table 10-7-2-1. Use Table**

Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
<b>Residential</b>											
Community Residence	P	P	P	P	P	P	P	P			See <a href="#">§ 10-7-3.E</a>
Dwelling Above the Ground Floor							P	P			None
Live/Work Dwelling							P	P			See <a href="#">§ 10-7-3.P</a>
Multiple-Unit Dwelling					P	P	P	S			None
Residential Care Facility					P	P	P	P			None
Single-Unit Dwelling	P	P	P	P	P	S					None
Townhouse Dwelling		S	P	P	P	P	S	S			None
Two-Unit Dwelling		P	P	P	P	S					None
<b>Civic and Institutional</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	
Cemetery	S	S	S	S	S	S					None
College or University	S	S	S	S	S	S	S	S	S	S	None
Community Garden	P	P	P	P	P	P	P	P			See <a href="#">§ 10-7-3.D</a>
Cultural Facility	P	P	P	P	P	P	P	P	P		None
Elementary, Middle, or High School	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-3.J</a>
Government Facility	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-3.L</a>
Hospital							S	S	S	S	None
Park	P	P	P	P	P	P	P	P	P	P	None
Place of Worship	S	S	S	S	S	S	S	S			None
Vocational School							S	S	S	S	See <a href="#">§ 10-7-3.J</a>
<b>Commercial</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	
Adult Use										S	See <a href="#">§ 10-7-3.A</a>
Animal Boarding, Hospital, or Shelter								S		S	See <a href="#">§ 10-7-3.B</a>
Banquet Hall							S	P		S	None
Bar/Tavern							P	P		S	None
Body Art Establishment							P	P		S	None
Car Wash								P		P	See <a href="#">§ 10-7-3.C</a>
Currency Exchange							S	S			See <a href="#">§ 10-7-3.F</a>
Day Care Center	S	S	S	S	S	S	S	S			None
Day Care Home	P	P	P	P	P	P					See <a href="#">§ 10-7-3.G</a>
Day Labor Center							S	S	S	S	See <a href="#">§ 10-7-3.H</a>
Drive-Through Facility								S		S	See <a href="#">§ 10-7-3.I</a>
Financial Institution							P	P			None
Funeral Home							S	S			None
Garden Center								P		P	None
Gas Station								S		S	See <a href="#">§ 10-7-3.K</a>
Golf Course or Driving Range	S	S	S	S	S	S				S	None
Gun Range										S	See <a href="#">§ 10-7-3.M</a>
Gun Sales Establishment								S	S	S	None
Hotel/Motel							P	P		S	None

Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
Indoor Entertainment or Recreation							P	P	S	S	See <a href="#">§ 10-7-3.N</a>
Laundromat							S	S		S	See <a href="#">§ 10-7-3.O</a>
Massage Therapy Establishment							S	S			None
Medical Marijuana Dispensary							S	S		S	See <a href="#">§ 10-7-3.R</a>
Microbrewery or Microdistillery							P	P	P	P	None
Motor Vehicle Operations Facility									S	P	See <a href="#">§ 10-7-3.S</a>
Motor Vehicle Rental								P	S	S	See <a href="#">§ 10-7-3.T</a>
Motor Vehicle Repair and/or Service								S	S	S	See <a href="#">§ 10-7-3.S</a>
Motor Vehicle Sales								S	S	S	See <a href="#">§ 10-7-3.T</a>
Outdoor Dining							P	P			See <a href="#">§ 10-7-3.U</a>
Outdoor Entertainment or Recreation								S	S	P	See <a href="#">§ 10-7-3.V</a>
Outdoor Storage Area										S	See <a href="#">§ 10-7-3.W</a>
Pawnshop										S	See <a href="#">§ 10-7-3.F</a>
Payday or Title Loan Establishment							S	S			See <a href="#">§ 10-7-3.F</a>
Personal Services Establishment							P	P			None
Professional Office							P	P	P	S	None
Research/Development Facility									P	P	None
Restaurant							P	P		S	None
Retail Goods Establishment							P	P			None
Self-Service Storage									S	S	None
Tobacco Shop							S	S			See <a href="#">§ 10-7-3.AA</a>
Transitional Treatment Facility							S	S	S	S	None
Truck Repair										S	See <a href="#">§ 10-7-3.BB</a>
Truck Stop										S	See <a href="#">§ 10-7-3.CC</a>
<b>Industrial</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	
Heavy Industrial										S	None
Light Industrial									P	P	None
Medium Industrial									S	P	None
Medical Marijuana Cultivation Center										S	See <a href="#">§ 10-7-3.Q</a>
Machinery and Equipment Sales and Rental									S	P	None
Warehousing, Storage, or Distribution Facility									S	P	None
<b>Other Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	
Club, Lodge, or Hall								P	S	S	None
Parking Garage (Primary Use)							S	S		S	See <a href="#">§ 10-7-3.X</a>
Parking Lot (Primary Use)							S	S		S	See <a href="#">§ 10-7-3.Y</a>
Planned Unit Development	S	S	S	S	S	S	S	S	S	S	See <a href="#">§ 10-7-3.Z</a>
Utility	S	S	S	S	S	S	S	S	S	S	See <a href="#">§ 10-7-3.DD</a>
Wireless Telecommunication Facility	S	S	S	S	S	S	P	P	P	P	See <a href="#">§ 10-7-3.EE</a>
Wireless Telecommunication Tower	S	S	S	S	S	S	S	S	S	S	See <a href="#">§ 10-7-3.EE</a>
<p>Table Key</p> <p>P: Allowed by-right and shall meet the requirements of <a href="#">§ 10-7-3 (Use Standards)</a> when applicable.</p> <p>S: Allowed with special use permit and shall meet the requirements of <a href="#">§ 10-7-3 (Use Standards)</a> when applicable.</p>											

### § 10-7-3 Use Standards

The following standards apply to uses as designated in the Use Standards column of [Table 10-7-2-1. Use Table](#).

#### A. Adult Use.

1. Minimum Spacing. An adult use shall not be located within 2,000 feet of any residential zoning district, day care center, elementary school, middle school, high school, park, place of worship, another adult use, or any use where large numbers of minors regularly travel or congregate.
2. Off-Site Observation. An adult use shall be conducted in a manner that does not permit the observation of material relating to specified sexual activities or specified anatomical areas from any right-of-way or adjacent property.

#### B. Animal Boarding, Hospital, or Shelter.

1. Location. Animal boarding, hospitals, and shelters are not allowed directly adjacent to any residential use with the exception of facilities that are entirely enclosed.
2. Outdoor Boarding. Two outdoor dog runs per establishment are allowed. All outdoor animal boarding facilities shall be located in the interior side and/or rear yard and shall be enclosed with a fence that is a minimum height of six feet.
3. Noise. Noise shall be managed so as not to create a public nuisance for surrounding properties in compliance with [§ 10-7-6.A \(Noise\)](#) and all other local noise regulations.

#### C. Car Wash

1. Stacking Spaces. Stacking spaces associated with a car wash must comply with the requirements of [§ 10-8-9 \(Vehicular Stacking Requirements\)](#).
2. Screening. The street frontage adjacent to any outdoor car wash area shall be screened in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).
3. On-Site Attendant. An attendant shall be present on the site during hours of operation.
4. Hours of Operation. Car washes shall be limited to hours of operation between 6:00 AM and 12:00 AM.
5. Overhead Doors. All wash bays shall be secured with overhead doors when the establishment is closed.
6. Drainage. Drainage from a car wash shall not drain onto adjacent properties, into the right-of-way, or into stormwater catchments.
7. Traffic Study. The Village may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.

#### D. Community Garden.

1. Site Design. The community garden shall be designed and maintained to minimize the amount of water and/or fertilizer that drains or runs off onto adjacent property.
2. Sales. There shall be no retail sales of any products on-site.

#### E. Community Residence.

1. Minimum Spacing. A community residence may not be located within 1,000 feet of another community residence, and more than one community residence shall not be located on a block.
2. Residential Character. The location and operation of the facility shall not alter the residential character of the neighborhood, and the facility shall incorporate a residential design that is compatible with the surrounding neighborhood.

F. Currency Exchange, Pawnshop, Payday or Title Loan Establishment.

1. Minimum Spacing. A currency exchange, pawnshop, or payday or title loan establishment may not be located within 1,000 feet of another currency exchange, pawnshop, or payday or title loan establishment.
2. Hours of Operation. The hours of operation for currency exchanges, pawnshops, or payday or title loan establishments shall be limited to between 8:00 AM and 8:00 PM.
3. Location of Transactions. All transactions shall occur entirely inside the facility at a service counter. No transactions may be permitted through an exterior walk-up window or drive-through facility.

G. Day Care Home.

1. Residential Character. The location and operation of the facility shall not alter the residential character of the neighborhood, and the facility shall incorporate a residential design that is compatible with the surrounding neighborhood.
2. Residency of Operator. The day care home shall be the primary residence of the operator.
3. Employees. Additional nonresident employees are allowed to work in a day care home.
4. Minimize Adverse Impacts. The design of the facility shall minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.
5. Home-Based Business Standards. Day care homes are not subject to the home-based business standards of [10-7-4.D \(Home-Based Business\)](#).

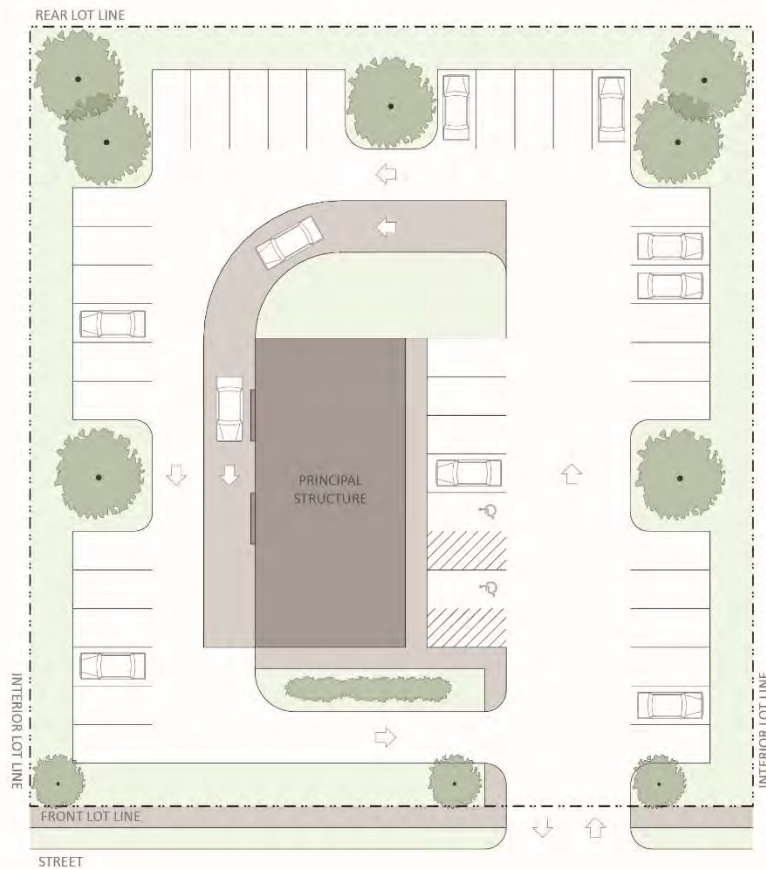
H. Day Labor Center.

1. Minimum Spacing. A day labor center shall not be located within 1,000 feet of another day labor center, or any residential zoning district.
2. Maintenance. Outdoor areas must be clear of litter and debris during business hours. Outdoor trash receptacles must be provided.

I. Drive-Through Facility. Refer to [Figure 10-7-3-1. Drive-Through Facility](#).

1. Location. The drive-through window shall be located on the interior side or rear façade of the principal structure.
2. Access. Driveways must comply with the requirements of [§ 10-8-8 \(Driveways\)](#).
3. Stacking Spaces. Stacking spaces must comply with the requirements of [§ 10-8-9 \(Vehicular Stacking Requirements\)](#).
4. Minimize Adverse Impacts. The location of entrances and exits shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
5. Traffic Study. The Village may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.

**Figure 10-7-3-1. Drive-Through Facility**



- J. Elementary, Middle, High, or Vocational School. Minimize Adverse Impacts. The location of entrances, exits, service areas, parking areas, and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
- K. Gas Station.
  1. Location. A gas station shall only be located on a corner lot.
  2. Minimum Street Frontage Requirement. Gas stations shall be exempt from the minimum street frontage requirements established in [Chapter 6 \(Zoning District Regulations\)](#).
  3. Stacking Spaces. Stacking spaces must comply with the requirements of [§ 10-8-9 \(Vehicular Stacking Requirements\)](#).
  4. Traffic Study. The Village may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.
  5. Light Pollution. Lighting shall be designed with luminaires recessed under the canopy to minimize light pollution. The illuminance of the canopy shall not exceed 10 foot-candles as measured at any location on the lot.
  6. Screening. Street frontage not occupied by building or driveways shall be improved with landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).

- L. Government Facility. Access. Government facilities are exempt from the maximum driveway widths established in [§ 10-8-8 \(Driveways\)](#).
- M. Gun Range.
1. Location. A gun range must be located within a fully enclosed building.
  2. Minimum Spacing. A gun range shall not be located within 1,000 feet of another gun range, or any residential zoning district.
  3. Noise. Noise shall be managed so as not to create a public nuisance for surrounding properties in compliance with [§ 10-7-6.A \(Noise\)](#) and all other local noise regulations.
- N. Indoor Entertainment or Recreation.
1. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
  2. Noise. Any noise associated with the facility shall be managed so as not to create a public nuisance for surrounding properties and shall comply with [§ 10-7-6.A \(Noise\)](#) and all other local noise regulations.
- O. Laundromat.
1. Hours of Operation. The hours of operation for laundromats shall be limited to between 6:00 AM and 10:00 PM.
  2. On-Site Attendant. An attendant shall be present on the site during hours of operation.
- P. Live/Work Dwelling.
1. Sales. On-site retail transactions associated with a live/work dwelling are allowed.
  2. Residency of Operator. The live/work dwelling shall be the primary residence of the operator. A portion of a live/work dwelling may be leased as a workspace to an operator that does not reside in the dwelling.
  3. Employees. Two additional nonresident employees are allowed to work in a live/work dwelling.
  4. Space Limitation. No more than 50 percent of the total square footage of the dwelling may be used for residential uses. All activities associated with the live/work dwelling shall occur entirely within the dwelling unit.
  5. Signs. Signs for occupations within live/work units are permitted in accordance with the residential sign standards in [§ 10-10-5.A \(Permanent Signs Exempt from Permit Requirement\)](#).
- Q. Medical Marijuana Cultivation Center
1. Compliance with State Regulations. Medical marijuana cultivation centers must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements and minimum spacing of 2,500 feet from preschools, elementary schools, middle schools, high schools, day care centers, day care homes, or any residential zoning district. When such state regulations are amended, such regulations control over this Ordinance.
  2. Minimum Spacing. A medical marijuana cultivation center shall not be located within 1,000 feet of another medical marijuana cultivation center.
- R. Medical Marijuana Dispensary.
1. Compliance with State Regulations. Medical marijuana dispensaries must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements and minimum spacing of 1,000 feet from preschools, elementary schools, middle

schools, high schools, day care centers, and day care homes. When such state regulations are amended, such regulations control over this Ordinance.

2. Minimum Spacing. A medical marijuana dispensary shall not be located within 1,000 feet of another medical marijuana dispensary.
3. Security. The site design of a medical marijuana dispensary shall incorporate adequate security measures, such as exterior lighting, surveillance cameras, and/or fencing.

S. Motor Vehicle Operations Facility or Motor Vehicle Repair and/or Service.

1. Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if the following conditions are met:
  - a. Location. Outdoor storage of vehicles is prohibited in the front yard and corner side yard.
  - b. Screening. To the extent practicable, storage areas shall be screened from view of the street by building and/or landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).
  - c. Storage Duration. Motor vehicle repair and/or service facilities may not store the same vehicles outdoors for more than 30 days.
2. Location for Repairs. All repairs must occur inside an enclosed building.
3. Screening. Street frontage not occupied by buildings or driveways shall be improved with landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).

T. Motor Vehicle Rental or Motor Vehicle Sales.

1. Screening. The street frontage adjacent to any outdoor sales and display area shall be improved with landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).
2. Light Pollution. The illuminance of any outdoor sales and display area shall not exceed 10 foot-candles as measured at any location on the lot.

U. Outdoor Dining.

1. Location. Outdoor dining shall be located on private property unless otherwise allowed by the Village. Outdoor dining shall not be located in any yard that is adjacent to a residential use or zoning district, except when such residential use is part of a mixed-use development. Outdoor dining areas shall be delineated from the public right-of-way and parking areas with masonry walls, planters, bollards, fencing, or similar elements.
2. Sidewalk Clearance. A minimum of four feet of sidewalk clearance must remain available for pedestrians in accordance with the Americans with Disabilities Act Accessibility Guidelines.
3. Parking Lot Clearance. Outdoor dining shall not interfere with the drive aisles and parking spaces of a parking lot.

V. Outdoor Entertainment or Recreation.

1. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks shall minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
2. Noise. Noise shall be managed so as not to create a public nuisance for surrounding properties in compliance with [§ 10-7-6.A \(Noise\)](#) and all other local noise regulations.



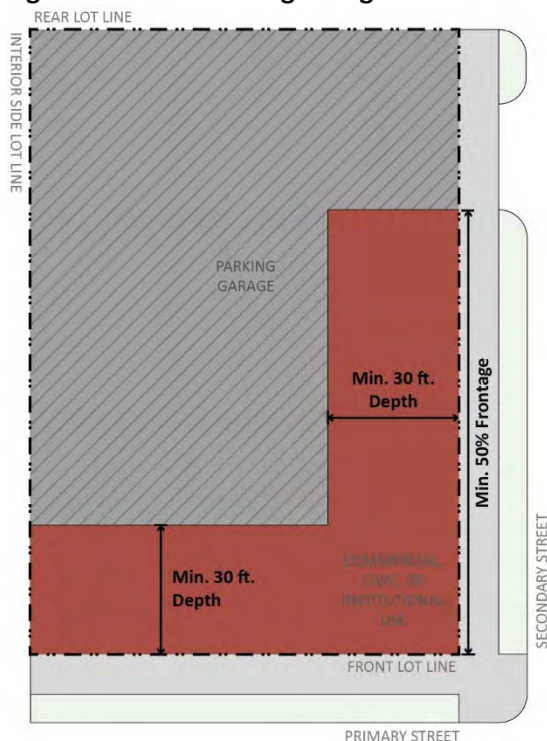
W. Outdoor Storage Area.

1. Location. Outdoor storage areas shall be located on an improved surface in the interior side yard or rear yard, provided such areas do not occupy more than 25 percent of the gross lot area.
2. Height. Materials stored in an outdoor storage area shall not exceed eight feet in height within 20 feet of any lot line.
3. Uses. Outdoor storage areas are allowed as a principal use in association with the following principal uses: garden center, motor vehicle rental, motor vehicle repair and/or service, motor vehicle sales, heavy industrial, light industrial, medium industrial, machinery and equipment sales and rental, and warehousing, storage, or distribution facility. Outdoor storage areas may be allowed as a principal use in association with other principal uses with prior written approval by the Zoning Administrator.
4. Screening. The requirements of [§ 10-9-7 \(Screening Requirements\)](#) shall apply to outdoor storage areas. No stackable materials or goods shall be piled or stacked so that they are visible above the height of the screen.

X. Parking Garage (Primary Use).

1. Design Requirements. Parking garages in all zoning districts shall meet the requirements for façade design in accordance with [§ 10-6-16.B.1 \(Façade Design\)](#).
2. Ground Floor Uses. In the C-1 District, a use listed in [Table 10-7-2-1. Use Table](#) as an allowed commercial, civic, or institutional use must occupy the first 30 feet of building depth on the ground floor of a parking garage along a minimum of 50 percent of the street-facing façade (refer to [Figure 10-7-3-2. Parking Garage](#)).

**Figure 10-7-3-2. Parking Garage**



- Y. Parking Lot (Primary Use). Screening. The requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#) shall apply to all off-street parking lots.

Z. Planned Unit Development. Refer to the requirements of [Chapter 4 \(Planned Unit Developments\)](#).

AA. Tobacco Shop. Minimum Spacing. A tobacco shop may not be located within 1,000 feet of an elementary school, middle school, high school, place of worship, or another tobacco shop.

BB. Truck Repair.

1. Minimum Lot Area. The minimum lot area for a truck repair facility is one acre.
2. Outdoor Storage. Disabled or inoperable trucks and those awaiting pick-up may be stored outdoors if the following conditions are met:
  - a. Location. Outdoor storage of trucks is prohibited in the front yard and corner side yard.
  - b. Screening. To the extent practicable, storage areas shall be screened from view of the street by building and/or landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).
  - c. Storage Duration. Motor vehicle repair and/or service facilities may not store the same trucks outdoors for more than 30 days.
3. Screening. Street frontage not occupied by buildings or driveways shall be improved with landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).

CC. Truck Stop.

1. Stacking Spaces. Truck stops shall provide at least two stacking spaces at each island pump to minimize the need for waiting trucks to stack in the public right of way.
2. Overnight Parking. Parking facilities associated with a truck stop shall not be utilized for overnight parking.
3. Traffic Study. The Village may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.

DD. Utility. Screening. The street frontage adjacent to the utility shall be treated with landscape screening in accordance with the requirements of [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#).

EE. Wireless Telecommunication Facility and/or Tower.

1. General Requirements. All wireless telecommunication facilities and towers shall be subject to the following.
  - a. Lighting. A wireless telecommunication facility or tower shall not include lights unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Village.
  - b. Signs. A wireless telecommunication facility or tower shall not display signs except for information required for government regulation, such as Federal Communications Commission registration information.
  - c. Screening. A wireless telecommunication facility or tower shall include landscape screening in accordance with the requirements of [§ 10-9-6.B \(Buffer Yard Requirements\)](#), except that a required fence shall be a minimum of eight feet and maximum of 10 feet in height.
2. Wireless Telecommunication Facility.
  - a. Height. The maximum height of a wireless telecommunication facility shall be 15 feet.
  - b. Use. A wireless telecommunication facility may house equipment and supplies for operation of a wireless telecommunication tower. Such facility shall be unstaffed and shall not be used for equipment that is not used as part of the operation of the facility.

3. Wireless Telecommunication Tower.
  - a. Height. The maximum height of a wireless telecommunication tower is 50 feet, unless a taller height is required to function satisfactorily; in such case, the applicant must present a report indicating the need for a height in excess of 50 feet.
  - b. Design. A wireless telecommunication tower shall be designed to accommodate at least three telecommunication providers and their accompanying wireless telecommunication facilities. A wireless telecommunication tower shall have a galvanized gray or silver finish unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the Village.

#### § 10-7-4 Accessory Structures and Uses

Accessory structures and uses shall be subject to the requirements of this Section.

- A. General Provisions for Accessory Structures. Accessory structures shall be subject to the following standards, unless otherwise established by this Ordinance.
  1. Construction Phasing. No accessory structure shall be constructed prior to the construction of the principal building to which it is accessory.
  2. Location. Accessory structures may be located in the front, corner side, interior side, and rear yards, unless otherwise specifically prohibited by this Ordinance. Accessory structures shall not be allowed in any easement.
  3. Setback. Accessory structures shall be located a minimum of three feet from any interior lot line or rear lot line, except fences and walls.
  4. Height. The maximum height of an accessory structure shall be 12 feet, unless otherwise specifically permitted in this Ordinance.
- B. Accessory Structures Table. [Table 10-7-4-1. Accessory Structures](#) includes common accessory structures that may be located in each zoning district within the Village. For accessory structures not listed, the Zoning Administrator will review a proposed accessory structure and determine if it is similar to those listed and therefore subject to the applicable standards.
  1. Permitted (“P”). A “P” indicates that the accessory structure does not require a building permit and is allowed by-right within the designated zoning district provided that it meets all applicable standards set forth in [§ 10-7-4.C \(Use Standards for Accessory Structures\)](#).
  2. Permitted with Building Permit (“B”). A “B” indicates that the accessory structure requires the approval of a building permit in accordance with Title 9 (Building Regulations) and shall meet the use standards set forth in [§ 10-7-4.C \(Use Standards for Accessory Structures\)](#) in order to be allowed within the designated zoning district.
  3. No Designation. The absence of a letter (a blank space) indicates that the structure is not allowed within the designated zoning district.

**Table 10-7-4-1. Accessory Structures**

Accessory Structures	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
Apiary	P	P	P	P							See <a href="#">§ 10-7-4-C.1</a>
Arbor or Trellis	P	P	P	P	P	P	P	P	P	P	None
Ball Court	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.2</a>
Blue Roof, Green Roof, White Roof	B	B	B	B	B	B	B	B	B	B	None
Chicken Coop	B	B	B	B							See <a href="#">§ 10-7-4-C.3</a>
Compost Bin	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-4-C.4</a>
Deck	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.5</a>

Accessory Structures	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
Dog Run	B	B	B	B	B	B	B	B		B	See <a href="#">§ 10-7-4-C.6</a>
Electrical Generator	B	B	B	B	B	B	B	B	B	B	None
Electric Vehicle Charging Station	B	B	B	B	B	B	B	B	B	B	None
Fence or Wall	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.7</a>
Flagpole	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.8</a>
Garage	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.9</a>
Garden	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-4-C.10</a>
Gazebo or Pergola	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.11</a>
Greenhouse	B	B	B	B	B	B	B	B	B	B	None
Hoophouse	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-4-C.12</a>
Mechanical Equipment	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.13</a>
Outdoor Fire Pit	P	P	P	P	P	P	P	P			See <a href="#">§ 10-7-4-C.14</a>
Outdoor Sales and Display Area							P	P	P	P	See <a href="#">§ 10-7-4-C.15</a>
Patio	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.16</a>
Rain Barrel or Rainwater Cistern	P	P	P	P	P	P	P	P	P	P	None
Rain Garden	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-4-C.17</a>
Recreation Equipment	P	P	P	P	P	P	P	P			See <a href="#">§ 10-7-4-C.18</a>
Refuse, Recycling, or Grease Container	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-4-C.19</a>
Satellite Dish	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-4-C.20</a>
Shed	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.21</a>
Small Wind Energy System	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.22</a>
Solar Energy Collection System	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.23</a>
Swimming Pool	B	B	B	B	B	B	B	B			See <a href="#">§ 10-7-4-C.24</a>
Treehouse	P	P	P	P	P	P					See <a href="#">§ 10-7-4-C.25</a>
Wireless Telecommunication Antenna	B	B	B	B	B	B	B	B	B	B	See <a href="#">§ 10-7-4-C.26</a>
<b>Table Key</b> P: Allowed by-right and shall meet the requirements of <a href="#">§ 10-7-4.C (Use Standards for Accessory Structures)</a> when applicable. B: Allowed with building permit and shall meet the requirements of <a href="#">§ 10-7-4.C (Use Standards for Accessory Structures)</a> when applicable.											

C. Use Standards for Accessory Structures. The following standards apply to accessory structures designated as permitted (“P”) or permitted with building permit (“B”) in the zoning districts noted in the “Use Standards” column of [Table 10-7-4-1. Accessory Structures](#).

1. Apiary. Bees may be kept in apiaries in accordance with the following standards.
  - a. Permit and Registration. Prior to erecting an apiary, an applicant must provide written notice to all adjacent property owners and obtain a permit from the Zoning Administrator. Such permits must be renewed annually. Apiaries must be registered with the Illinois Department of Agriculture and inspected as required. Proof of completed inspection shall be submitted to the Zoning Administrator within 30 days of inspection.
  - b. Location. Apiaries are allowed in the rear yard of any single-unit dwelling in the R-1, R-2, R-3, or R-4 District.
  - c. Setback. Apiaries shall be located a minimum of 10 feet from any lot line and a minimum of 10 feet from the principal structure on the lot.
  - d. Number. A maximum of two hives are allowed per zoning lot in the R-1, R-2, R-3, or R-4 District.
  - e. Safety. Beekeepers shall requeen colonies that exhibit unusually aggressive behavior, such as stinging or swarming, and shall ensure that a source of water is accessible on the zoning lot within 50 feet of the apiary.
  - f. Maintenance. Apiaries shall be maintained so as not to become a nuisance. Colonies shall be maintained in movable-frame hives with adequate spacing and management to avoid overcrowding and swarming.

- g. Screening. Apiaries shall be screened to provide a flyway barrier. Such screening shall be at least six feet tall, and consist of a solid fence, vegetative barrier, or combination thereof. The entrance to the apiary shall include a latched gate that shall remain closed when a beekeeper is not present.
- h. Sales. Retail sales of any products on-site is prohibited.
- 2. Ball Court. Location. Ball courts are allowed in the rear yard, except that one fixed basketball standard and backboard shall be allowed in the front yard, corner side yard, interior side yard, or rear yard in the R-1, R-2, R-3, R-4, R-5, and R-6 Districts without a building permit.
- 3. Chicken Coop. Chickens may be kept in chicken coops in accordance with the following standards.
  - a. Permit. Prior to erecting a chicken coop an applicant must obtain a license from the Village in accordance with § 4-6-17 (Hens) of the Municipal Code.
  - b. Height. The maximum height of a chicken coop shall be eight feet.
  - c. Area. Chicken coops shall provide a minimum of four square feet of floor area per hen.
  - d. Location. Chicken coops shall be located in the rear yard only. Chicken coops are prohibited inside a residential unit or attached garage.
  - e. Setback. Chicken coops shall be located a minimum of 10 feet from any lot line and a minimum of 10 feet from the principal structure on the lot.
  - f. Number. No more than four hens are permitted per zoning lot. Roosters are not permitted.
  - g. Chicken Runs. Any chicken run associated with a chicken coop shall be fully enclosed to ensure that all hens are confined.
  - h. Maintenance. Chicken coops shall be maintained in a manner that provides adequate lighting and ventilation, and protects chickens from cold weather, precipitation, rodents, predators, and trespassers. Chicken coops must be maintained in a sanitary condition and shall be cleaned of droppings, uneaten feed, feathers, and other waste so as not to become a nuisance.
  - i. Sales. There shall be no retail sales of any products on-site.
  - j. Slaughter. On-site slaughtering of chickens is prohibited. Chickens shall be taken off premises to a licensed live poultry establishment for slaughter.
- 4. Compost Bin.
  - a. Location. Compost bins are allowed in the rear yard only.
  - b. Enclosure. Compost must be contained in a fully enclosed receptacle with a tightly fitted lid.
  - c. Maintenance. Compost bins must be maintained in a sanitary condition so as not to become a nuisance. Compost may not contain sewage, meat, bones, or grease.
- 5. Deck. Location. Decks are allowed in the front yard, corner side yard, interior side yard or rear yard.
- 6. Dog Run. Location. Dog runs may encroach into the required rear yard only. The run must be located a minimum of ten feet from all property lines.
- 7. Fence or Wall.
  - a. Location. In all zoning districts, fences and walls are allowed in the interior side yard and rear yard.
  - b. Height. The maximum height of a fence or wall shall be measured from the ground at the base of the fence or wall.
    - (1) Residential and Commercial Districts. In residential and commercial zoning districts, the maximum height of a fence or wall shall be six feet in an interior side or rear yard.
    - (2) Industrial Districts. In industrial zoning districts, the maximum height of a fence or wall shall be ten feet in an interior side or rear yard.
    - (3) Exceptions. Any yard adjacent to a railroad right-of-way may have a maximum fence height of ten feet. Any yard adjacent to a six lane arterial street may have a maximum fence height of eight feet.

- c. Access. Every fence fronting onto an existing or proposed road right-of-way, except for corner lots, must include a gate giving access to the right-of-way.
- d. Materials and Construction.
  - (1) Construction, Design and Appearance. In all zoning districts, both sides of a fence or wall shall be similar in construction, design, and appearance. The finished side of a fence or wall shall face outward from the zoning lot so that all posts are located on the property owner's side of the fence or wall.
  - (2) Residential Districts. In residential zoning districts, fences and walls may be constructed of treated wood, simulated wood, vinyl, chain link without slats, wrought iron, brick, and stone.
  - (3) Non-Residential Districts. In non-residential zoning districts, fences and walls may be constructed of treated wood, simulated wood, vinyl, chain link with slats of a uniform color or without slats, metal mesh, corrugated metal, wrought iron, brick, stone, cinderblock, and concrete block.
  - (4) Prohibited Materials. Fences shall not be constructed of barbed wire, electrically charged wire, or razor wire, except in the I-1 and I-2 Districts where barbed wire and electrically charged wire may be used with an approved building permit. Approved barbed wire fences may have a maximum of three strands of barbed wire.
- 8. Flagpole.
  - a. Location. Flagpoles are allowed in the front yard, corner side yard, interior side yard, or rear yard.
  - b. Height. The maximum height of a flagpole shall be 22 feet in residential districts and 40 ft in non-residential districts.
- 9. Garage. Refer to [Figure 10-7-4-1. Garage Location](#).
  - a. Location.
    - (1) Detached garages are allowed in the rear yard.
    - (2) Attached garages may be attached to the corner side, interior side, or rear elevation of the principal structure. Attached garages with a front-facing garage must be set back a minimum of five feet from the front elevation of the principal structure.
  - b. Number. One attached or detached garage is allowed per zoning lot.
  - c. Size. The maximum size of an attached or detached garaged shall not exceed 880 square feet.
  - d. Alley Orientation. Where an alley exists adjacent to the side or rear lot line, all motor vehicle access to the garage shall occur through the alley.

**Figure 10-7-4-1. Garage Location.**



**10. Garden.**

- a. **Location.** Gardens are allowed in the front yard, corner side yard, interior side yard, or rear yard, but shall be limited to 50 percent of the pervious area of the front yard and corner side yard.
- b. **Height.** The maximum height of any structure used to grow items in a garden, such as raised planting beds or hoophouses, shall be three feet in the front or corner side yard, and six feet in the interior side or rear yard.
- c. **Loose Soil.** Loose soil associated with a garden must be covered or confined so that the soil does not spillover from the garden area.

**11. Gazebo or Pergola.**

- a. **Location.** Gazebos are allowed in the rear yard only. Pergolas are allowed in the interior side yard and rear yard.
- b. **Design.** Each side of a gazebo shall be at least 25 percent open.

**12. Hoophouse. Use Limitation.** Hoophouses are only allowed in conjunction with residential uses, community gardens, and garden centers.

**13. Mechanical Equipment.**

- a. **Location.** Ground-mounted mechanical equipment shall only be located in the rear yard. Roof-mounted mechanical equipment shall be located a minimum of six feet from any supporting wall to facilitate safe access.
- b. **Screening.** Roof-mounted mechanical equipment screening must equal the height of the tallest mechanical equipment installed on the roof of the building. The requirements of [§ 10-9-7 \(Screening Requirements\)](#) shall apply to ground-mounted mechanical equipment.

**14. Outdoor Fire Pit.**

- a. **Location.** Outdoor fire pits are allowed in the rear yard only.
- b. **Setback.** Outdoor fire pits shall be located a minimum of 50 feet from any building.
- c. **Size.** Outdoor fire pits shall be a maximum of three feet in diameter.

**15. Outdoor Sales and Display Area**

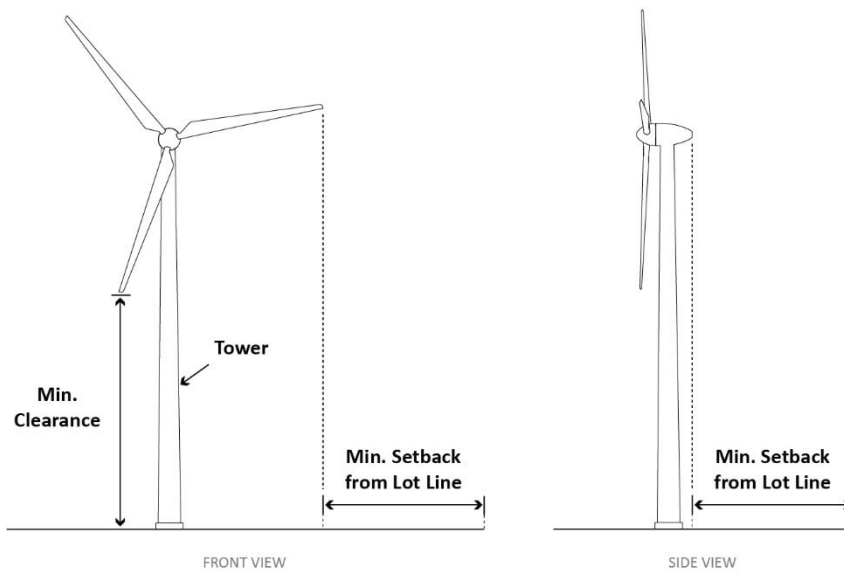


- a. Items Offered. The items permitted to be offered for sale or lease in outdoor sales and display areas include, but are not limited to, building or garden supplies for retail sale, nursery plants, equipment for household use, and other household items that are typically used or stored outdoors. Permanent outdoor sales and display areas for motor vehicle sales shall be subject to the requirements for [§ 10-7-3.T \(Motor Vehicle Rental or Motor Vehicle Sales\)](#).
  - b. Location. Outdoor sales and display areas shall not exceed 15% of the gross lot area in commercial zoning districts and 25% in industrial zoning districts.
  - c. Improved Surface. Outdoor sales and display areas must be paved.
  - d. Unobstructed Access. Outdoor sales and display area shall not obstruct driveways, parking areas, sidewalks, and landscaped yards.
  - e. Fencing. If the outdoor sales and display area is secured with a fence, it shall be either a decorative wooden, masonry, or wrought iron fence.
16. Patio. Location. Patios are allowed in the front yard, corner side yard, interior side yard, or rear yard.
17. Rain Garden.
- a. Location. Rain gardens are allowed in the front yard, corner side yard, interior side yard, or rear yard.
  - b. Loose Soil. Loose soil associated with a rain garden must be covered or confined so that the soil does not spill over from the garden area.
18. Recreation Equipment. Location. Recreation equipment is allowed in the rear yard only.
19. Refuse, Recycling, and Grease Containers.
- a. Applicability. Refuse, recycling, and grease container regulations apply only to those uses that collect refuse, recyclable materials, and grease in commercial containers.
  - b. Location. Refuse, recycling, and grease containers are prohibited in the front yard.
  - c. Screening. The requirements of [§ 10-9-7 \(Screening Requirements\)](#) shall apply to refuse, recycling, and grease containers.
20. Satellite Dish. Location. Satellite dishes are allowed on the rear or interior side yard façade of a building or on the roof of a building.
21. Shed.
- a. Location. Sheds are allowed in rear yards.
  - b. Area. In the R-1, R-2, R-3, R-4, R-5, and R-6 Districts, the maximum area of a shed shall be 120 square feet.
22. Small Wind Energy System. Small wind energy systems may be roof-mounted or ground-mounted in accordance with the following standards. Refer to [Figure 10-7-4-2. Ground-Mounted Small Wind Energy System Standards](#).
- a. General Requirements. All systems shall be subject to the following.
    - (1) Building Permit Application. The application for a building permit shall include drawings of the wind turbine structure, including the tower, base, footings, and location on the site, and of the electrical components in sufficient detail to determine whether the proposed system conforms to pertinent electrical codes.
    - (2) Capacity. Systems shall have a rated capacity of 100 kilowatts or less.
    - (3) Noise. Systems shall not exceed 60 dBA, as measured at the closest lot line. This level may be exceeded during short-term events such as utility outages and/or severe storms.
  - b. Roof-Mounted Systems. Roof-mounted systems shall adhere to the following.
    - (1) Districts. Roof-mounted systems are allowed in all zoning districts.
    - (2) Location. Systems are allowed anywhere on the roof of a principal structure. Systems on an accessory structure, such as a garage, gazebo, greenhouse, shed, or other structure, must be approved by the Zoning Administrator.



- (3) Height. The maximum height of a roof-mounted system shall be 15 feet above the height of the principal or accessory structure to which the turbine is mounted.
- c. Ground-Mounted Systems. Ground-mounted systems shall adhere to the following.
  - (1) Districts. Ground-mounted systems are allowed in the C-2, I-1, and I-2 Districts.
  - (2) Location. Systems are allowed in the interior side and rear yards.
  - (3) Setback. All components of a ground-mounted system (such as the tower, blade, and guy wire anchors) shall be located a minimum of five feet from any lot line.
  - (4) Height. The maximum height of a ground-mounted system shall be the height limit of the applicable zoning district.
  - (5) Clearance. A ground-mounted system shall have a minimum of 15 feet of clearance from the ground.

**Figure 10-7-4-2. Ground-Mounted Small Wind Energy System Standards.**



- 23. Solar Energy Collection System. Solar energy collection systems may be roof-mounted or ground-mounted in accordance with the following standards.
  - a. Roof-Mounted Systems. Roof-mounted systems shall adhere to the following.
    - (1) Districts. Roof-mounted systems are allowed in all zoning districts.
    - (2) Height. The maximum height of a roof-mounted system shall be five feet above the height of the principal or accessory structure to which the system is mounted.
  - b. Ground-Mounted Systems. Ground-mounted systems shall adhere to the following.
    - (1) Districts. Ground-mounted systems are allowed in all zoning districts.
    - (2) Location. Ground-mounted systems are allowed in the interior side and rear yards.
    - (3) Height. The maximum height of a ground-mounted system shall be the height limit of the applicable zoning district.
- 24. Swimming Pool. The following standards apply to swimming pools with a maximum depth equal to or greater than two feet.
  - a. Building Code. The installation or replacement of a swimming pool shall comply with all requirements of the International Building Code, including those for swimming pool enclosures and safety devices.
  - b. Location. Swimming pools are allowed in the rear yard.

- c. Height. Aboveground pools shall not exceed six feet in height.
  - d. Distance from Other Structures. A swimming pool shall be a minimum of 10 feet from any other structure or building on a zoning lot, with the exception of a permanent deck or patio. A swimming pool shall be at least 10 feet from any utility lines or cables, as verified by the Zoning Administrator.
25. Treehouse.
- a. Location. Treehouses are allowed in the rear yard.
  - b. Number. A maximum of one treehouse is allowed per zoning lot in the R-1, R-2, R-3, R-4, R-5, and R-6 Districts.
  - c. Size. The maximum size of treehouse shall be 100 square feet.
  - d. Tree Incorporation. Treehouses must incorporate a planted tree as a critical structural element.
26. Wireless Telecommunication Antenna.
- a. General Requirements. Wireless telecommunication antennas shall meet the general requirements for wireless telecommunication facilities and/or towers in [§ 10-7-3-EE.1 \(General Requirements\)](#).
  - b. Height.
    - (1) A wireless telecommunication antenna shall not increase the height of any building or structure on which it is mounted by more than 10 percent.
    - (2) A wireless telecommunication antenna mounted to a wireless telecommunication tower shall not increase the height of the tower by more than 10 percent.
  - c. Stealth Design. All wireless telecommunication antennas shall utilize stealth design to blend into the surrounding environment, including those co-located on a wireless telecommunication tower.
    - (1) A wireless telecommunication antenna must be enclosed, camouflaged, screened, or obscured so that it is not readily apparent to a casual observer.
    - (2) A wireless telecommunication antenna shall blend into another part of the structure upon which it is mounted, such as a rooftop, tower, spire, or other similar feature.
- D. Home-Based Business. A home-based business is permitted within any dwelling unit in the Village as part of a principal or accessory structure, subject to approval of site plan review ([§ 10-3-2 \(Site Plan Review\)](#)) and provided that the following standards are met. Home-based business standards do not apply to day care homes which are regulated in accordance with the requirements of [§ 10-7-3.G \(Day Care Home\)](#).
- 1. Residential Character. The location and operation of the home-based business shall not alter the residential character of the dwelling.
  - 2. Uses. Examples of allowed home-based business include, but are not limited to, artist, consultant, counselor, craftsperson, designer, tutor, writer, and instructor of music, craft, or fine art.
  - 3. Sales. No on-site retail or wholesale transactions are allowed.
  - 4. Hours of Operation. Home-based businesses with outside visitors may be allowed to operate from 7:00 AM to 9:00 PM.
  - 5. Residency of Operator. The operator of the home-based business shall reside in the dwelling unit in which the home-based business is located.
  - 6. Employees. One additional employee who does not reside in the dwelling unit is allowed to work in a home-based business.
  - 7. Visitors. A maximum of four visitors (such as clients, customers, and pupils) associated with the home-based business may be present at any given time.
  - 8. Parking. Any parking needs associated with the home-based business shall be accommodated on-site within an existing driveway or garage.

9. Deliveries. Deliveries and shipments are not allowed to or from the premises, with the exception of carriers that typically provide service to residential neighborhoods, such as the U.S. Postal Service and/or express shipping services (e.g. UPS, FedEx, DHL).
10. Signs. Signs for home-based businesses are permitted in accordance with [§ 10-10-5.A \(Permanent Signs Exempt from Permit Requirement\)](#).
11. Permit and Fee. Every home-based business shall complete a permit application with the Village that shall be accompanied by a required filing fee as established and modified from time to time by the Village.

#### **§ 10-7-5 Temporary Structures and Uses**

Temporary structures and uses shall be subject to the requirements of this section.

- A. Temporary Structures and Uses Table. [Table 10-7-5-1. Temporary Structures and Uses](#) establishes the allowed temporary structures and uses for each zoning district. [Table 10-7-5-1. Temporary Structures and Uses](#) is not an exhaustive list of temporary structures and uses that may be located within the Village. Each structure or use is given one of the following designations for each zoning district.
  1. Permitted (“P”). A “P” indicates that the temporary structure or use does not require a temporary use permit and is allowed by-right within the designated zoning district provided that it meets all applicable use standards set forth in [§ 10-7-5.B \(Use Standards for Temporary Structures and Uses\)](#).
  2. Permitted with Temporary Use Permit (“T”). A “T” indicates that the temporary structure or use requires the approval of a temporary use permit (refer to [§ 10-3-10 \(Temporary Use Permit\)](#)) and must meet any applicable use standards set forth in [§ 10-7-5.B \(Use Standards for Temporary Structures and Uses\)](#) in order to be allowed within the designated zoning district.
  3. No Designation. The absence of a letter (a blank space) indicates that the use is not allowed within the designated zoning district.

**Table 10-7-5-1. Temporary Structures and Uses**

Temporary Structures and Uses	R-1	R-2	R-3	R-4	R-5	R-6	C-1	C-2	I-1	I-2	Use Standards
Contractor Trailer	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-5-B.1</a>
Farmers Market	T	T	T	T	T	T	T	T			See <a href="#">§ 10-7-5-B.2</a>
Garage or Yard Sale	T	T	T	T	T	T					See <a href="#">§ 10-7-5-B.3</a>
Mobile Food Facility							P	P	P	P	See <a href="#">§ 10-7-5-B.4</a>
Model Unit	P	P	P	P	P	P	P	P			See <a href="#">§ 10-7-5-B.5</a>
Temporary Outdoor Entertainment	T	T	T	T	T	T	T	T			See <a href="#">§ 10-7-5-B.6</a>
Temporary Outdoor Sale							T	T			See <a href="#">§ 10-7-5-B.7</a>
Temporary Storage Container	P	P	P	P	P	P	P	P	P	P	See <a href="#">§ 10-7-5-B.8</a>
<p>Table Key</p> <p>P: Allowed by-right and shall meet the requirements of <a href="#">§ 10-7-5.B (Use Standards for Temporary Structures and Uses)</a> when applicable.</p> <p>T: Allowed with temporary use permit and shall meet the requirements of <a href="#">§ 10-7-5.B (Use Standards for Temporary Structures and Uses)</a> when applicable.</p>											

B. Use Standards for Temporary Structures and Uses. The following standards apply to temporary structures and uses designated as permitted (“P”) or permitted with temporary use permit (“T”) in the zoning districts noted in the “Use Standards” column of [Table 10-7-5-1. Temporary Structures and Uses](#). Temporary uses may be located outdoors or within an enclosed building or structure.

1. Contractor Trailer. Duration. Contractor trailers shall be limited to the period of active construction of the project. Contractor trailers shall not contain accommodations for sleeping or cooking.
2. Farmers Market.
  - a. Schedule. The schedule for a farmers market will be determined as part of a temporary use permit, including number of days per week and overall duration of the event. A temporary use permit for a farmers market can be issued on an annual basis, which allows for a schedule of days per week and number of weeks per year.
  - b. Management Plan. A management plan for a farmers market shall be submitted that demonstrates the following.
    - (1) The on-site presence of a manager to direct the operation of vendors.
    - (2) An established set of operating rules, days and hours of operation, vendor set-up and take-down times, a maintenance plan, and provisions for waste removal.
    - (3) A site plan indicating vendor stalls, visitor facilities, seating areas, restrooms, and all entrances and exits to the site.
3. Garage or Yard Sale.
  - a. Permit Requirements. Except during Village-wide events, no garage or yard sale shall be conducted on any premises in a residential zoning district without a temporary use permit. The temporary use permit shall be posted in the front yard of the premises so it can be easily seen by the public.
  - b. Duration and Frequency. No garage or yard sale shall be conducted:
    - (1) For more than three consecutive days.
    - (2) Before 8:00 AM or after 9:00 PM.
    - (3) Within 12 months of another garage or yard sale conducted either on the same premises or by the same applicant, except during Village-wide events.
  - c. Location. No sale items or sales activities shall be located outside of the zoning lot.

- d. Signs. Signs for garage or yard sales shall be permitted in accordance with [Chapter 10 \(Signs\)](#).
  - e. Amplification. No outdoor loudspeakers or other amplification equipment shall be used in connection with the sale.
4. Mobile Food Facility.
- a. Maintenance. The permit holder for a mobile food facility must keep the area clear of litter and debris during business hours and provide a trash receptacle for customer use if such receptacles are not already provided on site or in the right-of-way.
  - b. Outdoor Seating. Outdoor seating may be provided on the site, but no seating may be permanently installed.
  - c. Electrical Service. Electrical service may be provided only by temporary service through an electric utility or by an on-board generator.
  - d. Alcohol. The sale of alcohol is prohibited.
  - e. Water Connection. A permanent water or wastewater connection is prohibited.
  - f. Drive-Throughs. Drive-through service is prohibited.
5. Model Unit. Duration. Model units shall be limited to the period of active selling and/or leasing of space in the development, or six months after issuance of the final occupancy permit, whichever is less. Model units shall not be used for sleeping, bathing, or cooking purposes.
6. Temporary Outdoor Entertainment.
- a. Duration. Temporary outdoor entertainment shall be limited to a period of seven consecutive days.
  - b. Frequency. A maximum of two temporary outdoor entertainment permits may be issued per year for any zoning lot.
  - c. Other Local Regulations. Temporary outdoor entertainment shall comply with the requirements of the Municipal Code (Chapter 4: Exhibitions and Carnivals) and other local regulations.
  - d. Temporary Use Permit Application. Approval of the temporary use permit shall be based on the adequacy of the lot area, provision of parking, traffic access, and public safety, as well as the absence of undue adverse impacts on adjacent properties. The temporary use permit application shall include the following:
    - (1) Site Plan. As part of the temporary use permit application, the operator of the event must submit a site plan to the Village prior to the event that illustrates the location of major site components and ingress and egress routes for emergency vehicles.
    - (2) Proof of State Inspection. The operator of the event shall provide proof that all amusement devices have been inspected and approved by the State of Illinois Department of Labor.
  - e. Bulk and Yard Requirements. Temporary outdoor entertainment is exempt from [§ 10-6 \(Zoning District Regulations\)](#).
7. Temporary Outdoor Sale.
- a. Temporary Use Permit Application. Approval of a temporary use permit for a temporary outdoor sale shall be based on the adequacy of the lot area, provision of parking, traffic access, and public safety, as well as the absence of undue adverse impacts on other properties.
  - b. Duration. Temporary outdoor sale uses shall be limited to a period of up to 45 days. The Zoning Administrator may grant additional time or successive permits through the temporary use permit process.
  - c. Sidewalk Clearance. A minimum of four feet of sidewalk clearance must remain available for pedestrians in accordance with the Americans with Disabilities Act Accessibility Guidelines.
  - d. Storage. Merchandise must be stored inside the building during non-business hours.

8. Temporary Storage Container.

- a. Duration. Temporary storage containers shall be located on a lot for a period of no more than 45 consecutive days unless used in conjunction with an approved building permit.
- b. Frequency. A maximum of two instances of temporary storage container installation are allowed per year.
- c. Improved Surface. The temporary storage container shall be located on an improved surface. Containers shall not be permanently attached to the ground, have permanent utility service, or be stacked on top of one another.

**§ 10-7-6 Environmental Performance Standards**

All uses in all zoning districts shall comply with the performance standards established in this Section unless any federal, state, county, or local regulation establishes a more restrictive standard, in which case the more restrictive standard shall apply.

- A. Noise. No activity or use shall be conducted in a manner that generates a level of sound, as measured on another property, greater than that allowed by federal, state, county, and local regulations. These limits shall not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.
- B. Odor. No activity or use shall be conducted in a manner that generates odors of such intensity and character as to be harmful to the health, welfare, or comfort of the public. Any such use shall be stopped or modified so as to remove the odor.
- C. Dust and Air Pollution. Dust and air pollution carried by the wind from sources such as storage areas, yards, parking areas, equipment, and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.
- D. Glare and Heat. No activity or use shall be conducted in a manner that generates glare or heat that may be detected at any point off the lot on which the use is located. Light sources shall be shielded so as not to cause a nuisance across lot lines.
- E. Vibration. No activity or use shall be conducted in a manner that generates earthborn vibration that can be detected at any point off the lot on which the use is located.
- F. Fire and Explosion Hazards. Materials that present potential fire and explosion hazards shall be transported, stored, and used only in conformance with all applicable federal, state, county, and local regulations.
- G. Electromagnetic Interference. Electromagnetic interference from the operation of any use that is not in compliance with the rules and regulations of the Federal Communications Commission must not adversely affect the operation of any equipment located off the lot on which such interference originates.
- H. Hazardous, Radioactive, and Toxic Materials. No activity or use shall produce hazardous, radioactive, or toxic material without prior notice to the Village. Notice shall be given to the Zoning Administrator at least 30 days before the operation is commenced. The transport, handling, storage, discharge,

clean up, and disposal of all hazardous, radioactive, or toxic materials, including waste, shall comply with applicable federal, state, county, and local regulations.

## CHAPTER 8: OFF-STREET PARKING AND LOADING

- § 10-8-1 General Provisions
- § 10-8-2 Required Off-Street Parking Spaces
- § 10-8-3 Parking Reductions
- § 10-8-4 Shared Parking
- § 10-8-5 Required Bicycle Parking
- § 10-8-6 Parking Design Standards
- § 10-8-7 Pedestrian Circulation Systems
- § 10-8-8 Driveways
- § 10-8-9 Vehicular Stacking Requirements
- § 10-8-10 Recreational Vehicle Parking in Residential Districts
- § 10-8-11 Off-Street Loading Facility Requirements

### § 10-8-1 General Provisions

- A. Purpose. The purpose of this Chapter is to promote the health, safety, and general welfare of the public by providing for safe and efficient traffic circulation, ensuring an appropriate quantity of vehicular and bicycle parking to support a variety of land uses, minimizing impervious surface coverage associated with parking and loading, and providing for adequate site access and loading facilities.
- B. Applicability. The requirements of this Chapter shall apply to the following:
  - 1. New construction of a principal structure or principal use.
  - 2. Alteration of an existing principal structure or a change in principal use that results in an increase in the number of required parking spaces.
  - 3. The construction of new parking facilities, loading facilities, drive-throughs, and/or driveways.
  - 4. The reconfiguration, expansion, or reconstruction of an existing parking lot.
- C. General Requirements. The following requirements apply to all parking and loading areas.
  - 1. Site Plan Review Approval. Site plan review approval is required prior to either the construction of a new parking lot, or the expansion of an existing parking lot (see [§ 10-3-2 \(Site Plan Review\)](#)).
  - 2. Occupancy Permit. Construction of off-street parking lots and loading areas required by this Chapter shall be completed prior to the issuance of an occupancy permit for the uses served by the parking and loading facilities.
  - 3. Change in Use. When an existing use is changed to a new use, parking and loading spaces shall be provided as required for the new use. Additional parking and/or loading spaces shall be required in the amount by which the requirements for the new use exceed the existing number of parking spaces. If the number of existing parking spaces is more than the number of spaces required for the new use, the number of parking spaces may be decreased to meet the minimum requirement for the new use.
  - 4. Encroachment. Parking facilities are allowed to encroach into the required front yard, corner side yard, interior side and/or rear yard, but shall be at least one foot from any lot line, provided no parking lot perimeter landscape (see [§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#)) or buffer yard (see [§ 10-9-6 \(Buffer Yards\)](#)) is required.



5. Maintenance Responsibility. All parking and loading facilities shall be maintained and kept in good repair by the property owner.

#### **§ 10-8-2 Required Off-Street Parking Spaces**

- A. General Requirements. Off-street parking spaces shall be provided in accordance with the following standards.
  1. Availability of Spaces. All parking spaces approved as part of the issuance of an occupancy permit shall be made available to the residents, customers, employees, guests, and/or other users of the principal use. Spaces shall not be utilized for motor vehicle repair, service, or sale, or for long-term storage or display of vehicles, materials, or goods.
  2. Accessible Parking.
    - a. State Requirements. Accessible parking spaces shall be designed and provided as required by the Illinois Accessibility Code and all additional applicable laws.
    - b. Applicability. Accessible parking shall be provided for all off-street parking lots that provide parking for employees and/or visitors with the exception of single-unit and two-unit dwellings.
    - c. Minimum Parking Requirements. The number of accessible parking spaces may be counted toward the total number of off-street parking spaces required.
  3. Off-Premises Parking Facilities. Parking facilities for uses other than single-unit, two-unit, and townhouse dwellings may be provided off-premises with prior written approval by the Zoning Administrator provided that the following conditions are met:
    - a. Residential Uses. Any off-premises parking facility for a multi-dwelling unit must be located within 400 feet, along a pedestrian route, of the nearest principal entrance of the building for which the parking facilities are required.
    - b. Non-residential Uses. Any off-premises parking facility for a non-residential use must be located within 800 feet, along a pedestrian route, of the nearest principal entrance of the building for which the parking facilities are required.
    - c. Off-Premises Facility Agreement. A written agreement for off-premise parking facilities shall be executed between the landowner and the lessee in a format satisfactory to the Village Attorney and shall be recorded in the Office of the Recorder of Deeds of Cook or DuPage County, as applicable. The agreement shall guarantee the lessee access to and use of the parking facility and ensure that off-street parking spaces will be provided for the uses served for as long as such uses are in operation.
  4. Tandem Parking. Tandem parking may be granted by the Zoning Administrator through an application for Site Plan Review (see [§ 10-3-2 \(Site Plan Review\)](#)). Tandem parking is permitted for residential uses only and both parking spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling unit.
  5. Commercial Vehicles in Residential Districts. The following vehicles shall not be parked in a residential zoning district unless the vehicle is parked in an enclosed garage, or is in use for deliveries, repairs, construction, maintenance, loading, or unloading: taxicabs, limousines, buses, tow trucks, semi-truck trailers, box trucks, construction vehicles, trailers for landscaping equipment, agricultural vehicles, antique vehicles, and other similar commercial vehicles.

- B. Computation. The number of required off-street parking spaces shall be determined using the following standards.
1. Units of Measurement.
    - a. Gross Floor Area. Unless otherwise stated, parking standards for non-residential uses shall be calculated on the basis of gross floor area (GFA) in square feet (sf).
    - b. Occupancy- or Capacity-Based Requirements. Parking spaces required per employee, student, or occupant shall be calculated based on the maximum number of employees on the largest shift, maximum enrollment of students, or maximum fire-rated capacity of the building, whichever measurement is applicable.
  2. Fractions of Parking Spaces. When computation of required parking spaces results in a fraction, any fraction of less than one-half shall be disregarded, and any fraction of one-half or more shall be counted as one parking space.
  3. Multiple Uses on a Lot. When there are multiple uses on a lot, the amount of parking spaces required shall be the sum of the parking requirements for each individual use.
  4. Use of Off-Street Loading Area. Area allocated to any off-street loading spaces shall not be used to satisfy parking space requirements.
  5. Parking Reductions and Shared Parking. The amount of parking required for a use may be reduced if the use qualifies for a parking reduction as established in [§ 10-8-3 \(Parking Reductions\)](#) or shared parking as established in [§ 10-8-4 \(Shared Parking\)](#).
  6. Maximum Number of Parking Spaces. No use shall provide parking spaces in excess of 125 percent of the required minimum parking amount shown in [Table 10-8-2-1. Off-Street Parking Requirements](#), with the following exceptions:
    - a. Maximum off-street parking requirements shall not apply to residential uses in residential zoning districts.
    - b. Any use required to provide less than 10 parking spaces may provide a maximum of 15 spaces.
    - c. With Zoning Administrator approval, the maximum parking amount of 125 percent may be exceeded by up to 50 percentage points, for a total of 175 percent provided that this area is constructed with pervious paving materials. For the portion of the lot exceeding the maximum parking amount of 125 percent, the applicant must utilize green infrastructure techniques, such as rain gardens and bioretention facilities, to retain the 10-year, 24-hour storm event on-site.
- C. Off-Street Parking Requirements. [Table 10-8-2-1. Off-Street Parking Requirements](#) establishes the minimum vehicular parking requirements for the listed uses. Any use not specified [Table 10-8-2-1. Off-Street Parking Requirements](#) shall adhere to the requirements provided for the most similar use as determined by the Zoning Administrator.

**Table 10-8-2-1. Off-Street Parking Requirements**

Uses	Parking Requirement
<b>Residential</b>	
Community Residence	0.5 per bed
Dwelling Above the Ground Floor	1 per dwelling unit
Live/Work Dwelling	1 per dwelling unit + additional spaces as required for non-residential uses
Multiple-Unit Dwelling	1.5 per dwelling unit
Residential Care Facility	See requirements below for Assisted Living Facility, Independent Living Facility, or Nursing Home
Assisted Living Facility	0.5 per dwelling unit
Independent Living Facility	1 per dwelling unit
Nursing Home	0.5 per bed
Single-Unit Dwelling	2 per dwelling unit
Townhouse Dwelling	2 per dwelling unit
Two-Unit Dwelling	2 per dwelling unit
<b>Civic and Institutional</b>	
Cemetery	1 per 300 sf of GFA of office and/or preparation area
College or University	1 per classroom + 1 per 200 sf of office space + 1 per 5 students
Community Garden	None
Cultural Facility	1 per 750 sf of GFA
Elementary or Middle School	1 per classroom + 1 per 200 sf of office space
Government Facility	1 per 500 sf of GFA
High School	1 per classroom + 1 per 200 sf of office space + 1 per 10 students
Hospital	3 per bed
Park	None
Place of Worship	25% of maximum capacity of largest single area for assembly purposes
Vocational School	1 per classroom + 1 per 200 sf of office space + 1 per 10 students
<b>Commercial</b>	
Adult Use	1 per 300 sf of GFA
Animal Boarding, Hospital or Shelter	1 per 500 sf of GFA, any outdoor area excluded
Banquet Hall	10% of maximum capacity
Bar/Tavern	1 per 100 sf of GFA
Body Art Establishment	1 per 300 sf of GFA
Car Wash	2 per bay
Currency Exchange	1 per 300 sf of GFA
Day Care Center	1 per 500 sf of GFA
Day Care Home	None
Day Labor Center	1 per 300 sf of GFA
Driving Range	0.5 per tee box
Financial Institution	1 per 300 sf of GFA
Funeral Home	15 per chapel or parlor + 1 per business vehicle
Garden Center	1 per 1,000 sf of GFA for combined indoor and outdoor sales and display areas
Gas Station	1 per 500 sf of GFA of any accessory convenience retail use + additional spaces as required for restaurant
Golf Course	2 per tee box + additional spaces for restaurant/retail uses
Gun Range	1 per lane
Gun Sales Establishment	1 per 300 sf of GFA
Hotel/Motel	1 per room + 10% of maximum capacity for meeting rooms + additional spaces as required for additional uses

Uses	Parking Requirement
Indoor Entertainment	10% of maximum capacity
Indoor Recreation	1 per 300 sf of GFA
Bowling Alley	1 per lane + additional spaces as required for restaurant and/or bar
Gym/Health Club	1 per 200 sf of exercise area
Laundromat	1 per 4 washing and/or drying machines
Massage Therapy Establishment	1 per 300 sf of GFA
Medical Marijuana Dispensary	1 per 400 sf of GFA
Microbrewery or Microdistillery	1 per 1,000 sf of GFA + 1 per 300 sf of GFA of any public tasting area
Motor Vehicle Operations Facility	1 per 500 sf of GFA
Motor Vehicle Rental	1 per 400 sf of office area
Motor Vehicle Repair and/or Service	2 per service bay + additional spaces as required for retail uses
Motor Vehicle Sales	1 per 1,000 sf of showroom + 2 per service bay
Multi-Tenant Commercial Center	1 per 250 sf of GFA
Outdoor Entertainment	10% of maximum capacity
Outdoor Recreation	1 per 500 sf of lot area
Pawnshop	1 per 300 sf of GFA
Payday or Title Loan Establishment	1 per 500 sf of GFA
Personal Services Establishment	1 per 300 sf of GFA
Professional Office	1 per 400 sf of GFA
Research/Development Facility	1 per 500 sf of GFA
Restaurant	1 per 100 sf of GFA
Retail Goods Establishment	1 per 300 sf of GFA
Grocery Store	1 per 250 sf of GFA
Self-Service Storage	1 per 25 storage units
Tobacco Shop	1 per 300 sf of GFA
Transitional Treatment Facility	1 per 500 sf of GFA
Truck Repair	2 per service bay + additional spaces as required for retail uses
Truck Stop	1 per 400 sf of GFA of any accessory convenience use + additional spaces as required for restaurant
<b>Industrial</b>	
Heavy, Light, or Medium Industrial	1 per 1,000 sf of GFA up to 20,000 sf + 1 per 2,000 sf of GFA in excess of 20,000 sf
Machinery and Equipment Sales and Rental	1 per 300 sf of GFA, any outdoor area included
Medical Marijuana Cultivation Center	1 per 1,000 sf of GFA up to 20,000 sf + 1 per 2,000 sf of GFA in excess of 20,000 sf
Warehousing, Storage, or Distribution Facility	1 per 500 sf of office GFA + 1 per 20,000 sf of warehouse or storage space GFA
<b>Other Uses</b>	
Club, Lodge, or Hall	10% of maximum capacity
Utility	1 per 3 employees

### § 10-8-3 Parking Reductions

The off-street parking requirements established in [Table 10-8-2-1. Off-Street Parking Requirements](#) may be reduced by the following measures with prior written approval by the Zoning Administrator. One or more parking reduction measures may be utilized to completely eliminate the off-street parking requirement for the specified use.

- A. C-1 District Exemption. The requirements of [Table 10-8-2-1. Off-Street Parking Requirements](#) shall not apply to non-residential uses in the C-1 District.
- B. Proximity to a Commuter Rail Station. Non-residential uses that are located within one-half mile of a commuter rail station, as measured from any point along the lot line, may reduce the total number of off-street parking spaces required by 25 percent.
- C. Proximity to a Bus Stop. Non-residential uses that are located within 500 feet of a public transit bus stop with regular, scheduled service, as measured from any point along the lot line, may reduce the total number of off-street parking spaces required by 5 percent.
- D. Proximity to a Municipal Parking Lot. Non-residential uses that are located within 500 feet of a municipally-owned parking lot, as measured from any point along the lot line, may reduce the total number of off-street parking spaces required by 25 percent.
- E. Electric Vehicle Charging Station. Each parking space used as an electric vehicle charging station may be counted as three off-street parking spaces, provided that the space is reserved exclusively for electric vehicle charging purposes, for a credit of up to 10 percent of the total number of required off-street spaces.
- F. Land-Banked Parking. Non-residential uses that provide land-banked parking may reduce the total number of off-street parking spaces required by 25 percent. The applicant must provide sufficient evidence that supports the need for the parking reduction. The area proposed for land-banked parking must be suitable for conversion to parking facilities in the future. The land-banked area must be landscaped, but this area shall not be used to fulfill the landscape requirements of [Chapter 9 \(Landscape Standards\)](#). Land-banked parking areas shall not be used for outdoor storage. The Zoning Administrator is authorized to require the conversion of all or part of the land-banked area to off-street parking spaces within six months of notification from the Village. The applicant may convert the land-banked parking area to parking prior to Village notification. A written agreement for land-banked parking shall be executed between the applicant and the Village in a format satisfactory to the Village Attorney and shall be recorded in the Office of the Recorder of Deeds of Cook or DuPage County, as applicable.
- G. Fee-In-Lieu. A fee-in-lieu of providing parking spaces may be permitted with written approval of the Zoning Administrator. The fee required shall be based upon a uniform fee per parking space established annually by the Village Board. Such payment shall be placed into a fund to be used by the Village for the acquisition, construction, and maintenance of public off-street parking lots within the same zoning district as the subject use or within adjacent zoning districts of reasonable proximity to serve the subject use. The property granted the reduction in the number of required off-street spaces shall be credited permanently by ordinance with the number of spaces for which payment was received by the Village.

- H. Car-Share. Uses that provide car-share parking spaces may reduce the total number of required parking spaces by five parking spaces for each car-share parking space provided. The applicant shall provide documentation of an agreement with a car-share company in a format approved by the Village Attorney. If this agreement should terminate at any point, then the applicant shall either arrange an agreement with another car-share company to avoid service interruption, or meet the minimum parking requirements established by this Chapter.

#### **§ 10-8-4 Shared Parking**

- A. Applicability. Shared parking allows a reduction in the total number of required parking spaces in situations where a zoning lot is occupied by two or more uses which typically do not experience peak parking demands at the same time. A reduction of the total required off-street parking spaces may be granted by the Zoning Administrator through an application for Site Plan Review (see [§ 10-3-2 \(Site Plan Review\)](#)).
- B. General Requirements. The following requirements apply to all shared parking agreements.
1. Any change in ownership or use of a lot shall cause the applicant or property owner to meet the minimum parking requirements established by this Chapter, or arrange a new shared parking agreement. In the event that a change in ownership or use should occur, the applicant or property owner must provide written notification to the Zoning Administrator. Within 60 days of that notice, the applicant shall provide a satisfactory resolution to the Zoning Administrator that provides adequate parking.
  2. Shared parking may be located off-site provided that it complies with the location requirements of [§ 10-8-2.A.3 \(Off-Premises Parking Facilities\)](#).
- C. Shared Parking Among Lots Under Different Ownership. When a shared parking reduction is applied to uses on lots under different ownership, the following shall be provided to the Zoning Administrator:
1. A site plan that provides for interconnected lots.
  2. Recorded easements that provide cross-access among the parking facilities to permit vehicular and pedestrian access.
  3. Allocation of maintenance responsibilities.
- D. Calculation. When any land or building is used for two or more uses that are listed in [Table 10-8-4-1. Shared Parking Calculation](#), the minimum total number of required parking spaces may be determined by the following procedure:
1. Multiply the minimum required parking for each individual use by the appropriate percentage listed in [Table 10-8-4-1. Shared Parking Calculation](#) for each of the designated time periods.
  2. Calculate a sum for all uses for each of the five time periods in each column. The minimum parking requirement is the highest of these total.

**Table 10-8-4-1. Shared Parking Calculation**

Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 6 AM)
Residential	100%	60%	90%	80%	90%
Office, Industrial, or Government Facility	5%	100%	10%	10%	5%
Restaurant or Bar/Tavern	50%	70%	100%	70%	100%
Retail or Personal Services	5%	70%	90%	100%	70%
Hotel or Motel	100%	80%	100%	50%	100%
Place of Worship	0%	25%	50%	100%	50%
All Others	100%	100%	100%	100%	100%

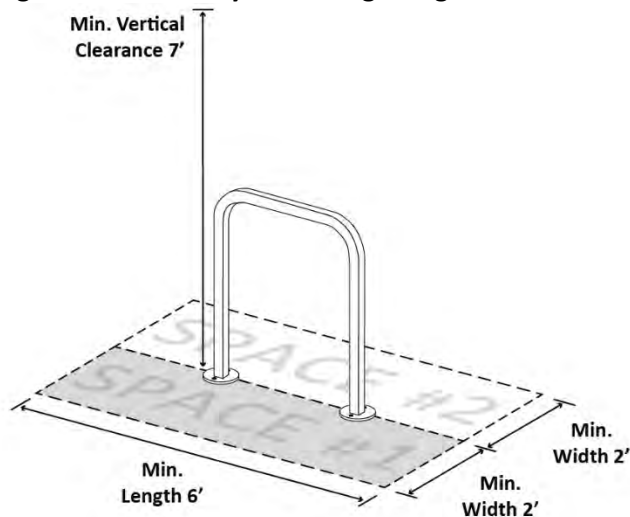
E. Special Shared Parking Study. As an alternative to the methodology established in [§ 10-8-4.D \(Calculation\)](#), an applicant may submit a special shared parking study to the Zoning Administrator to demonstrate that the parking demand for two or more uses is less than the cumulative parking requirements for each individual use. The special shared parking study shall be conducted by a qualified professional at the applicant's expense.

#### **§ 10-8-5 Required Bicycle Parking**

- A. Applicability. Minimum bicycle parking requirements shall apply to the use categories in [Table 10-8-5-1. Bicycle Parking Requirements](#), provided that those use categories meet the development thresholds listed in [§ 10-8-1.B \(Applicability\)](#). If a use is not listed in [Table 10-8-5-1. Bicycle Parking Requirements](#) then bicycle parking is not required for that use.
- B. Minimum Requirement. Where bicycle parking is required, a minimum of two spaces shall be provided.
- C. Computation. Bicycle parking requirements for residential uses shall be based on the total number of dwelling units in the development.
- D. Bicycle Parking Design. Bicycle parking spaces shall be designed in accordance with the following requirements:
1. Dimensions. Each bicycle parking space shall have a minimum width of two feet, minimum length of six feet, and minimum vertical clearance of seven feet, see [Figure 10-8-5-1. Bicycle Parking Design](#).
  2. Safe Access. Bicycle parking spaces shall be protected from motor vehicle traffic and located to permit safe access to and from the use served. A sidewalk, shared path, or other means of access, with a minimum width of five feet, shall be provided adjacent to bicycle parking facilities to ensure adequate maneuvering space.

3. Racks and Structures. Secure racks and supporting structures shall be provided for each bicycle parking space, and shall be designed to accommodate both chain and U-shaped locks. Bicycle parking spaces shall permit the bicycle frame and one wheel to be locked to the rack and supporting structure. A locked bicycle shall be supported in a stable position without damage to the wheels, frame, or components.
4. Visibility and Maintenance. Areas used for bicycle parking shall be designed and maintained to be well-lit and reasonably free from standing water, mud, and dust.
5. Signage. If required bicycle parking spaces for non-residential uses are not visible from the street, signage shall be posted indicating the location of such parking.

**Figure 10-8-5-1. Bicycle Parking Design**



- E. Short-Term Bicycle Parking. The following standards apply to required short-term bicycle parking spaces, as established in [Table 10-8-5-1. Bicycle Parking Requirements](#).
1. Location. Short-term bicycle parking shall be located in a highly visible, publicly-accessible location within 50 feet of the principal entrance to a building containing the use it serves. For buildings or uses requiring more than eight short-term bicycle parking spaces, parking spaces in excess of these eight spaces may be located more than 50 feet from the principal building entrance.
  2. Spaces Within the Right-Of-Way. With the permission of the Village Engineer, the property owner may install the required short-term bicycle parking spaces within the public right-of-way.
  3. Credit for Existing Public Parking Facilities. With the permission of the Village Engineer, the property owner may receive credit for existing public bicycle parking spaces located in the right-of-way, or on Village property, to comply with the required short-term bicycle parking.
  4. Fee-In-Lieu. A fee-in-lieu of providing short-term bicycle parking spaces may be permitted with written approval of the Zoning Administrator. The fee required shall be based upon a uniform fee per short-term bicycle space established annually by the Village Board. Such payment shall be placed into a fund to be used by the Village for the acquisition, construction, and maintenance of short-term bicycle parking located in the public right-of-way, or on Village owned property within the same zoning district as the subject use or within adjacent zoning districts of reasonable proximity to serve the subject use. The property granted the reduction in the number of required short-term bicycle parking spaces shall be credited permanently by ordinance with the number of spaces for which payment was received by the Village.



- F. Long-Term Bicycle Parking. The following standards apply to required long-term bicycle parking spaces, as established in [Table 10-8-5-1. Bicycle Parking Requirements](#).
1. Location. Long-term bicycle parking shall be located within an enclosed, limited-access area designed to protect bicycles from inclement weather, unauthorized use, and theft, and shall adhere to the following:
    - a. Long-term bicycle parking shall be provided within the building containing the use that it is intended to serve, or within a structure that has a principal entrance 200 feet or less from the principal entrance to such building.
    - b. Long-term bicycle parking serving multiple uses or buildings may be combined into a single area, enclosure, or facility.
    - c. Where long-term bicycle parking is located adjacent to vehicular parking or loading facilities, a physical barrier shall be provided to prevent damage to bicycles by motor vehicles.
  2. Facilities. Long-term bicycle parking spaces may be provided within the following types of facilities:
    - a. Enclosed spaces within a building, such as bicycle rooms or garages.
    - b. Bicycle sheds.
    - c. Bicycle lockers or fixed-in-place containers.
    - d. Other enclosed spaces that are monitored by an attendant or other security system.

**Table 10-8-5-1. Bicycle Parking Requirements**

Use	Minimum Number of Short-Term Bicycle Parking Spaces Required	Minimum Number of Long-Term Bicycle Parking Spaces Required
<b>Residential</b>		
Multiple-unit Dwelling	1 per 20 dwelling units	1 per dwelling unit
Residential Care Facility	1 per 25 dwelling units or beds, whichever is applicable	1 per 10 dwelling units or beds, whichever is applicable
<b>Civic and Institutional</b>		
College or University	10 per classroom	1 per classroom
Government Facility or Cultural Facility	1 per 3,000 sf of GFA	1 per 10,000 sf of GFA
Elementary, Middle, High, or Vocational School	4 per classroom	1 per classroom
Place of Worship	1 per 12,000 sf of GFA	10% of maximum capacity of largest single area for assembly purposes
Hospital	1 per 30,000 sf occupied floor area	1 per 15,000 sf occupied floor area
<b>Commercial</b>		
Financial Institution	1 per 1,000 sf of GFA	1 per 10,000 sf of GFA
Indoor Entertainment or Recreation	1 per 10,000 sf of GFA	10% of maximum capacity
Medical Marijuana Dispensary	1 per 1,000 sf of GFA	1 per 10,000 sf of GFA
Multi-Tenant Retail Center	1 per 3,500 sf of GFA	1 per 10,000 sf of GFA
Outdoor Entertainment or Recreation	10% of maximum capacity	10% of maximum capacity
Personal Services Establishment, Restaurant	1 per 1,000 sf of GFA	1 per 10,000 sf of GFA

Use	Minimum Number of Short-Term Bicycle Parking Spaces Required	Minimum Number of Long-Term Bicycle Parking Spaces Required
Professional Office	1 space per 12,000 sf of GFA	1 per 6,000 sf of GFA
Restaurant and/or Bar	1 per 1,000 sf of GFA	1 per 10,000 sf of GFA
Retail Goods Establishment	1 per 3,000 sf of GFA. For uses larger than 60,000 sf GFA, 20 spaces plus 1 per each additional 12,000 sf of GFA	1 per 10,000 sf of GFA
<b>Manufacturing</b>		
Manufacturing, Research/Development Facility, Wholesale, Nursery	4 spaces for any use larger than 60,000 sf of GFA	1 per 15,000 sf of GFA

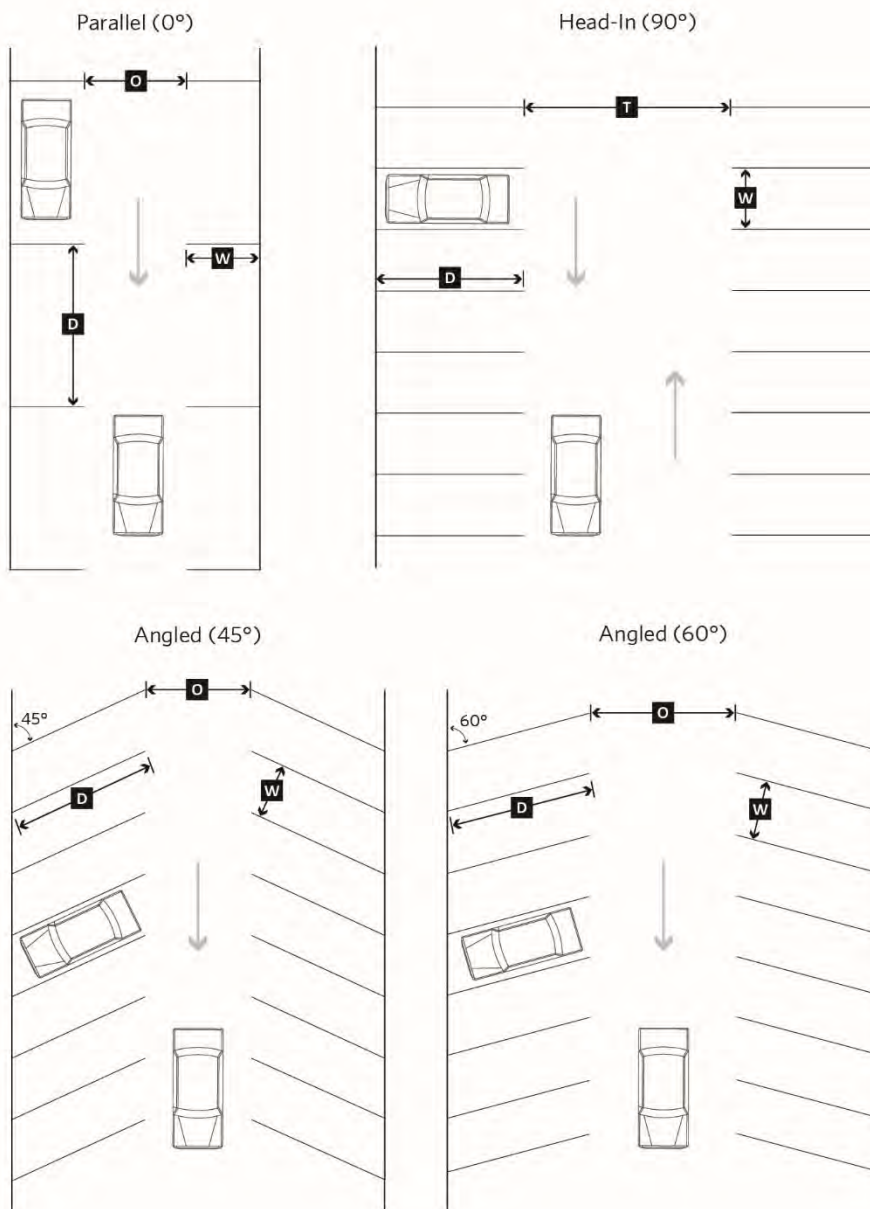
### § 10-8-6 Parking Design Standards

- A. Dimensions. All off-street parking aisles and spaces shall be designed in compliance with the requirements established in [Table 10-8-6-1. Off-Street Parking Dimensions](#) and [Figure 10-8-6-1. Parking Lot Layout](#).
1. Vertical Clearance. Each parking space shall have a minimum vertical clearance of seven feet.
  2. Compact Spaces. Up to 25 percent of the total off-street parking requirement may be met with compact parking spaces. Compact spaces shall generally be located in one or more contiguous areas, and shall not be mixed with spaces designed for full-size cars if possible.
  3. Semi-Truck Trailers. The dimensions for semi-trailer trucks shall be 12 feet in width, 60 feet in length, and 14 feet in vertical clearance.

**Table 10-8-6-1. Off-Street Parking Dimensions**

Angle	Car Type	Space Width (W)	Space Depth (D)	Aisle Width: One-Way (O)	Aisle Width: Two-Way (T)
0° (Parallel)	Full Size	9 ft	20 ft	12 ft	24 ft
	Compact	7.5 ft	20 ft	12 ft	24 ft
45°	Full Size	9 ft	18 ft	12 ft	24 ft
	Compact	7.5 ft	15 ft	12 ft	24 ft
60°	Full Size	9 ft	18 ft	18 ft	24 ft
	Compact	7.5 ft	15 ft	18 ft	24 ft
90° (Head-In)	Full Size	9 ft	18 ft	24 ft	24 ft
	Compact	7.5 ft	15 ft	24 ft	24 ft

**Figure 10-8-6-1. Parking Lot Layout**



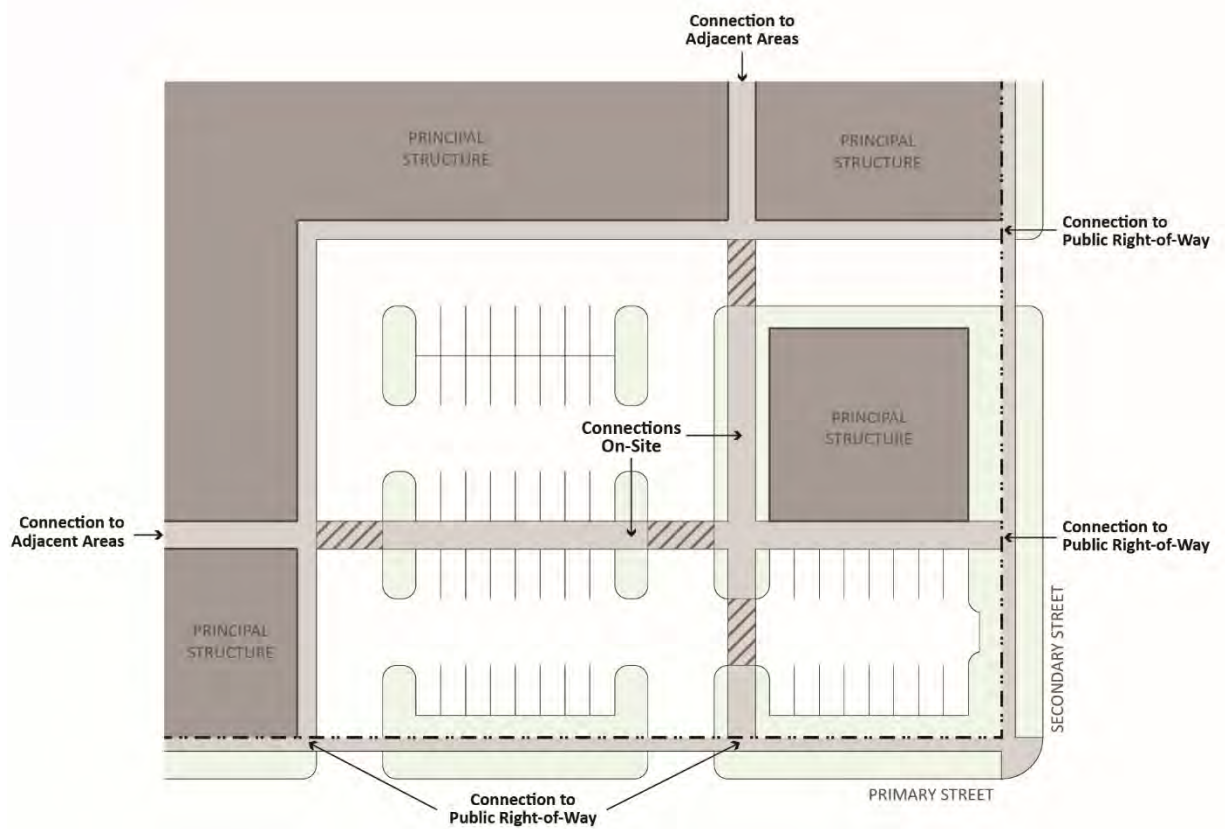
- B. Materials. All off-street parking lots, loading areas, drive-through facilities, and driveways shall be constructed using a hard surface, all-weather, dustless material.
1. Recycled Materials. Asphalt paving that is utilized for parking facilities is encouraged to contain a minimum of 20 percent recycled materials.
  2. Pervious Materials. Pervious materials may be used for parking facilities subject to the prior written approval of the Zoning Administrator.
- C. Access.
1. Parking Lots. Parking lots shall be designed with adequate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic from an access point, rather than backing out. Parking facilities that serve single-unit, two-unit, and townhouse dwellings are exempt from this requirement.
  2. Parking Spaces. Each parking space within a parking lot shall open directly into an aisle or driveway of sufficient width to provide adequate means of vehicular access to the parking space.
- D. Striping. Off-street parking lots shall delineate parking spaces with paint or another permanent, durable material, which shall be maintained in order to remain clearly visible.
- E. Wheel Stops, Bumper Stops, and Curbing. Wheel stops, bumper stops, and/or curbing shall be permanently and securely installed along the perimeter of parking lots to prevent vehicles from encroaching on sidewalks, landscape areas, fencing, walls, or buildings.
- F. Drainage. Off-street parking lots shall be graded for proper drainage so that water will not flow into adjacent properties, as approved by the Village Engineer. On-site retention and filtration of stormwater shall be provided where practical.
- G. Pedestrian Circulation Systems. Parking facilities shall meet the applicable requirements of [§ 10-8-7 \(Pedestrian Circulation Systems\)](#).
- H. Landscape Requirements. Parking facilities shall meet the applicable landscape requirements of [Chapter 9 \(Landscape Standards\)](#).
- I. Outdoor Lighting Requirements. Parking facilities shall meet the applicable outdoor lighting requirements of [§ 10-9-8 \(Outdoor Lighting\)](#).
- J. Sign Requirements. Parking facilities shall meet the applicable sign requirements of [Chapter 10 \(Signs\)](#).
- K. Snow Storage. Snow storage areas shall be provided on or adjacent to all off-street parking facilities.
1. Obstructions. Snow shall be stored in a manner that does not restrict access, circulation, or sight lines for pedestrians or vehicles at driveways, sidewalks, or other access points. Required off-street parking spaces, driveways, access aisles, and walkways shall not be used for snow storage.
  2. Storage in Landscape Areas. Landscape areas shall not be used for snow storage unless designed for that purpose with non-compacted soils, adequate area for snow piles, and plantings selected for salt-tolerance and durability.

- 3. Storage in Stormwater Management Facilities. Snow should not be stored on top of storm drain catch basins or within stormwater management facilities.
  - 4. Off-Site Snow Storage. If snow storage cannot be accommodated on-site, the applicant shall make arrangements for off-site snow storage with approval from the Zoning Administrator.
- L. C-2 District Standards. Parking lots in the C-2 District shall have a maximum of one row of parking located in the front or corner side yard in accordance with [§ 10-6-18 \(C-2 Commercial District\)](#).

#### **§ 10-8-7 Pedestrian Circulation Systems**

- A. General Requirement. Off-street parking and loading areas require pedestrian circulation systems to ensure the safety of pedestrian, bicyclists, and motorists. Refer to [Figure 10-8-7-1. On-Site Pedestrian Circulation](#).
- B. Connections On-Site. The on-site pedestrian circulation system must connect all buildings on the site to one another and provide connections to parking facilities, bicycle parking facilities, and other outdoor areas.
- C. Connection to Public Rights-of-Way. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way along direct routes that do not involve significant out-of-direction travel.
- D. Connection to Adjacent Areas. The on-site pedestrian circulation system must provide at least one connection to adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

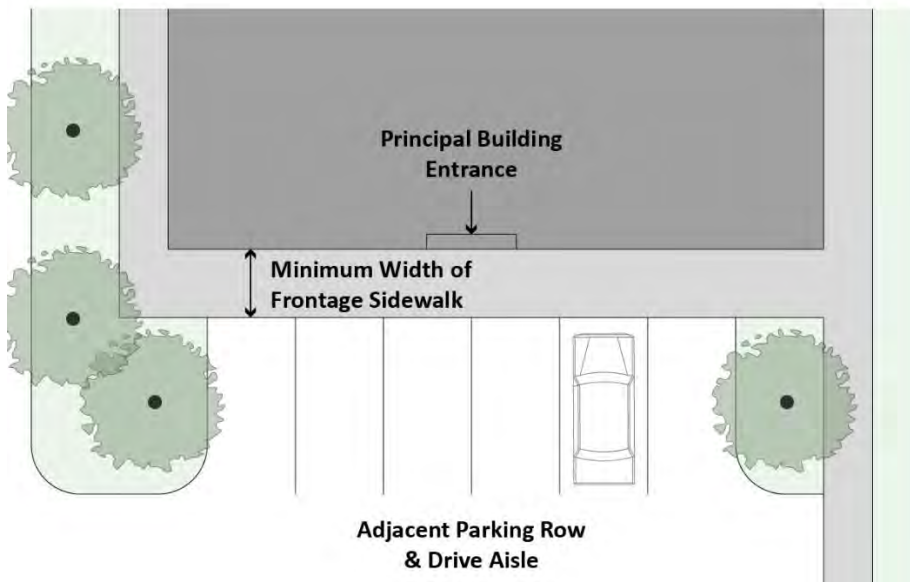
**Figure 10-8-7-1. On-Site Pedestrian Circulation**



E. Design Standards for On-Site Pedestrian Circulation Systems. Required on-site pedestrian circulation systems must be designed in accordance with the following requirements:

1. The pedestrian circulation system must be paved with a minimum width of five feet.
2. Where the pedestrian circulation system crosses driveways, drive aisles, or loading areas, it must be clearly marked by a change in grade, a change in materials, special pavers, stamped asphalt or concrete. Painted striping does not meet this requirement.
3. Where the pedestrian circulation system is parallel and adjacent to a driveway or drive aisle, it must be raised at least six inches above the surface of the auto travel lane surface and separated from the auto travel lane by a raised curb. The pedestrian circulation system may also include intervening landscaping, decorative bollards, or other architectural features.
4. A sidewalk, with a minimum width of seven feet, shall be required along the full length of any building frontage containing a primary entrance that is directly abutted by a parking row, driveway, or drive aisle. Refer to [Figure 10-8-7-2. Frontage Sidewalk](#).
5. Pedestrian circulation systems should be integrated with required parking lot landscaping in accordance with [§ 10-9-5 \(Parking Lot Landscaping\)](#), where appropriate.

**Figure 10-8-7-2. Frontage Sidewalk**



#### **§ 10-8-8 Driveways**

Driveways providing access to a lot from a right-of-way, alley, or other vehicular access shall adhere to the following.

- A. Location. Driveways are permitted to encroach into the required front yard, corner side yard, interior side yard and/or rear yard, but shall be at least one foot from the interior side lot line, except when the driveway provides shared access for two adjacent properties. Driveways shall be essentially perpendicular to the right-of-way being accessed.
- B. Quantity. One driveway per street frontage is allowed, provided that the minimum frontage requirements established in [Chapter 6 \(Zoning District Regulations\)](#) are met. Driveways shall be located at least 60 feet from a signalized intersection, and 30 feet from all other intersections, measured from edge of pavement. Lots with a street frontage of at least 150 linear feet of frontage may incorporate one additional driveway along that frontage. On properties for which more than one driveway is permitted, the distance between the driveways shall be a minimum of 50 feet.
- C. Driveway Width. Driveways shall be constructed in compliance with [Table 10-8-8-1. Maximum Driveway Width](#). Driveway width shall be measured at the lot line.

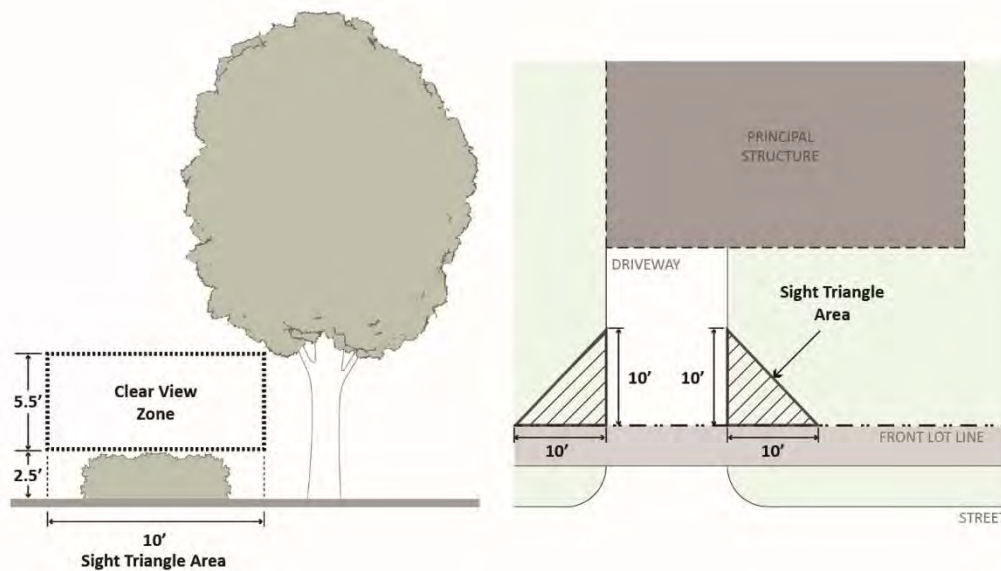


**Table 10-8-8-1. Maximum Driveway Width**

Uses	One-Way Driveway	Two-Way Driveway
Single-Unit and Two-Unit Dwellings	10 ft	N/A
Townhouse Dwelling Units	10 ft	N/A
Multiple-Unit Dwellings	12 ft	26 ft
Commercial, Civic, and Institutional	12 ft	26 ft
Industrial	15 ft	30 ft

- D. Visibility. No building, structure, sign, or landscape element shall obstruct the area between 2.5 feet and eight feet in height within the sight triangle area on each side of any driveway. Beginning at the intersection of the driveway with the lot line, the sight triangle shall be formed by measuring 10 feet along the lot line in the opposite direction of the driveway and 10 feet along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject property (refer to [Figure 10-8-8-1. Visibility at Driveways](#)).

**Figure 10-8-8-1. Visibility at Driveways**

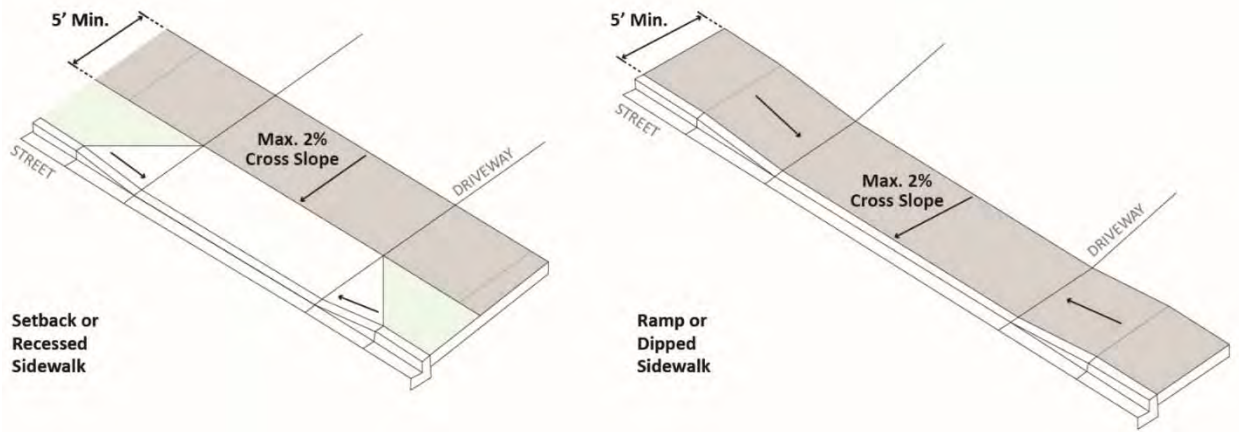


- E. Turning Radii.
- Multiple-Unit Dwellings and Commercial Uses. Entrances to multiple-unit dwellings and commercial uses shall have a minimum turning radii of 15 feet and a maximum turning radii of 35 feet.
  - Industrial Uses. Entrances to industrial uses shall have a minimum turning radii of 20 feet and a maximum turning radii of 35 feet.
- F. Intersection of Sidewalk and Driveway.
- Sidewalk. In locations where a sidewalk is crossed by a driveway, the sidewalk shall be constructed of a permanent, concrete surface with a minimum width of five feet.
  - Driveway Aprons. Driveway aprons shall not exceed the width of a driveway by more three feet on each side of the driveway. Driveway aprons shall be constructed of concrete material as approved by the Village Engineer.



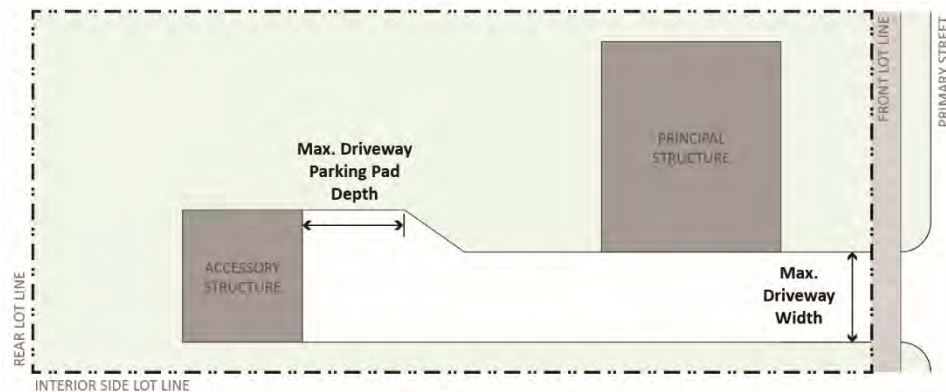
3. Slope. A sidewalk shall remain level across the driveway with a running slope not to exceed the grade of the adjacent roadway, and a cross slope not to exceed two percent. Refer to [Figure 10-8-8-2. Sidewalk and Driveway Intersection Designs](#).

**Figure 10-8-2. Sidewalk and Driveway Intersection Designs**



- G. Residential Driveways. The following standards apply to driveways for single-unit, two-unit, and townhouse dwellings.
  1. Driveway Parking. Vehicles are permitted to park on driveways provided that the vehicles do not encroach into rights-of-way.
  2. Alley Orientation. Where an alley exists adjacent to the side or rear lot line, all motor vehicle access to a garage shall occur through the alley in accordance with [§ 10-7-4.C.9 \(Garage\)](#).
  3. Driveway Parking Pad. A parking pad the width of the garage served by the driveway is permitted to extend up to 20 feet in depth from the garage doors before tapering back to the required driveway width, see [Figure 10-8-8-3. Driveway Parking Pad Width](#).

**Figure 10-8-8-3. Driveway Parking Pad Width**



4. **Paved Parking Area.** Paved parking areas are permitted in the rear yard adjacent to the entrance of a detached garage. Each zoning lot may have two paved parking areas that are located on one side of the garage, but not on both sides. The paved parking area shall be 10 feet by 20 feet per vehicle parking space. The paved parking area shall be accessed from an alley at the rear of the lot and shall be located one foot or more from an interior lot line and three feet or less from the rear lot line. Refer to [Figure 10-8-8-4. Paved Parking Area](#).

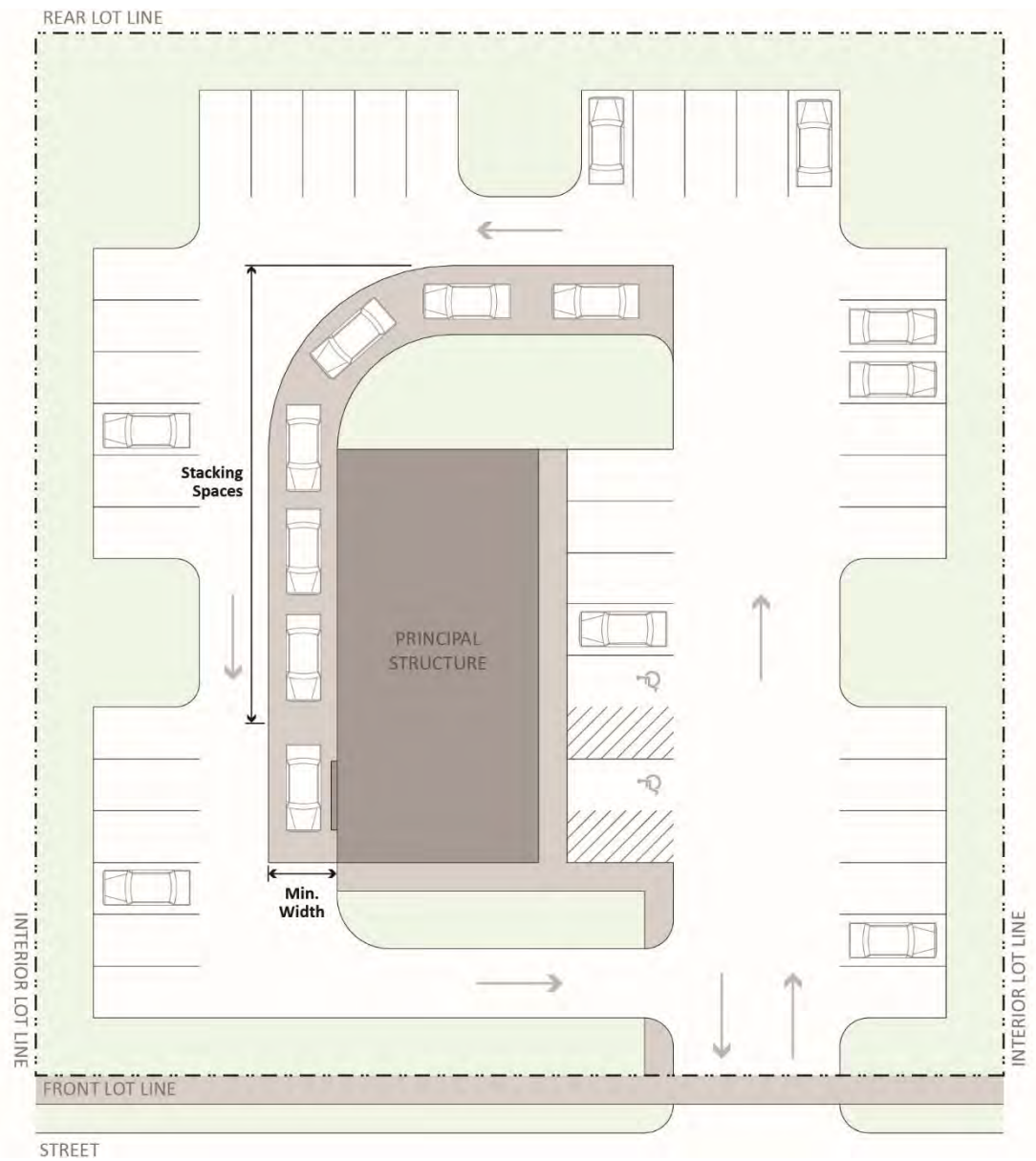
**Figure 10-8-8-4. Paved Parking Area**



#### **§ 10-8-9 Vehicular Stacking Requirements**

- A. **Space Requirements.** Restaurant uses shall provide a minimum of six stacking spaces per drive-through lane. Car wash uses shall provide a minimum of four stacking spaces per drive-through lane. All other uses shall provide a minimum of two stacking spaces per drive-through lane.
- B. **Dimensions.** All stacking spaces shall have a minimum width of nine feet, as measured from the edge of the drive-through lane to the outermost edge of the last point of service, such as a drive-through window. Stacking spaces shall have a minimum length of 18 feet as measured along the centerline of the drive-through.
- C. **Location.** Stacking spaces shall be located behind the vehicle parked at the last point of service, such as a drive-through window, and shall be placed in a line within the drive-through lane. Stacking spaces shall be located so that they do not obstruct access to the site or to required parking and loading spaces. Refer to [Figure 10-8-9-1. Stacking Spaces](#).
- D. **Bailout Lane.** Drive through lanes shall include a bailout lane, which shall run parallel to the drive through lane, have a minimum width of 10 feet, and provide unobstructed exit capability to all vehicles that have entered the drive-through lane. A drive aisle may serve as a bailout lane provided that it meets the requirements of this section.

**Figure 10-8-9-1. Stacking Spaces**



### **§ 10-8-10 Recreational Vehicles Parking**

- A. Number. No more than one recreational vehicle may be parked outdoors on a lot in any zoning district. Recreational vehicles stored in an enclosed permanent structure are exempt from this standard. A recreational vehicle and the trailer used to convey it shall be considered one recreational vehicle. Non-motorized personal watercraft, such as canoes and kayaks, shall not be included as part of the total number of recreational vehicles allowed on a lot.
- B. Use. Recreational vehicles shall not be used for living, sleeping or housekeeping purposes while located within Village boundaries. Recreational vehicles shall not be connected to sewer, water, or other utilities for any period of time, except for temporary service connections for basic maintenance.
- C. Principal and Accessory Structures. Recreational vehicles shall not be permitted on a lot without a principal structure. Recreational vehicles shall not be used as accessory structures, but may be kept within an enclosed accessory structure provided that the accessory structure is allowed in accordance with the requirements of [§ 10-7-4 \(Accessory Structures and Uses\)](#).
- D. Operability. Recreational vehicles shall remain operable at all times. Recreational vehicles shall not be permanently affixed to the ground in a manner that would prevent timely removal.
- E. Proprietorship. Recreational vehicles shall be owned, leased, or rented by the occupant of the property on which the recreational vehicles are parked.
- F. Location. Recreational vehicle parking is allowed in the interior side yard and/or rear yard. Recreational vehicles shall be parked at least one foot from the interior side lot line, except when the driveway provides shared access for two adjacent properties, and at least three feet from the rear lot line.
- G. Parking Surface and Dimensions. Recreational vehicles must be parked on a hard surface, all-weather, dustless material equal in length and width to the recreational vehicles being parked and/or stored.

### **§ 10-8-11 Off-Street Loading Facility Requirements**

- A. Applicability. Commercial, civic, institutional, industrial, and multiple-unit dwelling uses shall provide off-street loading spaces as established in [Table 10-8-11-1. Loading Requirements](#). The Zoning Administrator may approve a reduction in the minimum loading requirements, or approval for shared use of loading spaces for multiple users, through an application for Site Plan Review (see [§ 10-3-2 \(Site Plan Review\)](#)).

B. Computation. Off-street loading spaces shall be calculated on the basis of gross floor area in square feet.

1. Fractions of Loading Spaces. When computation of required loading spaces results in a fraction, any fraction of less than one-half shall be disregarded, and any fraction of one-half or more shall be counted as one loading space.
2. Maximum Number of Loading Spaces. The maximum number of loading spaces required for any property shall be four spaces. Warehousing, storage, or distribution facility uses shall be exempt from this standard.

**Table 10-8-11-1. Loading Requirements**

Gross Floor Area	Loading Spaces Required
<b>Multiple-Unit Residential Uses</b>	
20,000 sf or more	1
<b>Commercial, Civic, Office, and Institutional Uses</b>	
10,000 to 100,000 sf	1
Each additional 100,000 sf	1
<b>Industrial Uses</b>	
5,000 to 40,000 sf	1
Each additional 60,000 sf	1

C. Dimensions. Loading spaces shall have a minimum width of 12 feet, minimum length of 60 feet, and minimum vertical clearance of 14 feet.

D. Location. All loading spaces shall be located on the same zoning lot as the use served, unless an alternate location has been approved by the Zoning Administrator through the site plan review process (see [§ 10-3-2 \(Site Plan Review\)](#)).

1. Side or Rear Yard. Loading facilities shall be located on the side and/or rear yard of the lot. A designated loading area may be located within a drive aisle with prior written approval from the Zoning Administrator.
2. Residential Districts. No loading space shall be closer than 50 feet from any property in a residential district, unless the space is screened by a solid fence or wall with a minimum height of six feet.
3. Intersections. Loading spaces shall be located at least 60 feet from a signalized intersection, and 30 feet from all other intersections, measured from edge of pavement.

E. Access. Each required off-street loading space shall have appropriate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement. No loading space shall project into or block a street, sidewalk, alley, access drive, or parking area. Loading facilities must be designed to allow the driver to proceed forward into traffic from an access point, rather than backing out.

## CHAPTER 9: LANDSCAPE STANDARDS

- § 10-9-1 General Provisions
- § 10-9-2 Tree Preservation
- § 10-9-3 Design, Installation, and Maintenance
- § 10-9-4 Street Trees
- § 10-9-5 Parking Lot Landscaping
- § 10-9-6 Buffer Yards
- § 10-9-7 Screening Requirements
- § 10-9-8 Outdoor Lighting

### § 10-9-1 General Provisions

- A. Purpose. The purpose of this Chapter is to establish landscape requirements that will enhance the Village's character and livability, improve air quality, reduce the heat island effect, improve water quality, reduce the rainfall volume conveyed to storm sewer systems, and provide for transitions between zoning districts.
- B. Applicability. The requirements of this Chapter shall apply to the following:
  - 1. New developments that require site plan review approval (see [§ 10-3-2 \(Site Plan Review\)](#)).
  - 2. Planned unit developments (see [Chapter 4 \(Planned Unit Developments\)](#)).
  - 3. The construction of any new parking lot of 10 spaces or more.
  - 4. The expansion or reconstruction of any existing parking lot that results in a total of 10 aggregate spaces or more.
  - 5. Removal of existing trees, per the requirements of [§ 10-9-2 \(Tree Preservation\)](#).
- C. Occupancy Permit. The requirements of this Chapter shall be met and landscape elements shall be fully installed in good health and condition, as determined by the Zoning Administrator, prior to the issuance of an occupancy permit.
  - 1. Seasonal Conditions. If seasonal conditions preclude the completion of landscape installation, the applicant shall provide the Village with a letter of credit, escrow, performance bond, or other surety, as approved by the Zoning Administrator, equal to 125 percent of the remaining costs of installation, as estimated by a qualified landscape architect or similar professional, in order to receive an occupancy permit.
  - 2. Permit Revocation. Failure to implement the approved landscape plan or maintain installed landscape elements shall be cause for revocation of the occupancy permit and/or the application of fines and penalties. All landscape elements are subject to periodic inspection for compliance with the approved landscape plan.
- D. Landscape Plan. A landscape plan shall be submitted to the Village as part of any site improvement that meets the criteria of [§ 10-9-1.B \(Applicability\)](#), and shall be approved by the Zoning Administrator. The landscape plan shall be evaluated and approved based on the standards included in this [Chapter 9 \(Landscape Standards\)](#).
  - 1. Preparation of Landscape Plan. The landscape plan shall be prepared and stamped by a licensed landscape architect registered in the State of Illinois, or another qualified professional, if the project meets the criteria of [§ 10-9-1.B \(Applicability\)](#).
  - 2. Contents. The landscape plan shall contain the following:

- a. Location and dimensions of all existing and proposed structures, parking spaces, landscape islands, buffer yards, street lights, utilities, easements, and other site elements.
  - b. Location, quantity, size, spacing, and name, both botanical and common, of all existing plant material, including trees and plant material in the right-of-way. The landscape plan shall indicate whether existing plant material will be retained or removed, including information on how existing trees will be preserved and protected (see [§ 10-9-2 \(Tree Preservation\)](#)).
  - c. Location, quantity, size, spacing, and name, both botanical and common, of all proposed plant material including the type of tree stock.
  - d. Planting details and best management practices for all plantings, including type, depth and quantity of soil.
  - e. Existing and proposed grading of the site indicating contours at one-foot intervals.
  - f. Elevations of all fences and retaining walls proposed for the site.
  - g. Location of snow storage areas.
  - h. Construction information, including the location of temporary roads, access points for construction equipment, staging areas, material storage areas, and other related information.
  - i. To ensure ongoing compliance with this Chapter, a landscape plan must include an operations and maintenance plan that includes detailed information on operations and maintenance procedures. Maintenance of all elements of a landscape plan shall be the responsibility of the property owner.
- E. Credit for Existing Vegetation. The Zoning Administrator may credit existing vegetation toward the landscape element requirements of [§ 10-9-4 \(Street Trees\)](#), [§ 10-9-5 \(Parking Lot Landscaping\)](#), [§ 10-9-6 \(Buffer Yards\)](#), and/or [§ 10-9-7 \(Screening Requirements\)](#), provided that the existing vegetation is an acceptable species, adequately protected during the construction process, in good health, and meets all applicable specifications of this Chapter.

## **§ 10-9-2 Tree Preservation**

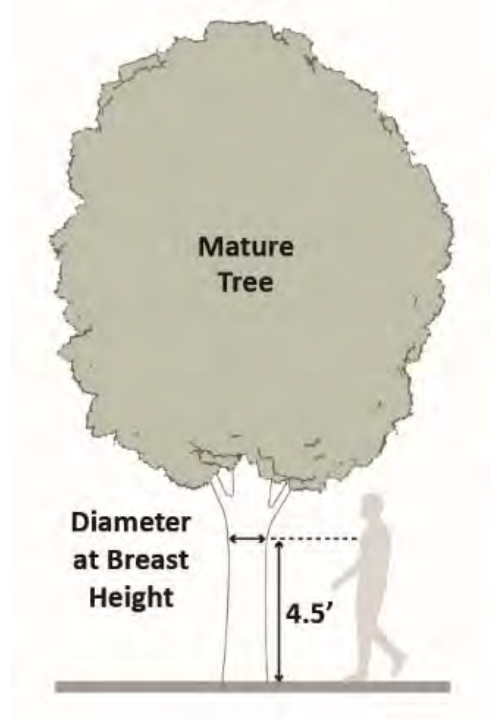
- A. Applicability. Existing trees shall not be removed from lots within the Village, wholly or in part, without a tree preservation and removal plan approved by the Zoning Administrator. This Section does not apply to the removal of trees located on lots for single-unit or two-unit dwellings.
- 1. Procedure. The tree preservation and removal plan shall specify the tree to be removed and shall be approved by the Zoning Administrator in writing. Such approval is not required if tree removal is performed by Village employees or contractors.
  - 2. Criteria for Removal of Mature Trees. Every reasonable effort shall be made to incorporate existing trees into the landscape plan for the proposed development. The Zoning Administrator must determine that one of the following criteria apply prior to granting approval to remove a mature tree:
    - a. The tree is dead, dying, diseased, or a threat to public health or safety.
    - b. The tree interferes with the provision of public services or is a hazard to traffic.
    - c. The location of the tree prevents development or redevelopment that cannot be designed to protect the tree.
- B. Replacement Standards. Mature trees to be removed shall be replaced in accordance with the following standards.
- 1. Replacement Rate. The size of a mature tree is measured using its diameter at breast height (refer to [Figure 10-9-2-1. Tree Measurement](#)). The tree to be removed shall be replaced within one year



of the date of approval, or the applicant shall immediately pay the Village an amount equal to the full value of the tree to be removed.

- a. Any tree designated for removal on an approved tree preservation and removal plan shall be replaced at the rate specified in [Table 10-9-2-1. Tree Replacement Rates](#).
  - b. In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree shall be replaced at three times the applicable rate specified in [Table 10-9-2-1. Tree Replacement Rates](#).
2. Tree Valuation. The value of a tree shall be determined by the Zoning Administrator in accordance with the methods developed by the Council of Tree and Landscape Appraisers in the most recent *Guide for Plant Appraisal*.

**Figure 10-9-2-1. Tree Measurement**



**Table 10-9-2-1. Tree Replacement Rates**

Caliper of Tree to be Removed	Number of Replacement Trees Required
4-12 inches	4
13-29 inches	5
30 inches or greater	6

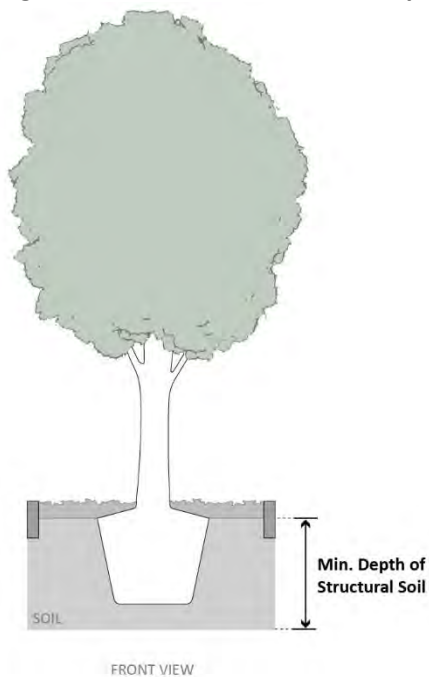


### § 10-9-3 Design, Installation, and Maintenance

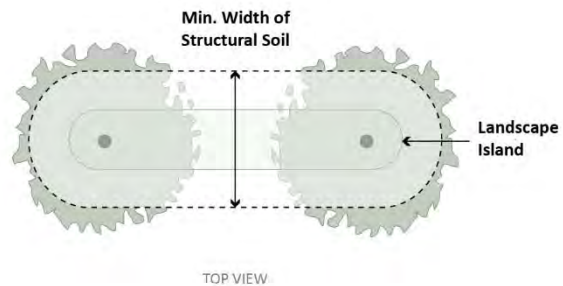
#### A. Design and Installation.

1. National Standards. All landscape elements shall be installed in accordance with the practices and procedures established by AmericanHort. Landscape elements shall be healthy and hardy upon installation, and shall be planted with appropriate space and soils to ensure sustained growth.
2. Soil Requirements. Soil type, volume, width, and depth requirements shall be used as required by this Chapter to ensure tree survival and growth. A minimum soil depth of 36 inches and minimum planting bed width of six feet is required for all tree planting areas. Refer to [Figure 10-9-3-1. Minimum Soil Depth](#) and [Figure 10-9-3-2. Minimum Planting Bed Width](#). In order to accommodate subsurface root expansion, a minimum volume of 1,000 cubic feet of structural soil is required per large shade tree or evergreen tree, and a minimum volume of 750 cubic feet of structural soil is required per medium shade tree. Whenever possible, tree plantings should be located to connect subsurface root spaces.

**Figure 10-9-3-1. Minimum Soil Depth**



**Figure 10-9-3-2. Planting Bed Width**



3. Plant Size Requirements. Landscape elements shall be installed in accordance with [Table 10-9-3-1. Required Landscape Size at Installation](#), unless otherwise noted in this Ordinance.

**Table 10-9-3-1. Required Landscape Size at Installation**

Type	Minimum Size	Maximum Size
Deciduous Shade Tree, Single Trunk	1.5 in caliper	2.5 in caliper
Deciduous Shade Tree, Multiple Trunks	8 ft height	10 ft height
Ornamental Tree	1.5 in caliper	2.5 in caliper
Evergreen Tree	8 ft height	10 ft height
Shrubs	18 in height	36 in height

4. **Species Diversity.** Tree and plant species that are native or naturalized to northeastern Illinois, as well as drought- and salt-tolerant plant materials, shall be used as required by this Chapter, except for single-unit and two-unit dwellings. Refer to the most recent Morton Arboretum *Northern Illinois Tree Species List* for preferred plant species and [Table 10-9-3-2. Species Diversity Requirements](#), for specifications.

**Table 10-9-3-2. Species Diversity Requirements**

Lot Size	Minimum Percent Drought and Salt Tolerant Species	Species Diversity Requirement
Lot under 0.5 acres	50%	None
Lot between 0.5 and 5 acres	60%	Total plant material, excluding turf, shall not be comprised of more than 30% of any single species, 50% of any genus, nor 70% of any family
Lot over 5 acres	75%	Total plant material, excluding turf, shall not be comprised of more than 5% of any single species, 10% of any genus, nor 20% of any family

5. **Runoff Infiltration.** All required parking lot perimeter landscape, buffer yards, and landscape islands shall be designed to accept and facilitate stormwater runoff infiltration through curb design, adequate soil depth, appropriate plant selection, and site grading to convey stormwater to the landscaped areas. Where practical, all landscaped areas shall create bioretention and infiltration areas to assist in water quality protection and facilitate groundwater recharge.
  6. **Irrigation.** Permanent irrigation systems are not required but may be installed as recommended by a landscape architect or the Zoning Administrator. All irrigation systems that are installed shall be designed to minimize the use of water, and require certification that the system is water efficient (e.g. EPA WaterSense certified). Irrigation systems are not allowed in the right-of-way.
- B. **Planting Location and Visibility.** All landscape elements shall be located in compliance with the visibility standards of [§ 10-6-6.C \(Visibility Obstruction\)](#) and [§ 10-8-8.D \(Visibility\)](#).
- C. **Maintenance.** All landscape elements shall be maintained in good condition at all times to ensure healthy vegetation and an orderly appearance.
1. **Maintenance Responsibility.** Landscape elements, such as vegetation and trees, irrigation systems, fences, and walls, shall be maintained. The property owner shall be responsible for the maintenance, repair, and replacement of landscape elements to keep them in good condition for the lifespan of the development and/or parking lot.
  2. **Surety.** A letter of credit, escrow, performance bond, or other surety as approved by the Zoning Administrator, equal to 125 percent of the value of the landscaping shall remain in place for two years after installation to ensure proper maintenance in accordance with this Chapter.

3. Establishment of Landscape Elements. All installed landscape elements shall be watered, fertilized, and replaced as needed until fully established.
4. Ongoing Maintenance. All landscape elements shall be maintained in good condition in perpetuity and shall have a healthy, neat, and orderly appearance. Any landscape element that is removed due to disease, damage, death, or any other reason shall be replaced within 30 days after the beginning of the growing season, in accordance with the requirements of this Chapter and the approved landscape plan.

#### **§ 10-9-4 Street Trees**

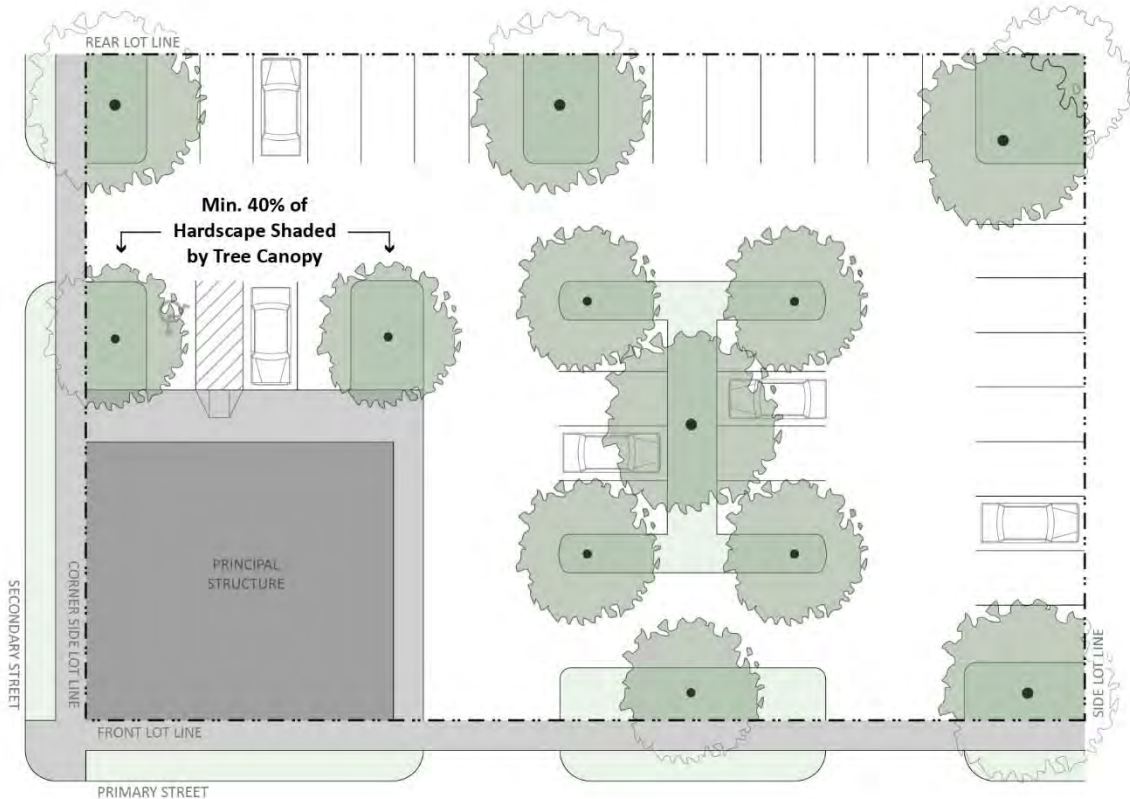
- A. Applicability. Street trees aid in beautifying and shading the Village by providing consistent and appropriately spaced trees. The requirements of this Section apply to existing and proposed parkway areas adjacent to new developments that require approval of site plan review (see [§ 10-3-2 \(Site Plan Review\)](#)) or planned unit development (see [Chapter 4 \(Planned Unit Developments\)](#)).
- B. Street Tree Requirements.
  1. Frequency. Street trees shall be installed at a minimum rate of one large shade tree per 30 linear feet. Trees shall be spaced on center, or at a rate that matches the existing tree spacing pattern on adjacent parkways, whichever results in a greater density of tree plantings. Spacing may be adjusted to ensure adequate room for streetlights and utilities, with prior written Zoning Administrator approval.
  2. Tree Wells. Tree wells shall be utilized in locations where the sidewalk extends from the back of the curb to the lot line and there is no parkway present.
  3. Drought and Salt Tolerance. All street trees proposed to be planted shall be drought- and salt-tolerant. Refer to the most recent Morton Arboretum *Northern Illinois Tree Species List* for preferred plant species.

#### **§ 10-9-5 Parking Lot Landscaping**

- A. Tree Canopy Coverage. Tree canopy coverage requirements shall be met through tree plantings located within perimeter yards ([§ 10-9-5.B \(Parking Lot Perimeter Landscape\)](#)) and interior landscape islands ([§ 10-9-5.C \(Parking Lot Interior Landscape Islands\)](#)) such that shade canopy is provided for a minimum of 40 percent of the parking area hardscape, including all parking spaces, travel lanes, and other impervious areas not exempted by this Section. Refer to [Figure 10-9-5-1. Tree Canopy Coverage](#).
  1. Calculation. Coverage credit for each tree shall be calculated using the projected full canopy width of the tree at maturity. Coverage credit for trees planted in perimeter landscape or buffer yards shall be credited in the amount that such plantings cover the parking area hardscape. Refer to the most recent Morton Arboretum *Northern Illinois Tree Species List* for canopy coverage estimates.
  2. Loading Area Exemption. Designated loading areas shall be exempt from the amount of parking area hardscape for the purpose of this requirement.
  3. Solar Energy Collection Systems. Any portion of this requirement may be met through installation of solar energy collection systems that comply with the standards of this Ordinance and provide shade to the parking area, with the approval of the Zoning Administrator.

4. Modification of Requirements. The Zoning Administrator may modify shading requirements for sites located under power lines or other obstructions that prohibit strict compliance, and grant credit for new off-site trees provided in lieu of required on-site plantings, where appropriate.

**Figure 10-9-5-1. Tree Canopy Coverage**



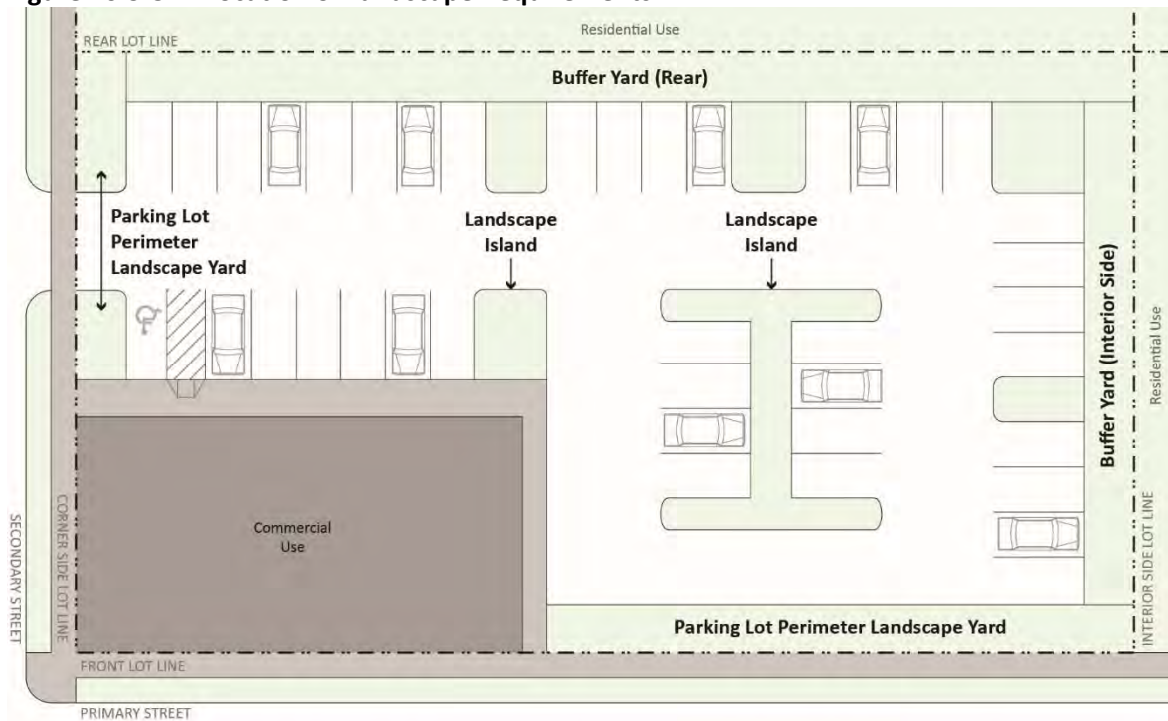
**B. Parking Lot Perimeter Landscape.** Refer to [Figure 10-9-5-2. Location of Landscape Requirements](#) and [Figure 10-9-5-3. Parking Lot Perimeter Landscape](#).

**1. Landscape Requirements.**

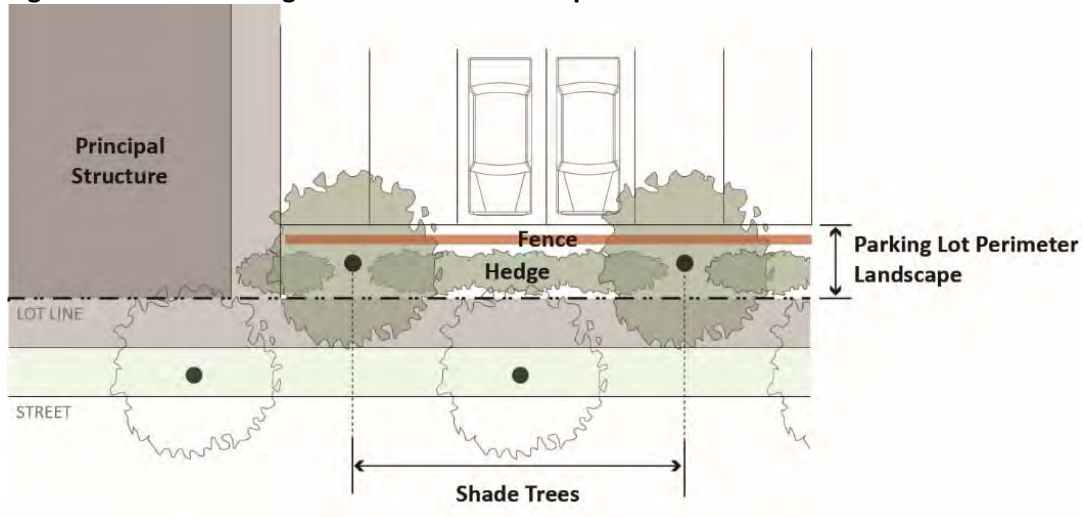
- a. Location. Parking lot perimeter landscape shall apply to properties in all zoning districts in which parking facilities are located adjacent to the front or corner side lot line. The parking lot perimeter landscape shall be located directly adjacent to the front or corner side lot line.
- b. Minimum Parking Lot Perimeter Landscape. A parking lot perimeter landscape with a minimum depth of eight feet is required along the length of the parking lot that abuts the front or corner side lot line, excluding any driveways.
- c. Landscape Elements. The parking lot perimeter landscape shall meet all of the standards of [§ 10-9-3 \(Design, Installation, and Maintenance\)](#) and include the following:
  - (1) A continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of 24 inches, spaced 36 inches on center, and a maximum height at maturity of 30 to 42 inches.

- (2) One large shade tree per 30 linear feet of perimeter area, or one medium shade tree per 25 linear feet of perimeter area, or any combination thereof. Trees may be spaced evenly or grouped.
- (3) Any portion of the parking lot perimeter landscape not covered by hedges and trees shall be planted with turf, clump or no-mow grasses, other perennial groundcover, or mulch.
- d. Fence. Fencing may be installed to further screen the parking lot from view of the street and shall be subject to the following.
  - (1) The fence shall be located a minimum of two feet from the back of the parking lot curb to allow for vehicle overhang. The required parking lot perimeter landscape shall be located between the fence and sidewalk to provide visual interest from the street.
  - (2) The fence shall be a minimum height of three feet and maximum height of four feet.
  - (3) A paved opening with a minimum width of three feet shall be provided at least every 50 feet to allow pedestrian access to the parking lot.
  - (4) Ornamental metal, masonry, and wood are permitted fence materials. Chain link fences are prohibited.

**Figure 10-9-5-2. Location of Landscape Requirements**



**Figure 10-9-5-3. Parking Lot Perimeter Landscape**

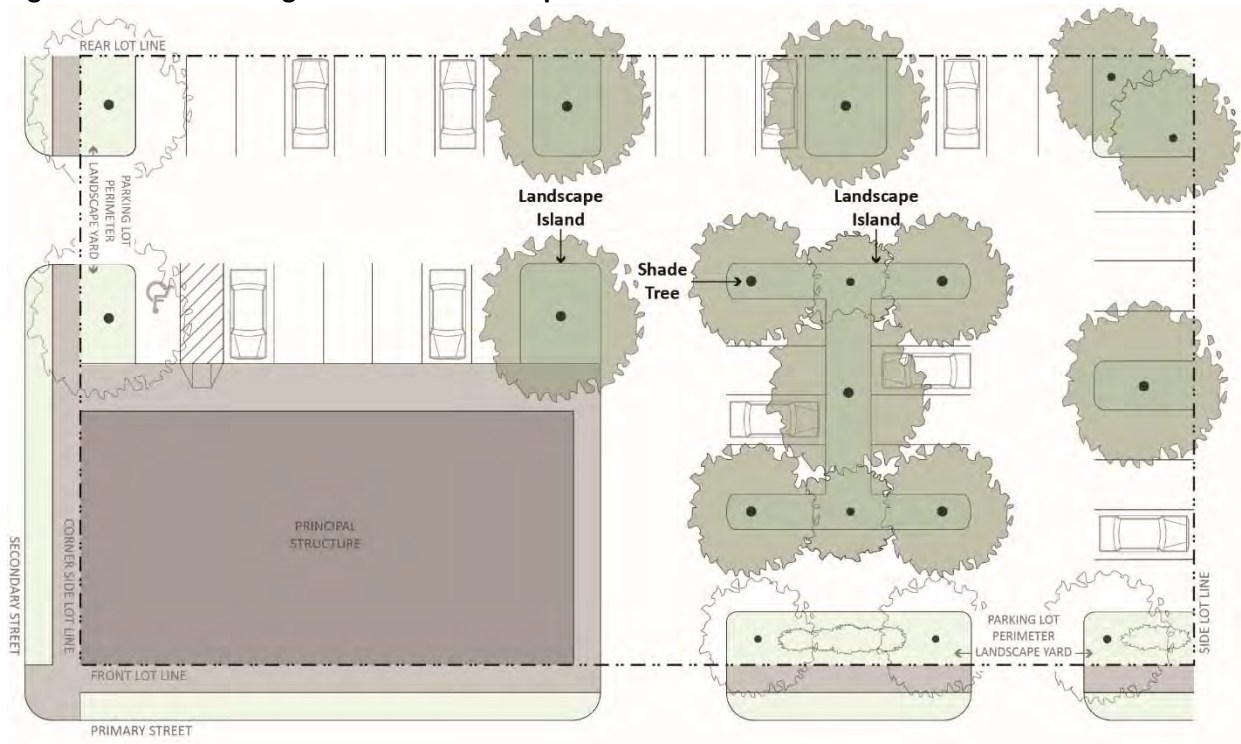


C. Parking Lot Interior Landscape Islands. Refer to [Figure 10-9-5-4. Parking Lot Interior Landscape Islands](#) and [Figure 10-9-5-2. Location of Landscape Requirements](#).

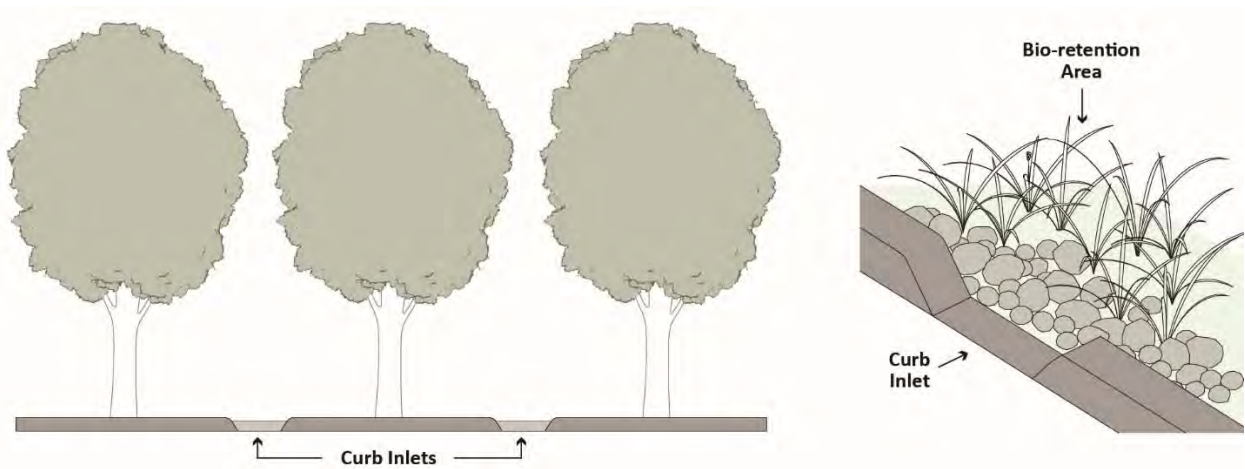
1. Spacing. One landscape island shall be provided for every 10 contiguous parking spaces. All rows of parking shall be terminated by a landscape island or landscape area.
2. Size. For a single parking row, the landscape island shall have a minimum length equal to the length of the adjacent parking space and a minimum area of 100 square feet. When double rows of parking are provided, the required landscape islands shall have a minimum length equal to the total length of the adjacent parking spaces and a minimum area of 200 square feet.
3. Alternate Configuration. In conjunction with landscape plan approval (see [§ 10-9-1.D \(Landscape Plan\)](#)), the Zoning Administrator may permit a different configuration of landscape islands to allow for more efficient site design or to permit larger landscape areas. Regardless, the overall area and number of plantings required for landscape islands pursuant to this Section shall be met.
4. Trees. A minimum of one shade tree shall be provided per landscape island. Landscape islands provided for double rows of parking shall include a minimum of two shade trees.
5. Groundcover. A minimum of 80 percent of each landscape island shall be planted with turf or other live groundcover, perennials, or ornamental or native grasses. Shrubs shall not be permitted in landscape islands.
6. Curbing. Landscape islands shall be protected with concrete curbing and have a minimum height of six inches as measured from the parking lot surface. Curbing may contain inlets to accept drainage, unless it is determined by the Zoning Administrator that inlets would result in greater runoff volume inflow than could be supported by the landscape island. Refer to [Figure 10-9-5-5. Curb Inlet Design](#). Wheel stops and other alternate landscape protections may be approved by the Zoning Administrator to facilitate certain stormwater management facilities.



**Figure 10-9-5-4. Parking Lot Interior Landscape Islands**



**Figure 10-9-5-5. Curb Inlet Design**

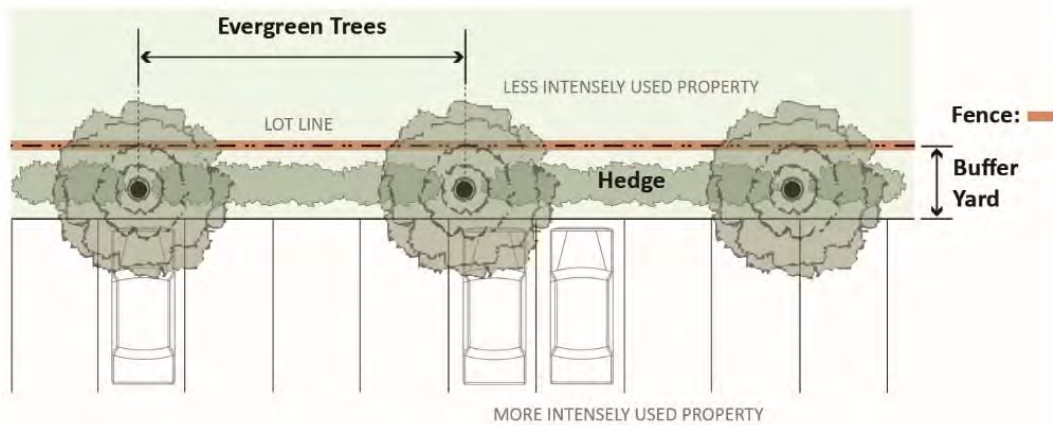


## § 10-9-6 Buffer Yards

- A. Applicability. Buffer yards separate more intensive zoning districts and uses from less intensive zoning districts and uses. A buffer yard is required adjacent to lot lines where the proposed development meets one or more of the following criteria. For the purposes of this Section, properties shall not be considered directly adjacent to one another if a public alley or other right-of-way separates the properties. Any reconstruction of existing parking lots of less than 15 parking spaces shall be exempt from buffer yard requirements. Refer to [Figure 10-9-5-2. Location of Landscape Requirements](#) and [Figure 10-9-6-1. Buffer Yards](#).
1. Non-Residential District. A buffer yard is required if the property is located in the C-1, C-2, I-1, or I-2 District and is directly adjacent to property located in the R-1, R-2, R-3, R-4, R-5, or R-6 Districts.
  2. Non-Residential Use in Residential Districts. A buffer yard is required if the property is located in the R-1, R-2, R-3, R-4, R-5, or R-6 District, contains a non-residential use, and is directly adjacent to a residential use in the R-1, R-2, R-3, R-4, R-5, or R-6 Districts. Parks are exempt from this requirement.
  3. R-5 and R-6 Districts. A buffer yard is required if the property is located in the R-5 or R-6 District, contains a use other than a single-unit dwelling, two-unit dwelling, townhouse, community garden, or park, and is directly adjacent to property located in the R-1, R-2, R-3, or R-4 Districts.
- B. Buffer Yard Requirements.
1. Location. The buffer yard shall be located directly adjacent to the affected interior side and/or rear lot line, along the entire length of the lot line.
  2. Minimum Buffer Yard Area. The buffer yard shall have a minimum depth of 10 feet.
  3. Landscape Elements. The buffer yard shall include the following:
    - a. A continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of 24 inches, spaced 36 inches on center.
    - b. One evergreen tree for every 10 linear feet of buffer area. Trees may be spaced evenly or grouped.
    - c. Any portion of the buffer yard not covered by hedges and trees shall be planted with turf, clump or no-mow grasses, perennial groundcover, or mulch.
    - d. In residential and commercial zoning districts, a continuous hedge of individual shrubs may be allowed in lieu of providing evergreen trees within a buffer yard with prior written Zoning Administrator approval, provided that the hedge height at maturity is taller than 42 inches.
  4. Fence. Fences in buffer yards are required in the I-1 or I-2 District when the subject property is directly adjacent to property located in the R-1, R-2, R-3, R-4, R-5, or R-6 District. Fences in buffer yards are optional in all residential and commercial zoning districts, and in industrial zoning districts when the subject property is not directly adjacent to property located in a residential district.
    - a. Location. The fence shall be located along the entire length of the affected interior side or rear lot line.
    - b. Height. In residential and commercial districts, fences shall not exceed a maximum of six feet in height. In the industrial districts, fences shall not exceed a maximum of ten feet in height.
    - c. Type. Opaque fences are required for buffer yards.



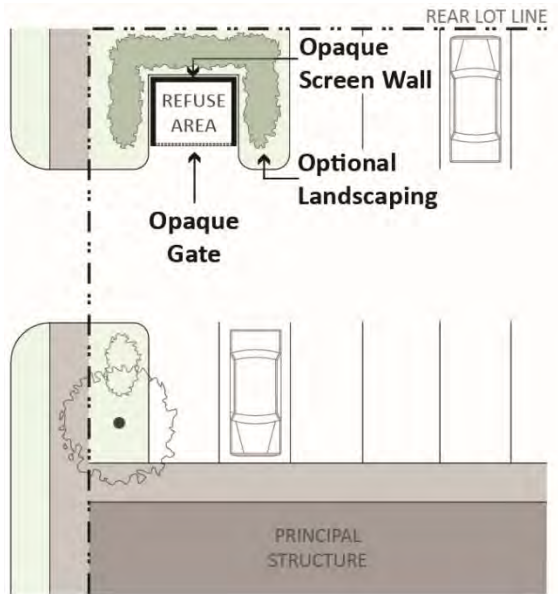
**Figure 10-9-6-1. Buffer Yards**



### § 10-9-7 Screening Requirements

- A. Applicability. The requirements of this Section apply to refuse areas, ground-mounted mechanical equipment, ground-mounted utilities, outdoor storage areas, and off-street loading areas to screen them from view of the street and adjacent properties.
- B. Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening Requirements. Refer to [Figure 10-9-7-1. Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening](#).
1. Location. Refuse areas shall be located in the interior side yard or rear yard. Refer to [§ 10-7-3-W \(Outdoor Storage Area\)](#) and [§ 10-7-4-C.13 \(Mechanical Equipment\)](#) for location requirements for outdoor storage and ground-mounted mechanical equipment standards.
  2. Opaque Fence or Wall. The refuse area or outdoor storage area shall be completely screened by an opaque masonry wall or fence on three sides, and an opaque gate on the fourth side. The wall of a principal structure may serve as a screening wall.
    - a. Height. The fence or wall shall not exceed eight feet in height.
    - b. Complementary Design. Screening elements should complement the architectural style of the primary building on-site and use building materials similar to those used for the primary building.
    - c. Gate. The enclosure of the refuse area or outdoor storage area shall be gated, and remain locked except during times of refuse deposit or collection.
  3. Landscape Elements. Landscape shrubs or native grasses may be installed on three sides of the area, with plantings located between the fencing and back of curb, and screening the full length of each side. Installed shrubs shall form a continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of 24 inches, spaced 36 inches on center.
- C. Off-Street Loading Area Screening Requirements. The area adjacent to any off-street loading areas, shall be treated with landscaping and buffering per the requirements of [§ 10-9-5-B \(Parking Lot Perimeter Landscape\)](#).

**Figure 10-9-7-1. Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening**



#### **§ 10-9-8 Outdoor Lighting**

- A. Applicability. Outdoor lighting standards prevent light trespass, promote energy efficiency, and minimize light pollution. The requirements of this Section apply to all new or replacement outdoor lighting, with the exception of unshielded lighting for holiday decorations or permitted temporary uses as established in [§ 10-7-5 \(Temporary Structures and Uses\)](#). The Zoning Administrator may impose reasonable restrictions on the use of such lighting for temporary uses as necessary to protect the health, safety, and welfare of the public.
- B. General Requirements.
  1. Photometric Plan. A photometric plan prepared by a professional shall be approved by the Zoning Administrator prior to installation of outdoor light fixtures for non-residential uses.
  2. Prohibited Lighting. Any outdoor lighting that may be confused with a traffic control device shall be prohibited except as authorized by federal, state, county, or local government. Flashing lights, strobe lights, and laser lights are prohibited.
  3. Design That Prevents Glare. All lighting shall be designed to prevent glare and interference with residential property, and motor vehicle, bicycle, and pedestrian traffic.
  4. Fixtures. All new and replacement outdoor lighting shall employ full cut-off or fully shielded fixtures.
  5. Façade Illumination. Building façade illumination shall be limited to fully shielded fixtures directed towards the façade. All light from such fixtures shall be concentrated on the exterior wall surface of the building being illuminated.
  6. Automatic Lighting Controls. All outdoor lighting on non-residential properties shall be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available, and to automatically extinguish lights no more than one hour following the close of business, excluding security lighting.

7. Energy-Efficient Technology. The use of Light Emitting Diodes (LED) or similar technology is encouraged.

C. Illumination Standards.

1. Illumination.
  - a. Non-Residential Uses. Outdoor lighting shall not exceed one foot-candle at any point on a lot line for a lot containing a non-residential use, unless otherwise specified in this Ordinance.
  - b. Residential Uses. Outdoor lighting shall not exceed one-half foot-candle at any point on a lot line for a lot containing a residential use, unless otherwise specified in this Ordinance.
  - c. Recreational Facilities. The average outdoor lighting level for recreational uses shall not exceed 50 foot-candles, with the exception of golf-related facilities, which shall be limited to a maximum average lighting level of five foot-candles for courses and 20 foot-candles for driving ranges.
  - d. Sign Illumination. Sign illumination shall conform to the provisions of [Chapter 10 \(Signs\)](#).
2. Height. The maximum height of light poles and building-mounted lighting is established in this Section unless otherwise required by Title 9 (Building Regulations) of the Village Code.
  - a. Non-Residential Uses. Light poles and building-mounted fixtures shall not exceed 24 feet in height for non-residential uses. Light poles for educational facilities or outdoor recreational facilities shall not exceed 60 feet in height. Outdoor lighting for all outdoor recreation areas is subject to review of building permit and photometric plan.
  - b. Residential Uses. Light poles shall not exceed 24 feet in height for residential uses. Building-mounted fixtures, including under-soffit lighting, shall not exceed 15 feet in height.

## CHAPTER 10: SIGNS

### § 10-10-1 Purpose

### § 10-10-2 General Construction and Design Standards

### § 10-10-3 Signs Measurement Standards

### § 10-10-4 Master Sign Plan

### § 10-10-5 Permanent Signs

### § 10-10-6 Temporary Signs

### § 10-10-7 Prohibited Signs

### § 10-10-1 Purpose

- A. Purpose. The purpose of this Chapter is to establish regulations to govern the display, design, construction, installation, maintenance, alteration, and removal of signs. The regulations in this Chapter shall:
1. Promote and protect the health, safety, and general welfare of the Village from signs that are unsafe, conflict with traffic control devices, or interfere with motorists, bicyclists, or pedestrians.
  2. To enhance economic development and community activities by promoting the reasonable, orderly, and effective display of signs, and encouraging better communication with the public.
  3. Improve the appearance of signs to create a more attractive economic climate in the Village.
  4. Ensure that the right to free speech is protected through the display of signs.
  5. Ensure that signs are compatible with surrounding land uses and architecture.
  6. Discourage signs that are unsightly, inappropriate, or excessive in area or number.

### § 10-10-2 General Construction and Design Standards

- A. General Requirements. All signs shall meet the construction and design standards of this Chapter and of Title 9 (Building Regulations) of the Village Code.
- B. Installation. All signs shall be installed so that necessary supports and braces are an integral part of the sign design.
- C. Location. All signs shall comply with the following standards.
1. Public Property. Signs may only be placed on public property by a government agency, as authorized by this Chapter, or by the Zoning Administrator. Any sign placed on public property without authorization may be removed without notice.
  2. Private Property. Signs may only be placed on private property with prior consent of the property owner and, if applicable, pursuant to an approved sign permit issued by the Village in accordance with [§ 10-3-9 \(Sign Permit\)](#).
  3. Building Exterior. A sign mounted on the exterior of a building shall not conceal any windows, doors, fire escapes, or unique architectural features. This standard does not apply to window signs.
  4. Visibility Obstruction. Minimum clear sight distance at all intersections shall be in accordance with [§ 10-6-6.C \(Visibility Obstruction\)](#) and other applicable guidelines, whichever is greater.

- D. Illumination. All signs shall comply with the following illumination standards.
1. Electrical Components. All electrical components used in the construction of a sign shall be installed and maintained as required by Title 9 (Building Regulations) of the Village Code.
  2. Light Level.
    - a. LED Lighting. The light level of an illuminated sign lit with LED bulbs shall be no greater than 5,000 nits of luminance from dawn to dusk, and no greater than 150 nits of luminance from dusk to dawn.
    - b. Non-LED Lighting. The light level of an illuminated sign lit with bulbs other than LED bulbs shall be no greater than one foot-candle at any time of day as measured at the curb line.
  3. Direct Light and Glare. All sign illumination shall be located, shielded, and directed to illuminate only the sign face and to prevent direct light or glare from being cast upon adjacent rights-of-way and surrounding properties. Neon tubing for neon signs and bare bulbs for marquee signs shall be exempt from this requirement. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.
  4. Steady Illumination. Illuminated signs shall be illuminated by steady, stationary, fully shielded light sources concentrated on the face of the sign so as not to cause glare.
  5. Neon Signs. Marquee signs and window signs may be illuminated with neon. Window signs that are illuminated with neon are allowed in accordance with the standards of [§ 10-10-5.B.12 \(Window Signs\)](#). Neon tubing shall not be used to trim windows or architectural features.
  6. Hours of Operation. Illuminated signs shall be turned off from 11:00 p.m. until 7:00 a.m., or 30 minutes after close of business, whichever is later. Uses that remain in operation between 11:00 p.m. until 6:00 a.m. are exempt from this requirement during the period of operation only.
- E. Items of Information. Refer to [Figure 10-10-2-1. Items of Information](#).
1. Applicability. The following standards apply to all permanent signs, with the exception of drive-through signs.
  2. Limitation. No sign face shall include more than six items of information, except as provided in this Section. Each of the following items is considered one item of information: business name, business logo, telephone number, website, slogan, and products or services offered. If the sign advertises products or services, each product or service is considered one item of information. The following exceptions apply:
    - a. Street Address. The street address of a business is not considered an item of information.
    - b. Electronic Message Signs and Manually Changeable Copy Signs. An electronic message sign or manually changeable copy sign shall be counted as one item of information. A sign that includes an electronic message sign or manually changeable copy sign component shall include no more than three total items of information.
    - c. Multi-Tenant Commercial Building Signs. Monument signs for multi-tenant commercial buildings are limited to one item of information per tenant, which may exceed six items of information in total, in addition to the name and address of the development.
  3. Commercial and Non-Commercial Signs. All items of information on a commercial sign must be related to the products and services offered on the premises. This limitation on items of information is not applicable to non-commercial signs.

**Figure 10-10-2-1. Items of Information**



- F. Message Substitution. Any sign may contain any lawful non-commercial message in lieu of any other message or copy, so long as the sign complies with the size, height, area, location, and other requirements of this Section.
- G. Maintenance, Inspection, and Removal.
1. Maintenance. All signs, support structures, and the area immediately adjacent to signs shall be regularly maintained, including cleaning, painting, and repairs. No sign may be constructed, erected, or maintained in a manner that is unsafe or a danger to the public.
  2. Inspection. The Village may inspect any sign regulated by this Chapter at any time to determine whether the sign is in need of repair or removal, or whether it is in conformance with the provisions of this Chapter.
  3. Removal of Unsafe Signs. Any sign that is an immediate peril to people or property may be removed by the Village without prior notice to the owner thereof. The cost of removal will be billed to the property owner.
  4. Removal of Obsolete Signs. Any sign may remain in place after a corresponding use has vacated the subject premises, provided the sign is left non-illuminated and sign copy is removed within 30 days after the use vacates the premises. If a new on-site use for the sign has not commenced within six months of the previous use vacating the premises, the sign shall be deemed abandoned, and is subject to the provisions of [§ 10-5-4.F \(Discontinuation or Abandonment of Nonconforming Signs\)](#).

### **§ 10-10-3 Sign Measurement Standards**

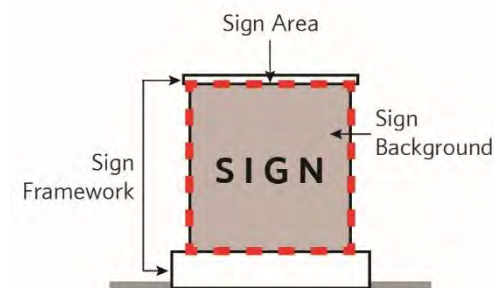
The following standards shall control the measurement of sign area and sign height.

- A. Measurement of Sign Area. Refer to [Figure 10-10-3-1. Sign Area Measurement](#) and [Figure 10-10-3-2. Measurement for Signs with Multiple Faces](#).
1. Signs with Backgrounds. For signs mounted upon a background, sign area is measured as the entire area of the sign face or background of the sign used to distinguish the sign from the structure upon which it is placed, unless otherwise noted in this Chapter. Sign area does not

include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

2. Signs with Freestanding Letters and/or Logos. For signs consisting of freestanding letters and/or logos, sign area is measured as the total area of the smallest geometric shapes that will enclose each word and graphic in the display. Sign area does not include any supporting framework or bracing, unless the framework or bracing is part of the message or sign face.
3. Signs with Multiple Faces. For signs with multiple faces, if the interior angle between the sign faces is 45 degrees or less, sign area is the area of one sign face. If the angle between the sign faces is greater than 45 degrees, sign area is the sum of the areas of the sign faces. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

**Figure 10-10-3-1. Sign Area Measurement**

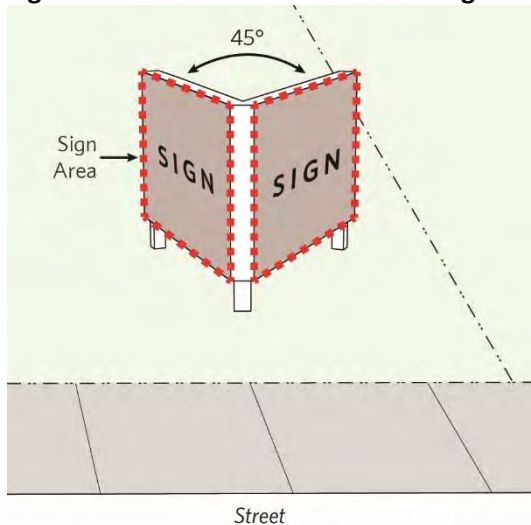


*Measuring a Sign on a Background*



*Measuring a Sign with Freestanding Letters and/or Logos*

**Figure 10-10-3-2. Measurement for Signs with Multiple Faces**



#### B. Measurement of Sign Height.

1. Ground-Mounted Signs. The height of a ground-mounted sign shall be calculated as the vertical distance measured from grade to the highest point of the sign.
2. Building-Mounted Signs. The height of a building-mounted sign shall be calculated as the vertical distance from the base of the sign face to the highest point of the sign face, unless otherwise noted in this Chapter.



#### **§ 10-10-4 Master Sign Plan**

- A. Applicability. A master sign plan approved by the Zoning Administrator shall be required for signs installed in non-residential developments with three or more tenants. A sign permit shall not be issued for a sign in a multi-tenant development unless it conforms to the approved master sign plan in accordance with [§ 10-3-9 \(Sign Permit\)](#). For existing multi-tenant developments, a master sign plan is required if the applicant proposes to modify 50 percent or more of the existing signs within a 12-month period.
- B. Contents. The master sign plan shall indicate the type, number, location, materials, and dimensions of all signs in the development. The master sign plan shall also include any other information necessary to determine whether the proposed signs comply with the sign regulations of this [Chapter 10 \(Signs\)](#).
- C. Design Standards. The master sign plan must describe and illustrate a consistent pattern of signage in the development. All signs within the development must have at least two of the following design elements in common in the C-1 and C-2 Districts, and at least three of the following design elements in common for developments in the I-1 and I-2 Districts:
  - 1. Background color or text color.
  - 2. Lettering style.
  - 3. Mounting height on the building for wall signs.
  - 4. Materials.
  - 5. Sign type.
- D. Master Sign Plan Approval and Amendments. The Zoning Administrator is authorized to approve master sign plans and amendments to master sign plans. Amendments to master sign plans may be approved by the Zoning Administrator only if all signs approved under the existing master sign plan are in conformance or are brought into conformance with the provisions of the amended master sign plan.

#### **§ 10-10-5 Permanent Signs**

- A. Permanent Signs Exempt from Permit Requirement. The following types of permanent signs are exempt from the sign permit requirements of [§ 10-3-9 \(Sign Permit\)](#) and are allowed in all zoning districts provided that they comply with the following standards.
  - 1. Driveway Access Signs. Two driveway access signs are allowed per driveway access from a public street. One driveway access sign is allowed per intersection of internal driveways. Driveway access signs shall not exceed four square feet in area and four feet in height per sign.
  - 2. Flags.
  - 3. Government Signs.
  - 4. Headstones.
  - 5. Historical Markers. Historical markers shall be constructed of bronze or other incombustible materials, and shall not exceed four square feet in area per sign.
  - 6. Miscellaneous Information Signs.
  - 7. Parking Lot Signs. Parking lot signs shall not exceed six square feet in area per sign.



8. Residential Signs. One wall or window sign shall be allowed per lot in residential zoning districts. Residential signs shall not exceed two square feet in area and shall not be illuminated.
9. Street Address Signs. Street address signs shall not be internally-illuminated and shall not exceed two square feet in area per sign in single-dwelling unit zoning districts and six square feet in area per sign in all other zoning districts.
10. Warning Signs. Two warning signs shall be allowed per zoning lot and warning signs shall not exceed two square feet in area per sign.
11. Wayfinding Signs.

B. Permanent Signs with Permit Requirement. The following permanent signs require a sign permit, in accordance with [§ 10-3-9 \(Sign Permit\)](#), and shall comply with the following standards. [Table 10-10-5-1. Permanent Signs Permitted by District](#) establishes the permitted districts for the listed sign types.

**Table 10-10-5-1. Permanent Signs Permitted by District**

	Residential Districts		Commercial Districts		Industrial Districts	
	R-1, R-2, R-3, R-4	R-5, R-6	C-1	C-2	I-1	I-2
Awning Signs	○	○	●	●	●	●
Canopy-Mounted-Signs	○	○	●	●	●	●
Drive-Through Signs				●		●
Electronic Message Signs	○	○		●		
Hanging Signs			●	●		
Manually Changeable Copy Signs	○	○	●	●	●	●
Marquee Signs			●	●		
Monument Signs	●	●	●	●	●	●
Projecting Signs			●	●		
Roof Signs (Painted)					●	●
Wall Signs	○	○	●	●	●	●
Window Signs	○	○	●	●	●	●

● = Permitted, subject to the conditions of this chapter.

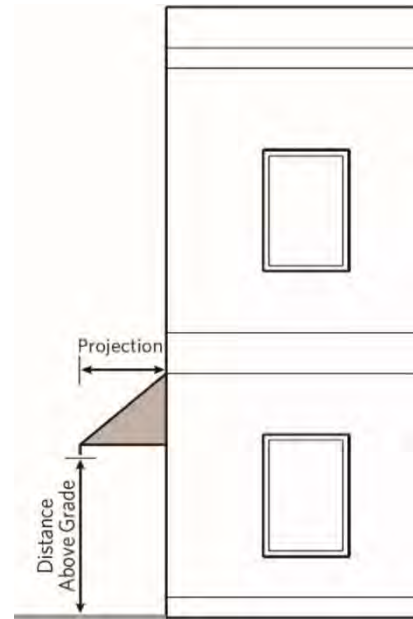
○ = Permitted for non-residential uses and multiple-unit dwelling uses, subject to the conditions of this chapter.

1. Awning Signs. Awnings that do not display signs are not subject to the regulations of this Section. Refer to [Figure 10-10-5-1. Awning Sign](#).
  - a. Location.
    - (1) Awning signs are allowed in the C-1, C-2, I-1, and I-2 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.
    - (2) An awning sign may project from the front, side, rear, or corner side façade of the building to which it is attached.
    - (3) An awning sign may project over the lot line, but shall not project more than four feet from the façade of the building to which it is attached.
    - (4) No portion of the awning on which the awning sign is attached shall be located lower than eight feet above grade.
    - (5) An awning sign shall not project higher than the highest point of the awning to which it is attached or lower than the lowest point of the awning to which it is attached.
    - (6) Awning signs shall be generally aligned with awning signs that are attached to adjacent buildings to maintain a sense of visual continuity.
  - b. Size. An awning sign shall not exceed 50 percent of the area of the awning on which it is located. For awnings extending across the building frontage of more than one ground floor tenant, the awning area for each tenant shall be measured from the limits of each building frontage. Awning signs are exempt from the measurement standard of [§ 10-10-3.A.1 \(Signs with Backgrounds\)](#) and shall follow the measurement standard of [§ 10-10-3.A.2 \(Signs with Freestanding Letters and/or Logos\)](#).
  - c. Illumination. Externally illuminated awning signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#). Awning signs shall not be back-lit.
  - d. Display Standards.
    - (1) Awning signs shall be displayed on awnings constructed out of durable, weather-resistant material such as canvas, nylon, vinyl-coated fabric, or metal.
    - (2) Awning signs shall not be displayed on round, arched, bubble, box, or waterfall awnings.

**Figure 10-10-5-1. Awning Sign**



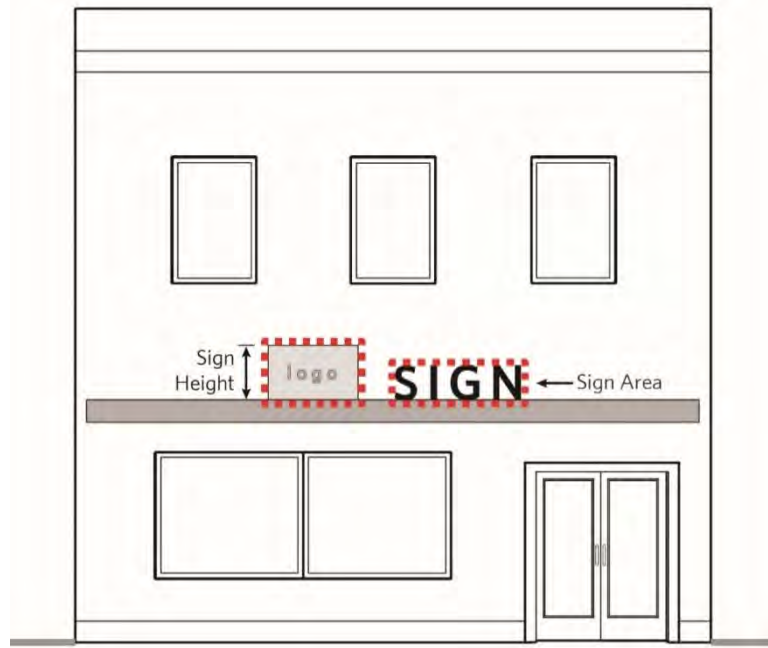
*Front View*



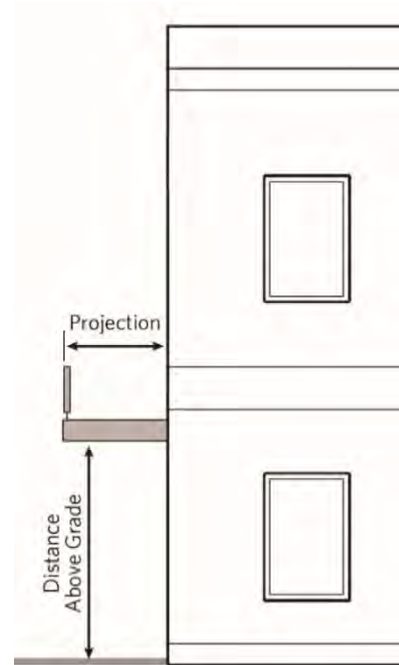
*Side View*

2. Canopy-Mounted Signs. Refer to [Figure 10-10-5-2. Canopy-Mounted Sign](#).
- a. Location.
    - (1) Canopy-mounted signs are allowed in the C-1, C-2, I-1, and I-2 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.
    - (2) The canopy upon which the canopy-mounted sign is displayed may project from the front, side, rear, or corner side façade of the building to which it is attached.
    - (3) A canopy-mounted sign may project over the lot line, but shall not project more than four feet from the façade of the building to which it is attached.
    - (4) The canopy upon which the canopy-mounted sign is displayed shall be located at least eight feet above grade, and the canopy-mounted sign shall not extend below the lowest point of the canopy on which it is displayed.
    - (5) Canopy-mounted signs shall be generally aligned with canopy-mounted signs that are attached to adjacent buildings to maintain a sense of visual continuity.
  - b. Quantity. One canopy-mounted sign is allowed per tenant entrance.
  - c. Size.
    - (1) Area. The total area of canopy-mounted signs shall not exceed one square foot of sign area per linear foot of the building façade to which the sign will be affixed.
    - (2) Height. Canopy-mounted signs shall not exceed two feet in height as measured from the top of the canopy.
  - d. Illumination. Internally and externally illuminated canopy-mounted signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).
  - e. Gas Station Canopies. Gas station canopies may have one sign per canopy façade. Gas station canopy signs shall not exceed three and one-half feet in height and may not project above or below the canopy. Externally illuminated gas station canopy signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).

**Figure 10-10-5-2. Canopy-Mounted Sign**



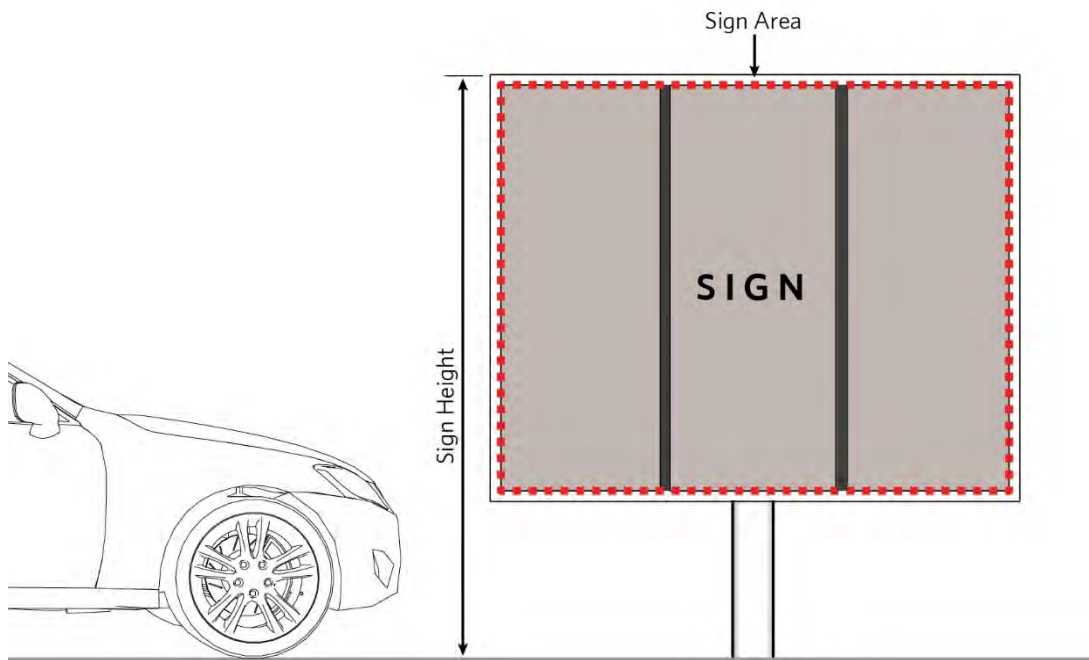
*Front View*



*Side View*

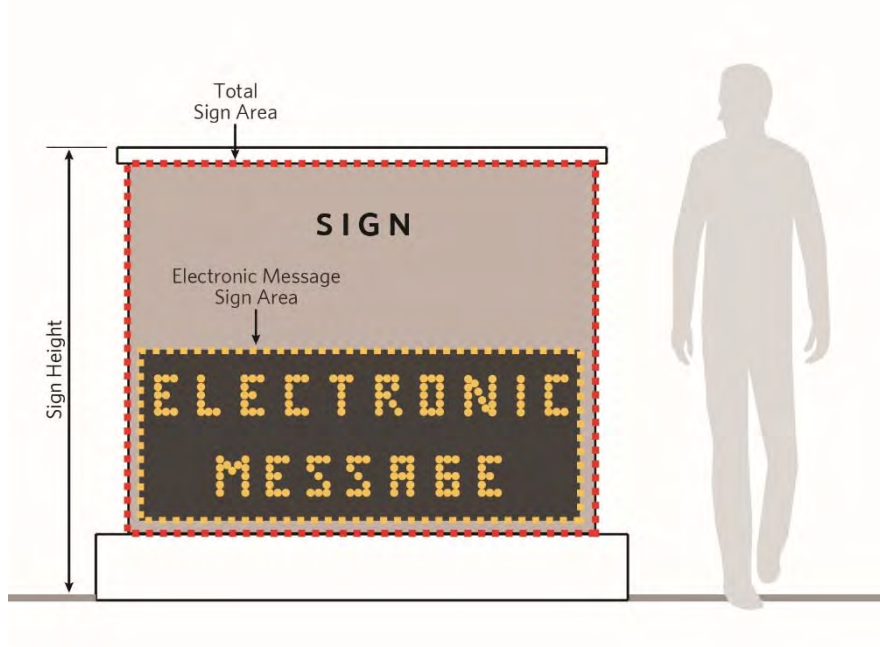
3. Drive-Through Signs. Refer to [Figure 10-10-5-3. Drive-Through Sign](#).
- a. Location.
    - (1) Drive-through signs are allowed for any drive-through establishment.
    - (2) Drive-through signs shall be located a minimum of 15 feet from the lot line of any lot in a residential zoning district.
  - b. Quantity. One drive-through sign is allowed per drive-through lane.
  - c. Size. Drive-through signs shall not exceed 50 square feet in area and six feet in height.
  - d. Illumination.
    - (1) Internally illuminated drive-through signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).
    - (2) Drive-through signs may include a speaker and an electronic screen to display information to customers.
  - e. Display Standards. Drive-through signs shall be displayed as wall signs or monument signs. In the event of a conflict between the provisions of [§ 10-10-5.B.3 \(Drive-Through Signs\)](#) and the applicable provisions of [§ 10-10-5.B.8 \(Monument Signs\)](#), the provisions of this [§ 10-10-5.B.3 \(Drive-Through Signs\)](#) shall control.

**Figure 10-10-5-3. Drive-Through Sign**



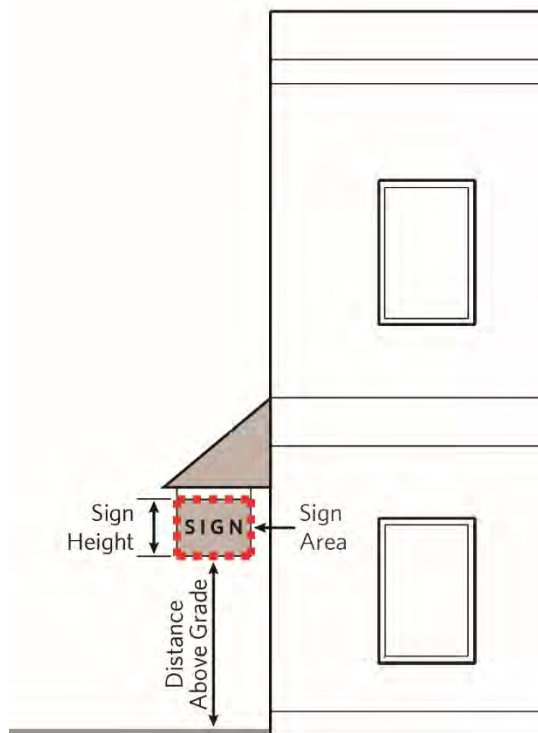
4. Electronic Message Signs. Refer to [Figure 10-10-5-4. Electronic Message Sign](#).
- a. Location.
    - (1) Electronic message signs are allowed in the C-2 District and in all residential districts for parks, schools, libraries, and places of worship only.
    - (2) Electronic message signs shall be allowed as components of marquee or monument signs. An electronic message sign is subject to the regulations pertaining to the sign type upon which it is located.
    - (3) Electronic message signs shall not be located within one mile of the property line of a lot containing another electronic message sign, as measured along the nearest roadway.
  - b. Quantity. One electronic message sign is allowed per zoning lot.
  - c. Size. An electronic message sign shall not occupy more than 50 percent of the total sign area of the marquee or monument sign on which it is displayed.
  - d. Illumination.
    - (1) Internally illuminated electronic message signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).
    - (2) Electronic message signs are allowed to change their message once every 10 seconds, and the transitions between messages shall be instantaneous.
    - (3) Electronic message signs shall display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
    - (4) Electronic message signs shall be designed to default to a static display in the event of mechanical failure.

**Figure 10-10-5-4. Electronic Message Sign**



5. Hanging Signs. Refer to [Figure 10-10-5-5. Hanging Sign](#).
- a. Location.
    - (1) Hanging signs are allowed in the C-1 and C-2 Districts.
    - (2) The hanging sign shall be located entirely underneath the awning or canopy to which it is attached. Hanging signs shall not be attached to marquee signs.
  - b. Quantity. One hanging sign is allowed per street frontage per tenant located on the ground floor.
  - c. Size.
    - (1) Area. Hanging signs shall not exceed eight square feet in area per sign.
    - (2) Height. Hanging signs shall be located at least eight feet above grade.
  - d. Illumination. Internally and externally illuminated hanging signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).

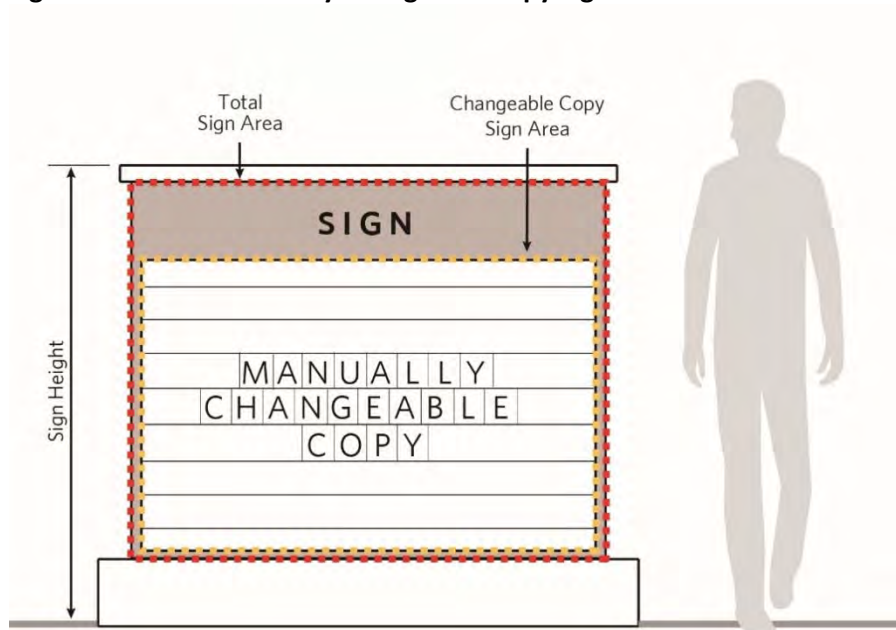
**Figure 10-10-5-5. Hanging Sign**





6. Manually Changeable Copy Signs. Refer to [Figure 10-10-5-6. Manually Changeable Copy Sign](#).
- a. Location.
    - (1) Manually changeable copy signs are allowed in the C-1, C-2, I-1, and I-2, and in all residential districts for non-residential uses.
    - (2) Manually changeable copy signs shall be allowed as components of marquee or monument signs. A manually changeable copy sign is subject to the regulations pertaining to the sign type upon which it is located.
  - b. Quantity. One manually changeable copy sign or electronic message sign is allowed per zoning lot.
  - c. Size. A manually changeable copy sign shall not occupy more than 80 percent of the total sign area of the marquee, monument, or wall sign on which it is displayed.
  - d. Illumination. Internally illuminated manually changeable copy signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).

**Figure 10-10-5-6. Manually Changeable Copy Sign**



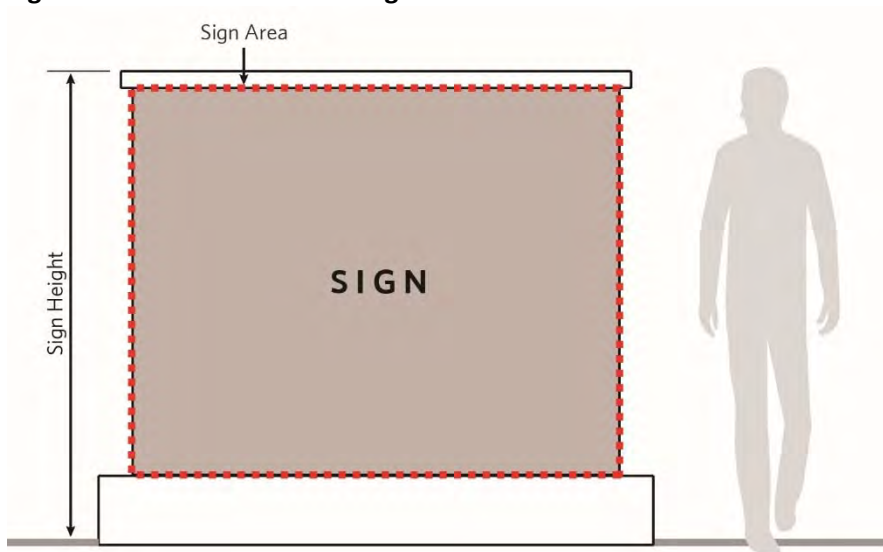
7. Marquee Signs. Refer to [Figure 10-10-5-7. Marquee Sign](#).
- a. Location.
    - (1) Marquee signs are allowed in the C-1 and C-2 Districts.
    - (2) A marquee sign may project from the front or corner side façade of the building to which it is attached, but shall not project beyond the curb line.
    - (3) A marquee sign must be located a minimum of one foot from the edges of the façade to which it is attached, except for marquee signs that wrap around a building corner.
    - (4) Marquee signs shall be located at least eight feet above grade.
  - b. Quantity. One marquee sign is allowed per frontage containing primary tenant entrance.
  - c. Size. Marquee signs shall not exceed three square feet of sign area per one linear foot of building frontage, including any individual letters, logos, and/or representation mounted on top of the roof of the marquee.
  - d. Components. An electronic message sign or manually changeable copy sign is allowed as a component of a marquee sign, in accordance with [§ 10-10-5.B.4 \(Electronic Message Signs\)](#) and [§ 10-10-5.B.6 \(Manually Changeable Copy Signs\)](#).
  - e. Illumination. Internally illuminated marquee signs are allowed in accordance with [§ 10-10-2.D \(Illumination\)](#).
  - f. Display Standards. A marquee sign shall be supported solely by the building to which it is attached, and shall not be supported by ground-mounted columns or posts.

**Figure 10-10-5-7. Marquee Sign**



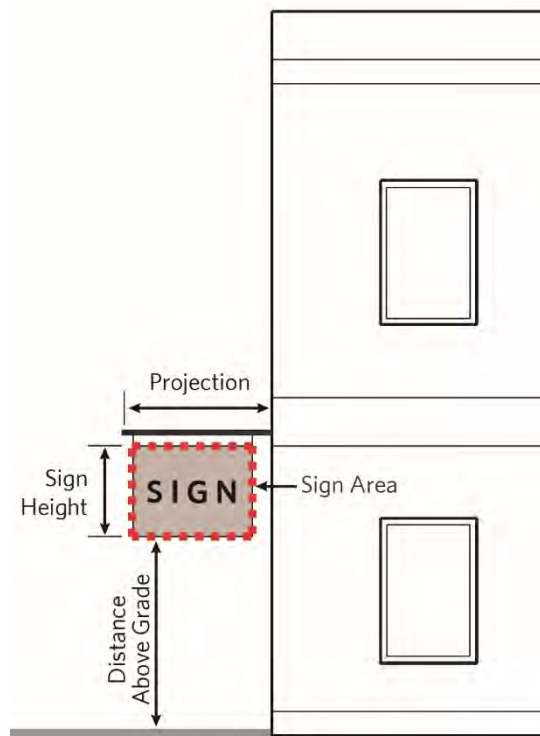
8. Monument Signs. Refer to [Figure 10-10-5-8. Monument Sign](#).
- a. Location.
    - (1) Monument signs are allowed in the C-1, C-2, I-1, and I-2 Districts, and in all residential districts for residential development identification and non-residential uses.
    - (2) Monument signs shall be located a minimum of five feet from any front or corner side lot line, and 10 feet from any interior side lot line.
  - b. Quantity.
    - (1) For zoning lots with less than 300 feet of lot width, one monument sign is allowed per street frontage.
    - (2) For zoning lots with 300 feet or more of lot width, two monument signs are allowed per street frontage. A minimum distance of 150 feet is required between any monument signs on a zoning lot.
  - c. Size. Monument signs shall not exceed 50 square feet in area per sign and eight feet in height.
  - d. Components. An electronic message sign or manually changeable copy sign is allowed as a component of a monument sign, in accordance with [§ 10-10-5.B.4 \(Electronic Message Signs\)](#) and [§ 10-10-5.B.6 \(Manually Changeable Copy Signs\)](#).
  - e. Illumination. Internally and externally illuminated monument signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).
  - f. Landscape. The area surrounding the base of all monument signs must be landscaped. The landscape area shall extend a minimum of three feet in width on all sides of the sign base and consist of shrubs, perennials, and/or other vegetative groundcover. A landscape plan shall be submitted as part of any sign permit application (see [§ 10-3-9 \(Sign Permit\)](#)), and approved by the Zoning Administrator. The Zoning Administrator may approve alternative landscape designs when soil conditions, space constraints, or other factors beyond reasonable control of the applicant preclude the applicant from meeting the requirements set forth in this Section.
  - g. Materials. Monument signs shall be constructed of masonry, finished split face block, stone, hardwood, polymer material with a wood appearance, metal, or other sturdy material that matches or complements the face of the sign. If the primary building on-site uses decorative masonry, the sign base should use the same material.

**Figure 10-10-5-8. Monument Sign**



9. Projecting Signs. Refer to [Figure 10-10-5-9. Projecting Sign](#).
- a. Location.
    - (1) Projecting signs are allowed in the C-1 and C-2 Districts.
    - (2) Projecting signs shall be located at least eight feet above grade.
    - (3) A projecting sign shall not project more than five feet from the face of the building to which it is attached, including the area between the sign and the face of the building.
    - (4) A projecting sign and its structural supports shall not project above the roof of the building to which the sign is attached. All structural supports shall be attached to the façade of the building, and shall not be attached to the roof.
  - b. Quantity. One projecting sign is allowed per street frontage per tenant located on the ground floor.
  - c. Size.
    - (1) Area. Projecting signs shall not exceed 16 square feet in area per sign.
    - (2) Height. Projecting signs shall not exceed six feet in height.
  - d. Illumination. Internally illuminated projecting signs are allowed in the C-2 District and externally illuminated projecting signs are allowed in the C-1 District only in accordance with [§ 10-10-2.D \(Illumination\)](#).

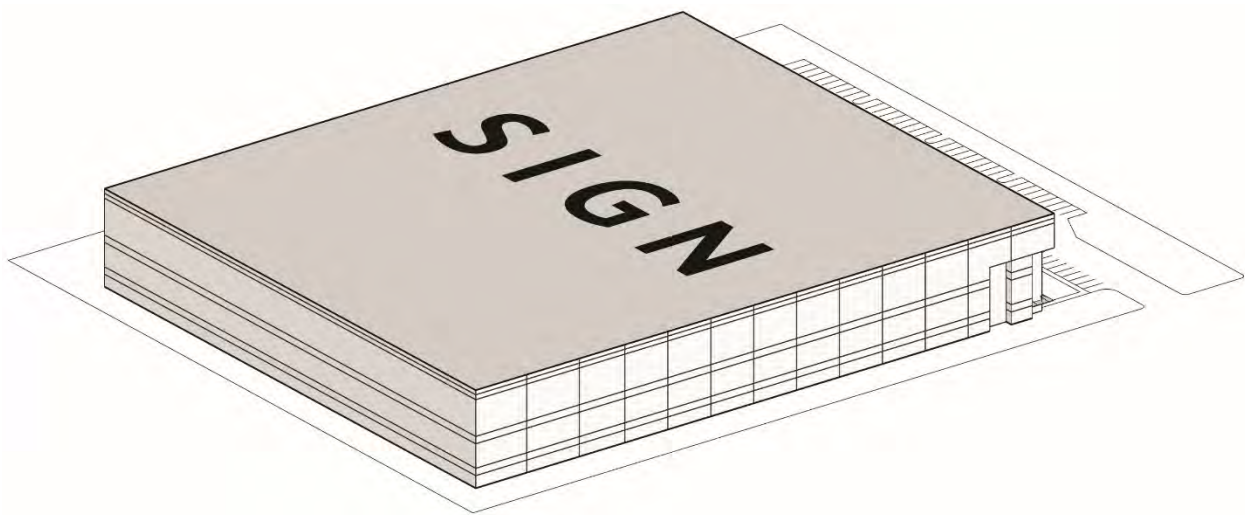
**Figure 10-10-5-9. Projecting Sign**



*Side View*

10. Roof Signs (Painted). Refer to [Figure 10-10-5-10. Roof Sign \(Painted\)](#).
- a. Location. Roof signs (painted) are allowed in the I-1 and I-2 Districts. Roof signs (painted) shall be painted directly on the surface of the roof and shall not be visible from the right-of-way at ground level.
  - b. Quantity. One roof sign (painted) is allowed per roof only for roofs that have a minimum area of 250,000 square feet.
  - c. Materials. Roof signs (painted) shall not utilize reflective paint.
  - d. Illumination. Roof signs (painted) shall not be illuminated.

**Figure 10-10-5-10. Roof Sign (Painted)**



11. Wall Signs. Refer to [Figure 10-10-5-11. Wall Sign](#).

a. Location.

- (1) Wall signs are allowed in the C-1, C-2, I-1, and I-2 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.
- (2) Wall signs shall be installed on the building façade and shall not project more than one foot from the face of the building.
- (3) Wall signs shall be located at a generally uniform height throughout multi-tenant commercial developments.
- (4) A wall sign shall not project above the top of the wall to which it is attached.
- (5) Painted wall signs displaying a business name, products, or services may be displayed on all building façades, if such signs are professionally painted.

b. Quantity.

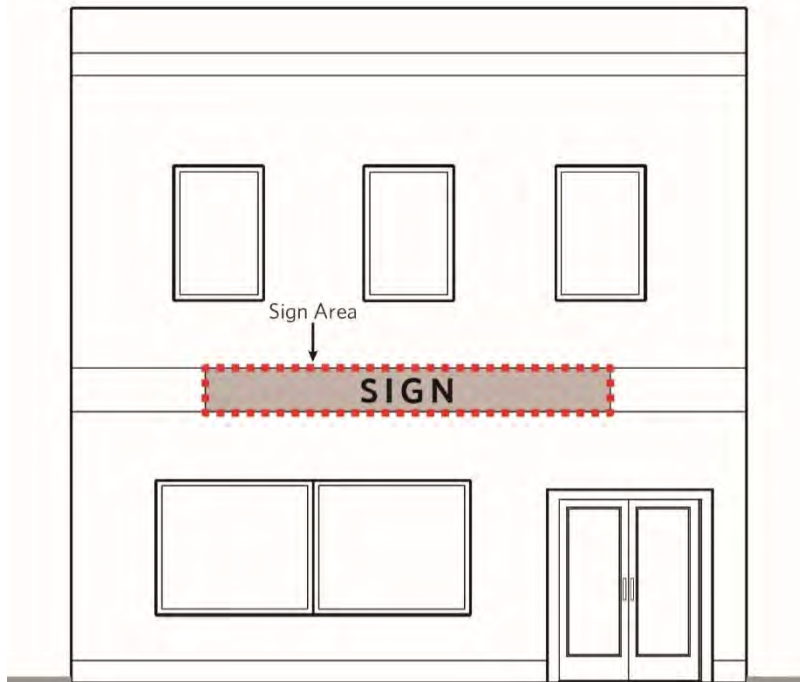
- (1) One wall sign is allowed per street frontage per tenant.
- (2) One additional wall sign is allowed per tenant on the side or rear façade of the building.

c. Size.

- (1) The total area of wall signs on the front or corner side façade shall not exceed one and one-half square feet of sign area per linear foot of the building façade to which the sign will be affixed, as measured along the front or corner side façade, or 40 square feet, whichever is greater.
- (2) The total area of wall signs on the rear or interior side façade shall not exceed one square foot of sign area per linear foot of the building façade to which the sign will be affixed.
- (3) The allowable wall sign area measured for any façade shall only be applicable for use on that façade, and is not transferable to other façades.

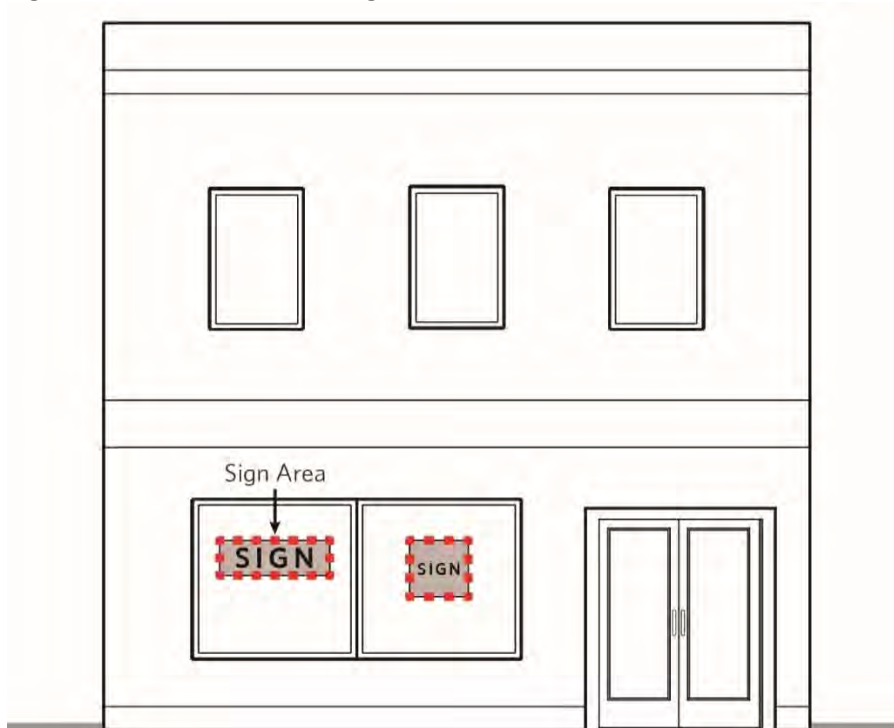
d. Illumination. Internally and externally illuminated wall signs are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).

**Figure 10-10-5-11. Wall Sign**



12. Window Signs. Refer to [Figure 10-10-5-12. Window Sign](#).
- a. Location. Window signs are allowed in the C-1, C-2, I-1, and I-2 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.
  - b. Size. Window signs shall not occupy more than 25 percent of the total ground floor window area of each establishment. Window signs located in stories above the ground floor shall not occupy more than 25 percent of the total window area of that story on each building façade.
  - c. Illumination. Internally illuminated window signs, including neon signs that do not exceed six square feet in area per sign, are allowed only in accordance with [§ 10-10-2.D \(Illumination\)](#).

**Figure 10-10-5-12. Window Sign**





## § 10-10-6 Temporary Signs

Temporary signs are allowed in accordance with the provisions of this Section, except where other sections of this Chapter regulate such signs, the more restrictive regulation shall apply.

- A. General Provision. All temporary signs shall comply with the following standards.
  - 1. Illumination. Temporary signs shall not be illuminated.
  - 2. Relation to Products or Services. Temporary commercial signs must be related to the products or services sold on the premises. This regulation does not apply to temporary residential signs.
- B. Temporary Signs Exempt from Permit Requirement. The following temporary signs are exempt from the sign permit requirements of [§ 10-3-9 \(Sign Permit\)](#) and shall comply with the following standards.
  - 1. A-Frame Signs.
    - a. Location.
      - (1) A-frame signs are allowed in all non-residential districts, and in all residential districts for non-residential uses.
      - (2) A-frame signs may be located on the sidewalk, but at least four feet of sidewalk width must be maintained so as not to interfere with pedestrian traffic or accessibility.
      - (3) A-frame signs must be located within 15 feet of the primary entrance of the use served.
    - b. Quantity. One A-frame sign is allowed per business.
    - c. Size. A-frame signs shall not exceed eight square feet in area and four feet in height.
    - d. Display Period.
      - (1) A-frame signs may be displayed on a daily basis, but the display shall be limited to business hours. A-frame signs must be stored indoors at all other times.
      - (2) A-frame signs shall not be displayed when severe weather conditions, such as high winds or heavy snow, so as not to create a safety risk.
  - 2. Temporary Window Signs.
    - a. Location. Temporary window signs are allowed in all zoning districts on the ground floor.
    - b. Size. Temporary window signs shall not occupy more than 25 percent of the total ground floor window area on each building façade.
    - c. Display Period. Temporary window signs are limited to a display period of four weeks per calendar year.
  - 3. Vehicle for Sale Signs.
    - a. Location. Vehicle for sale signs are allowed in the C-1 and C-2 Districts for motor vehicle sales uses.
    - b. Quantity. One vehicle for sale sign is allowed per vehicle.
  - 4. Yard Signs.
    - a. Location. Yard signs are allowed in all zoning districts.
    - b. Quantity. Two yard signs are allowed per street frontage. Additionally, one yard sign is allowed per street frontage for each of the following qualifying conditions, limited to the display period and maximum sign area listed for each in this Section:
      - (1) The applicant has an active, approved building permit for activities on the property on which the sign is located. Such yard sign shall be removed no later than 10 days after expiration of the building permit, or issuance of an occupancy permit, whichever occurs first.
      - (2) The applicant has an approved permit for a garage or yard sale on the property on which the sign is located. Such yard sign may be installed two days prior to the garage or yard sale and shall be removed on the final day of the garage or yard sale.



- (3) The subject property, or buildings therein, are currently for sale, lease, or rent. Such yard sign shall be removed no later than one day after the sale, rental, or lease agreement signing for the subject property.
- (4) This Ordinance does not limit the number of yard signs allowed prior to or following an election, but the display of such signs is limited by the aggregate area of all yard signs in accordance with [§ 10-10-6.B.4.c \(Size\)](#).
- c. Size.
  - (1) In residential districts, individual yard signs shall not exceed five square feet in area per sign and six feet in height. In residential districts, the aggregate area of all yard signs shall not exceed 25 square feet.
  - (2) In non-residential districts, individual yard signs shall not exceed 20 square feet in area per sign and eight feet in height. In non-residential districts, the aggregate area of all yard signs shall not exceed 40 square feet.
- C. Temporary Signs with Permit Requirement. The following temporary signs require a Temporary Sign Permit, per [§ 10-3-9 \(Sign Permit\)](#), and shall comply with the following standards.
  - 1. Banner Signs.
    - a. Location.
      - (1) Banner signs are allowed for non-residential uses in all zoning districts. Uses that have an electronic message sign or a manually changeable copy sign may not have a banner sign.
      - (2) Banner signs shall not project above the roof of the building to which it is attached.
      - (3) Banner signs shall not encroach into the public right-of-way.
    - b. Quantity. One banner sign is allowed per business, which may be displayed as a wall sign or window sign.
    - c. Size. Banner signs shall not exceed 32 square feet in area.
    - d. Display Period. Banner signs are limited to a display period of 30 days at a time, and no more than 60 days per calendar year.

## **§ 10-10-7 Prohibited Signs**

It shall be unlawful to erect the following prohibited signs or devices in any zoning district.

- 1. Attention Getting Devices.
- 2. Banner Flag Sign.
- 3. Bench Signs.
- 4. Flashing Signs.
- 5. Inflatable Devices
- 6. Moving Signs. No sign or other advertising device shall have moving, revolving, or rotating parts. Moving signs shall not include barber poles, electronic message signs, flags, inflatable devices, pennant signs, and signs displaying time and temperature, street clocks, and other signs as established by this Chapter.
- 7. Obscene Signs.

8. Off-Premises Signs.
9. Pole Signs.
10. Portable Sign.
11. Roof Signs (Building-Mounted).
12. Signs that Interfere with Traffic. No sign or other advertising device shall interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device because of its position, shape, illumination, or color.
13. Snipe Signs.
14. Vehicle Signs.
15. Video Display Signs.

## CHAPTER 11: DEFINITIONS

§ 10-11-1 Purpose

§ 10-11-2 Definition of Terms

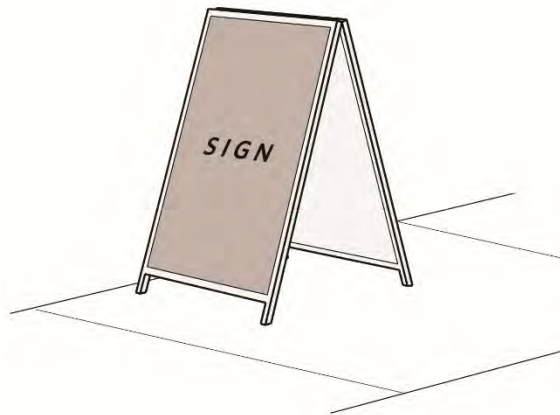
### § 10-11-1 Purpose

The purpose of this Chapter is to define the terms used throughout this Ordinance.

### § 10-11-2 Definition of Terms

**A-Frame Sign:** A movable sign placed on the ground and constructed in the shape of an “A” or some variation thereof. Refer to [Figure 11-2-A. A-Frame Sign](#).

**Figure 11-2-A. A-Frame Sign**



**Accessibility Ramp:** An inclined structure that allows increased access to a building or structure.

**Accessory Structure:** A structure located on the same lot as a principal structure, and that is subordinate in structure and use to the principal structure.

**Accessory Use:** A use located on the same zoning lot as a principal use that is subordinate to the principal use.

**Addition:** Construction that increases the size of a building or structure in terms of height, length, depth, width, floor area, or impervious coverage.

**Adjacent:** Property or a right-of-way that touches a lot line of the subject property or is separated by a public alley. Properties shall not be considered adjacent to one another if a street separates the properties.

**Administrative Adjustment:** Authorization granted by the Zoning Administrator to allow development that deviates from the specific regulations of this Ordinance within a narrowly defined set of circumstances.

**Adult Cabaret:** An establishment that features any of the following: people who appear nude or seminude; live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of “Specified Anatomical Areas” or the conduct or simulation of “Specified Sexual Activities”; or films, motion pictures, videos, slides, computer displays, or other visual representations or recordings that emphasize “Specified Anatomical Areas” or “Specified Sexual Activities.”

**Adult Store:** An establishment having a substantial or significant portion of its sales or stock in trade devoted to books, magazines, periodicals, other printed matter, instruments, novelties, devices, paraphernalia, films, motion pictures, videos, digital materials, or other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.” This shall include any establishment with a segment or section devoted to the sale or display of such materials, or an establishment that publicly claims itself as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of booths, or any other factors showing the establishment’s primary purpose is to purvey such material.

**Adult Theater:** An establishment that, as a substantial or significant portion of its business, presents films, motion pictures, videos, digital materials, or other visual representations that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.”

**Adult Use:** “Adult Use” shall include “Adult Cabarets,” “Adult Stores,” “Adult Theaters,” and other similar uses.

**Alley:** A narrow public or private right-of-way that provides a means of access to adjacent properties typically located at the side or rear of a lot.

**Alteration:** A change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or a substantial change to the roof or exterior walls.

**Animal Boarding, Hospital, or Shelter:** An establishment where pet animals are temporarily boarded, treated for illness or injury, and/or temporarily cared for while permanent homes are found for them.

**Antenna:** A linear antenna designed to send and/or receive television, radio, communication, data, or other similar signals from other antennas.

**Antique Vehicle.** A motor vehicle registered and licensed as an antique vehicle with the State of Illinois.

**Apiary:** An enclosure used to house bees.

**Arbor:** A freestanding structure that serves to support climbing plants, often used to define an access point to a garden.

**Assisted Living Facility:** A residential facility that provides daily assistance and long-term residence for three or more disabled and/or elderly individuals, but does not provide regular in-patient medical or nursing care. Such facilities provide a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individuals who need help with common daily activities, such as dressing, grooming, and bathing. An “Assisted Living Facility” does not include “Community Residence,” “Independent Living Facility,” or “Nursing Home.”

**Attention Getting Device:** A sign that directs attention to a business, product, or service using streamers, spinners, propellers, paddle wheels, or other ornamentation designed to move in the wind. “Attention Getting Devices” do not include “Banner Flag Signs” or “Inflatable Devices.”

**Awning:** A roof-like cover, often constructed of flexible fabric and/or metal, which projects from the wall of a structure over a window, sidewalk, or door and is designed for protection from the weather or as a decorative element.

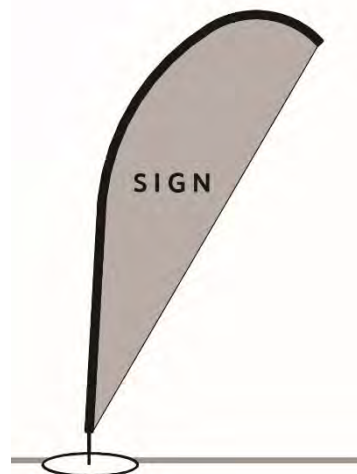
**Awning Sign:** A sign that is displayed on an awning.

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

**Ball Court:** A paved area used to play sports and/or games.

**Banner Flag Sign:** A sign typically made of lightweight fabric or other flexible material that is mounted to a pole and designed to move in the wind. “Banner Flag Signs” do not include “Attention Getting Devices.” Refer to [Figure 11-2-B. Banner Flag Sign](#).

**Figure 11-2-B. Banner Flag Sign**



**Banner Sign:** A sign typically made of lightweight fabric or other flexible material with or without a frame. “Banner Signs” do not include “Attention Getting Devices.”

**Banquet Hall:** An establishment that provides accommodations for private functions, such as weddings, anniversaries, or other similar celebrations. Such use may include facilities for the preparation of food, sale of alcoholic beverages for on-premises consumption, and outdoor reception facilities.

**Bar/Tavern:** An establishment that sells alcoholic beverages for consumption on the premises, and may serve food for consumption on the premises in a manner that is incidental to the sale of alcoholic beverages.

**Basement:** A portion of a building located partly underground that has no more than one half of its height above grade.

**Bay Window:** A window built to project outward from an exterior wall, often with a flat front and angled sides.

**Bench Sign:** A sign located on a bench, seat, or similar structure which directs attention to a business, product, or service.

**Bicycle Parking Sign:** A sign indicating the location of bicycle parking facilities.

**Bicycle Parking Space:** An area used to park a bicycle that may or may not be located on a right-of-way.

**Bioretention:** The process of utilizing a shallow vegetated basin to collect and absorb stormwater runoff as part of systems such as bioretention cells, bioretention curb extensions, and bioretention planters.

**Block:** Land bounded on all sides by street rights-of-way, utility rights-of-way, and/or physical barriers such as bodies of water or public open spaces.

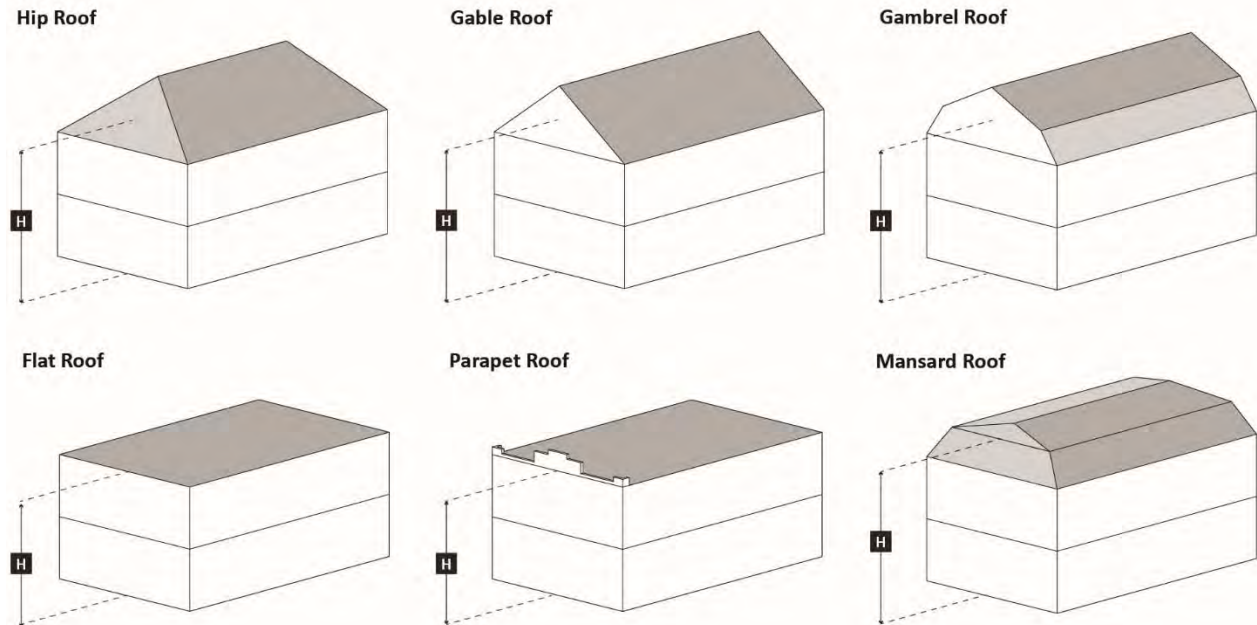
**Blue Roof:** A roof that is designed to store and discharge rainfall.

**Body Art Establishment:** An establishment that provides physical body adornment, alteration or modification that may include, but shall not be limited to, tattooing, piercing, branding, braiding, implantation, or scarification.

**Building:** A structure with substantial walls and a substantial roof that is securely affixed to land and separated on all sides from similar structures by space or by walls that do not have communicating doors, windows, or similar openings.

**Building Height:** The vertical distance measured from the mean average elevation of finished grade within twenty feet of the front building line to the mean point between the eaves and the ridge for a building with a hip, gable, or gambrel roof; to the highest point of a flat roof; and to the deck line for a building with a mansard roof. Regardless of roof type, the following projections shall not be included when determining building height: chimneys, towers, spires, steeples, parapet walls, staircase enclosures, elevator enclosures, tanks, cooling towers, green roofs, blue roofs, mechanical equipment, and similar projections. See [Figure 10-11-2-1. Building Height and Roof Types](#).

**Figure 10-11-2-1. Building Height and Roof Types**



**Building Line.** A line measured at the building wall of a structure that is parallel or nearly parallel to a lot line. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, stairs, and stoops.

**Buffer Yard:** A yard or landscape component used to separate uses or structures, provide a visual barrier, diminish light trespass, or for other similar purposes.

**Canopy:** A rigid roof-like cover, often constructed of metal and/or glass, which projects from the wall of a structure over a window, sidewalk, or door and is designed for protection from the weather or as a decorative element. A canopy may include ground-mounted support posts.

**Canopy-Mounted Sign:** A sign that is mounted on top of a canopy.

**Car-Share Parking:** A parking space designated for the exclusive use of members of a car share organization.

**Car Wash:** An establishment engaged in the cleaning or detailing of motor vehicles, recreational vehicles, and/or other similar vehicles whether automatic or by hand.

**Cemetery:** Land used for the burial of the dead, which may include offices, structures for performing religious ceremonies related to the entombment of the deceased, and related accessory structures for the storage of maintenance equipment.

**Chicken Coop:** An enclosure used to house chickens.

**Chimney:** A vertical structure used to remove smoke and combustion gases from a building that is often of masonry construction.

**Club, Lodge, or Hall:** A meeting, recreational, or social facility established for the use of the members and guests of a non-profit or private organization.

**College or University:** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. "College or University" includes ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

**Commercial Vehicle:** A motor vehicle operated for the transportation of people or material as part of a commercial enterprise.

**Community Garden:** Land that is collectively cultivated and maintained by a group of people.

**Community Residence:** A group residence consisting of a group home or specialized residential care home serving people with disabilities that is licensed, certified, or accredited by the appropriate state or federal agencies. Such residence shall serve as a single housekeeping unit for the housing of unrelated people with functional disabilities who share responsibilities, meals, social activities, and other aspects of residential living. "Community Residence" does not include "Assisted Living Facility," "Independent Living Facility," "Nursing Home," or "Residential Care Facility" and does not include a residence that serves as an alternative to incarceration for a criminal offense.

**Compost Bin:** A container used to store and break down organic matter to produce material that facilitates fertilizing and conditioning soil.

**Comprehensive Plan.** The comprehensive plan of the Village of Bensenville.

**Conforming Structure:** A structure that complies with the bulk and setback regulations of this Ordinance for the zoning district in which such structure is located.

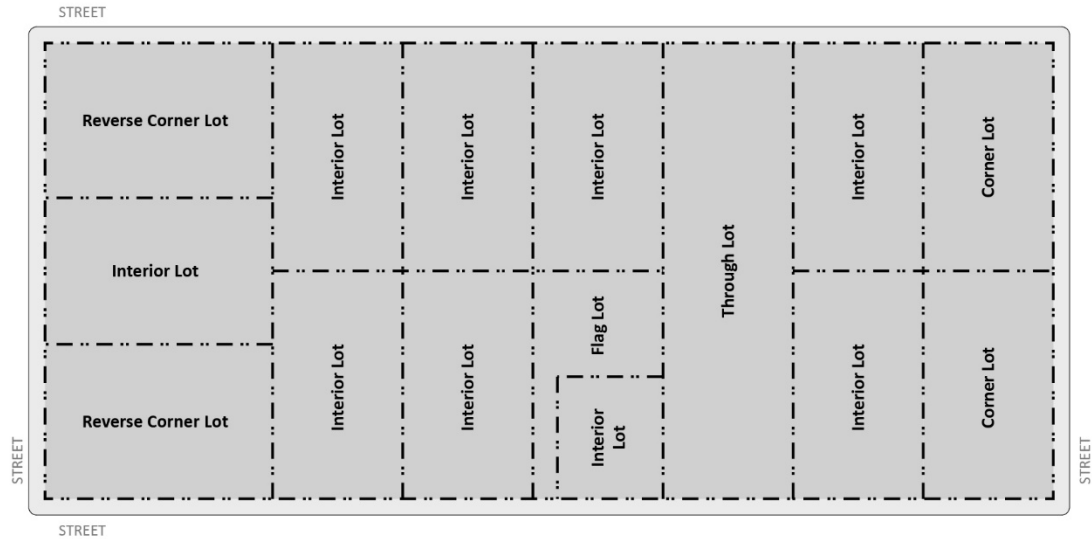
**Conforming Use:** A use that complies with the use regulations of this Ordinance for the zoning district in which such use is located.

**Contractor Trailer:** A portable building or structure that may include office space and/or facilities for equipment storage for a construction project.



**Corner Lot:** A parcel of land located at the intersection of two or more streets that has more than one street frontage, or a lot located at the bend of one street that has an interior angle no greater than 135 degrees. See [Figure 10-11-2-2. Lot Types](#).

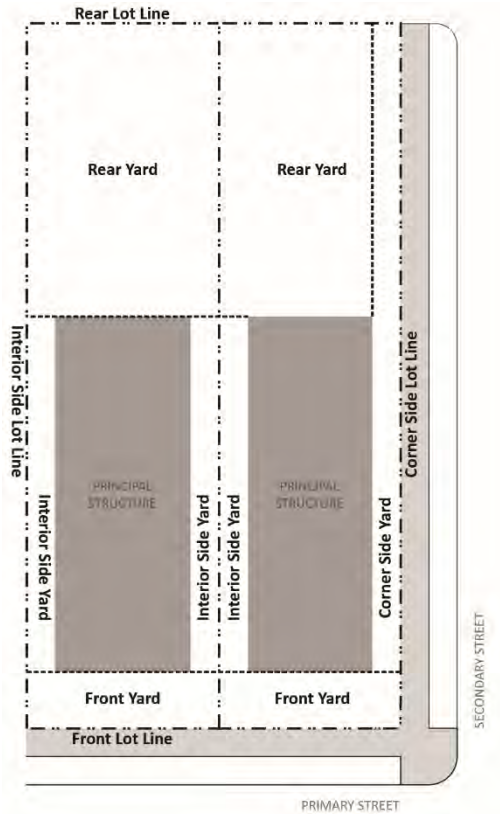
**Figure 10-11-2-2. Lot Types**



**Corner Side Façade:** Any façade that faces and is most closely parallel to the corner side lot line.

**Corner Side Lot Line:** The boundary of a lot that is approximately perpendicular to the front and rear lot lines, which separates the longest street right-of-way frontage of a corner lot from the street right-of-way. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Figure 10-11-2-3. Lot Lines and Yards**



**Corner Side Yard:** The area on a lot extending from the corner side façade of a building to the corner side lot line between the front yard and the rear lot line. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Cornice.** A projecting horizontal architectural feature, often located on the wall of a building or structure below the roofline.

**Cross Slope:** The incline of a path perpendicular to the direction of travel.

**Cultural Facility:** A use that provides cultural services including, but not limited to, museums, cultural centers, historical societies, and libraries.

**Currency Exchange:** An establishment engaged in providing services to cash checks, issue money orders, and prepare cashier's checks for a fee. "Currency Exchange" does not include "Financial Institution" or "Payday or Title Loan Establishment."

**Day Care Center:** An establishment providing care for more than three adults or children in a protective setting for less than 24 hours per day that is not located within a residential dwelling unit. "Day Care Center" does not include day care programs operated by an "Elementary, Middle, or High School," "Park," or "Place of Worship."

**Day Care Home:** A facility within a residential dwelling unit that provides care for adults or children, including the family's natural or adopted children, in a protective setting for less than 24 hours per day.

**Day Labor Center:** An indoor establishment where assignments for occasional or irregular employment are made, characterized by the daily gathering of workers generally seeking low-skilled manual labor. "Day Labor Center" does not include "Professional Office."

**Deck:** A roofless outdoor platform often constructed of wood or composite wood that is elevated from the ground and connects to the exterior wall of a building.

**Development:** Any human-made change to improved or unimproved real estate, including but not limited to construction of, or substantial improvements to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Dog Run:** An enclosed area located within a yard that provides space for a dog to exercise.

**Drive-Through Facility:** A facility used to provide products or services through a window, attendant, or automated machine to people in motor vehicles. A "Drive-Through Facility" may be established in combination with other uses, such as a "Financial Institution," "Personal Services Establishment," "Restaurant," or "Retail Goods Establishment." A "Drive-Through Facility" shall not be considered to be established in combination with a "Car Wash," "Gas Station," or "Motor Vehicle Repair and/or Service."

**Drive-Through Sign:** A sign that displays items for sale or service at an establishment with "Drive-Through Facilities."

**Driveway:** An unobstructed area that provides access to a parking or loading space.

**Driveway Access Sign:** A sign that guides the circulation of motorists, bicyclists, and pedestrians through a site, such as signs indicating parking lot entrances and exits, loading zones, and restrooms.

**Driveway Apron:** The portion of a driveway that passes through the sidewalk, parkway, and curb into the adjacent street.

**Driveway Parking Pad:** A portion of a driveway used to park a motor vehicle that is generally wider than the portion of the driveway used to access the lot.

**Dwelling Above the Ground Floor:** A dwelling unit located on the upper floor of a building that contains non-residential uses on its ground floor.

**Dwelling Unit:** A structure, or portion thereof, designed for residential purposes as a single housekeeping unit that provides independent living facilities for one or more people, including permanent provisions for living, sleeping, eating, cooking, and sanitation. "Dwelling Unit" does not include "Hotel/Motel," "Model Unit," "Recreational Vehicle," mobile home, trailer, tent, or portable building.

**Easement:** Land that has been designated by lawful agreement between the owner of the land and another person for a specified use by such person.

**Eave:** The projecting lower edge of a roof that overhangs the wall of a building.

**Electrical Generator:** A device that generates electrical power.

**Electrical Vehicle Charging Station:** A location used to supply energy to electric vehicles.

**Electronic Message Sign:** A sign that displays a changeable message with text, or simple images using an electronic display. "Electronic Message Signs" shall not include "Video Display Signs."

**Elementary, Middle, or High School:** A public or private educational facility offering instruction to preschool, elementary school, middle school, junior high school, and/or high school students with a full range of curricular programs.

**Encroachment:** The location of a structure within a required setback.

**Environmental Performance Standards:** Criteria established to regulate noise, odor, dust, air pollution, glare, heat, vibration, fire, explosion hazards, or hazardous materials generated by the use of land or buildings.

**Externally Illuminated Sign:** A sign that is lit by a source of light located outside the sign so that light shines onto the sign face.

**Façade:** The exterior face of a building, including, but not limited to, the wall, windows, windowsills, doorways, and design elements.

**Farmers Market:** An outdoor market located in a designated area for the sale of agricultural products, such as fruits, vegetables, juices, flowers, plants, herbs, spices, dairy goods, and meats, by the vendors who typically produce such items. "Farmers Markets" typically offer for sale items such as baked goods, arts and crafts, and other value-added goods.

**Fence:** A barrier typically constructed of treated wood, simulated wood, PVC, steel, or a combination of materials, that is erected to separate, screen, or enclose an area that may have one or more gates.

**Financial Institution:** A bank, credit union, or savings and loan office, or an automated teller machine established by such an entity. "Financial Institution" does not include "Currency Exchange" or "Payday or Title Loan Establishment."

**Fire Escape:** A structure located on the exterior wall of a building that is used to escape in case of a fire or other emergency.

**Flag:** A sign made of flexible material which is mounted on a pole and symbolizes any governmental, political, civic, educational, religious, or corporate organization.

**Flagpole:** A ground-mounted or building-mounted structure used to display a flag.

**Flag Lot:** A lot where the vast majority of the lot can only be accessed from the right-of-way by means of a narrow strip of land between adjacent lots. See [Figure 10-11-2-2. Lot Types](#).

**Flashing Sign:** A sign which contains an intermittent or sequential light source that may flash, blink, strobe, travel, chase, rotate, or change in intensity, brightness, or color. “Flashing Signs” do not include “Electronic Message Signs,” or “Video Display Signs.”

**Flat Roof:** A flat roof structure with no visible slope, which is located on all street-facing façades and may or may not have overhanging eaves. See [Figure 10-11-2-1. Building Height and Roof Types](#).

**Front Façade:** Any façade that faces and is most closely parallel to the front lot line.

**Front Lot Line:** The boundary of a lot that is adjacent to a street right-of-way. For corner lots, the front lot line shall be the shortest street frontage of the lot. For irregular lots, the front lot line shall be the entire length of the lot line that is adjacent to a street right-of-way. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Front Yard:** The area on a lot extending from the front façade of a building to the front lot line between the side lot lines. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Foot-Candle:** A measure of the illuminance cast upon a surface that is one foot from a uniform light source of one candela, and which is equal to one lumen per square foot.

**Fully Shielded Lighting:** A fixture that prevents light from being emitted above a horizontal plane running from the lowest point of the fixture that emits light.

**Funeral Home:** An establishment where services are conducted for the deceased, including facilities to prepare the deceased for display, burial, and/or cremation.

**Garage:** A building, either attached or detached, which is used or designed for the parking and storage of motor vehicles, and the storage of various equipment.

**Garage or Yard Sale:** The sale of a variety of used household items, which is typically held in the garage or front yard of a residential dwelling unit.

**Garden:** An area dedicated to the cultivation of plants.

**Garden Center:** An establishment that sells plants grown or stored on site.

**Gas Station:** An establishment where motor vehicle fuel, including non-petroleum fuel, is stored and dispensed from fixed equipment into motor vehicles. A “Gas Station” may also include accessory activities such as restaurants, car washes, and convenience retail stores. “Gas Station” does not include “Motor Vehicle Repair and/or Service” or “Truck Stop.”

**Gazebo:** A freestanding open-sided structure, often hexagonal or octagonal in shape, that provides shade and shelter in outdoor areas.

**Golf Course or Driving Range:** A tract of land designed with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse,

restrooms, and related accessory structures for the storage of maintenance equipment. A driving range may be designed as a standalone facility or included as part of a larger golf course.

**Government Facility:** A building or structure owned, operated, and/or occupied by a governmental agency to provide services to the public. “Government Facility” includes public safety facilities, public works facilities, post offices, and administrative offices, but does not include “Park,” “Elementary, Middle, or High School.”

**Government Sign:** A sign, such as a traffic control sign, public safety sign, emergency sign, or public notice, that is required by applicable federal, state, county, or local regulations.

**Grade:** For structures five feet or more from the front lot line, the average level of the finished surface of the ground adjacent to the exterior wall of the building. For structures less than five feet from the front lot line, the average level of the finished surface of the ground at the center of the front lot line.

**Green Roof:** A roof that is partially or completely covered with vegetation, a growing medium, and a waterproof membrane, that absorbs rainwater and reduces the heat absorbed by a building or structure.

**Greenhouse:** A building for the cultivation and protection of plants, which is typically constructed of transparent glass, metal, and/or plastic.

**Gross Floor Area:** The total horizontal area of the floors of a building as measured from the exterior face of the exterior walls, or from the centerline of a party wall to the exterior face of the exterior walls.

**Gun Range:** An establishment designed for discharging firearms to practice marksmanship.

**Gun Sales Establishment:** A commercial enterprise specifically engaged in the sale of guns and firearms.

**Gutter:** A structure located at the eave of a roof to convey stormwater.

**Half Story:** The portion of a building located under a pitched roof.

**Hanging Sign:** A sign suspended from an architectural feature of a building, such as an awning, canopy, or marquee, which is typically oriented perpendicular to the façade of the building.

**Headstone:** A non-commercial sign in the form of a tombstone, tablet, grave marker, statuary, or memorial, that offers a remembrance of people or events.

**Heavy Industrial:** A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products from unprocessed or raw materials, which may include the use of highly flammable material, or toxic matter. “Heavy Industrial” uses may be engaged in processes that are likely to have a substantial impact on the environment or on adjacent properties. Typical “Heavy Industrial” uses include, but shall not be limited to, chemical processing, grain milling, metal casting, metal smelting, motor vehicle assembly, motor vehicle wrecking, petroleum refining, rendering, tire assembly, and asphalt, brick, concrete, or tile manufacturing.

**Historical Marker:** A sign displaying information of historic significance such as a building's name, date of erection, or location.

**Home-Based Business:** An occupation carried on in a dwelling unit by a resident, which is accessory to the residential use of the dwelling unit.

**Hoophouse.** A structure used to extend the growing season of agricultural crops that is generally semicircular in shape.

**Hospital:** An institution that provides healthcare and medical services for the sick and injured, which may include, but shall not be limited to, in-patient facilities, out-patient facilities, training facilities, offices, and laboratories.

**Hotel/Motel:** An establishment that provides sleeping accommodations and lodging services on a short-term basis for a fee and amenities which may include, but shall not be limited to, restaurants, meeting rooms, health clubs, and swimming pools.

**Illegal Structure:** A structure that did not legally exist prior to the adoption of this ordinance and does not conform with the current ordinance requirements for the district in which it is located.

**Illegal Use:** An activity or facility that does not enjoy a legal conforming or legal nonconforming status, as defined in this ordinance.

**Impervious Coverage:** The proportion of the area of a zoning lot occupied by surfaces that do not allow stormwater infiltration to the lot area of the zoning lot. Surfaces that do not allow stormwater infiltration may include, but shall not be limited to, principal structures, accessory structures, walkways, paved parking lots, and paved driveways.

**Independent Living Facility:** A residential facility that contains dwelling units where at least one of the residents occupying a unit is 55 years or older. Such facilities do not provide regular in-patient medical or nursing care but may provide common areas for meals or socializing and limited convenience services. An "Independent Living Facility" does not include "Assisted Living Facility," "Community Residence," or "Nursing Home."

**Indoor Entertainment:** An enclosed building where spectator uses are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical "Indoor Entertainment" uses include, but shall not be limited to, indoor theaters, indoor music venues, and indoor sports arenas. "Indoor Entertainment" uses may include refreshment stands that provide products for consumption on the premises. "Indoor Entertainment" does not include "Adult Use" or "Indoor Recreation."

**Indoor Recreation:** An enclosed building where recreational activities are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical "Indoor Recreation" uses may include, but shall not be limited to, health clubs, bowling alleys, pool halls, children's play facilities, sporting or training facilities, arcades, indoor miniature golf courses, indoor swimming pools, indoor tennis courts, and indoor skating facilities. "Indoor Recreation" uses may include refreshment stands that provide products for consumption on the premises. "Indoor Recreation" does not include "Gun Range," "Indoor Entertainment," "Park", "Elementary, Middle, or High School."

**Inflatable Device:** An advertising display that consists of flexible fabric or similar material that can be filled with air or gas and that may or may not be tethered to a specific location, and may move using a fan. “Inflatable Devices” do not include “Attention Getting Devices.”

**Interior Lot:** A parcel of land that has street frontage along at least one lot line and is flanked by lots along its side lot lines. See [Figure 10-11-2-2. Lot Types](#).

**Interior Side Façade:** Any façade that faces and is most closely parallel to the interior side lot line.

**Interior Side Lot Line:** The boundary of a lot that is approximately perpendicular to the front and rear lot lines and is not adjacent to the street right-of-way. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Interior Side Yard:** The area on a lot extending from the interior side façade of a building to the interior side lot line between the front yard and the rear yard. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Internally Illuminated Sign:** A sign that is lit by a source of light located inside the sign so that light shines outward from within the sign.

**Irregular Lot:** A lot whose opposing lot lines are generally not parallel, such as a pie-shaped lot, or where one or more lot lines are curvilinear.

**Land-Banked Parking:** A landscaped area that is reserved for future development as parking facilities.

**Laundromat:** An establishment that provides washing, drying, and/or ironing machines for use by customers on the premises.

**Light Industrial:** A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products primarily from prepared materials or finished products, which does not include the use of highly flammable material, or toxic matter. “Light Industrial” uses may be engaged in processes that have a minimal impact on the environment and adjacent properties.

**Live/Work Dwelling:** A dwelling unit consisting of both residential and commercial components.

**Loading Space:** An unobstructed area provided and maintained for the temporary parking of motor vehicles in order to load and unload materials.

**Long-Term Bicycle Parking:** Bicycle parking intended for long-term or overnight storage, typically provided for employees, residents, or others requiring storage of a bicycle for a substantial portion of the day.

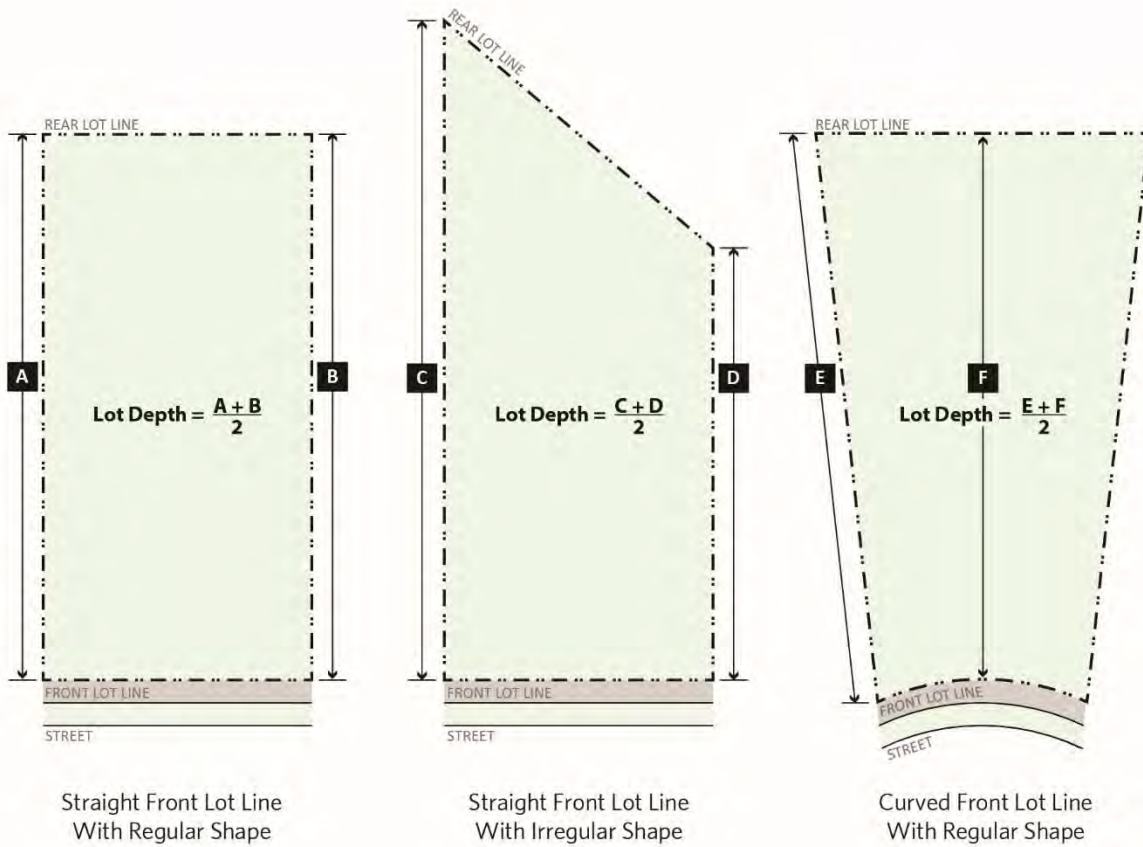
**Lot:** A parcel or tract of land intended to be separately owned, developed, or otherwise used.

**Lot Area:** The area of a zoning lot contained within its lot lines.



**Lot Depth:** The mean distance between the front and rear lot lines of a lot. See [Figure 10-11-2-4. Lot Depth.](#)

**Figure 10-11-2-4. Lot Depth**

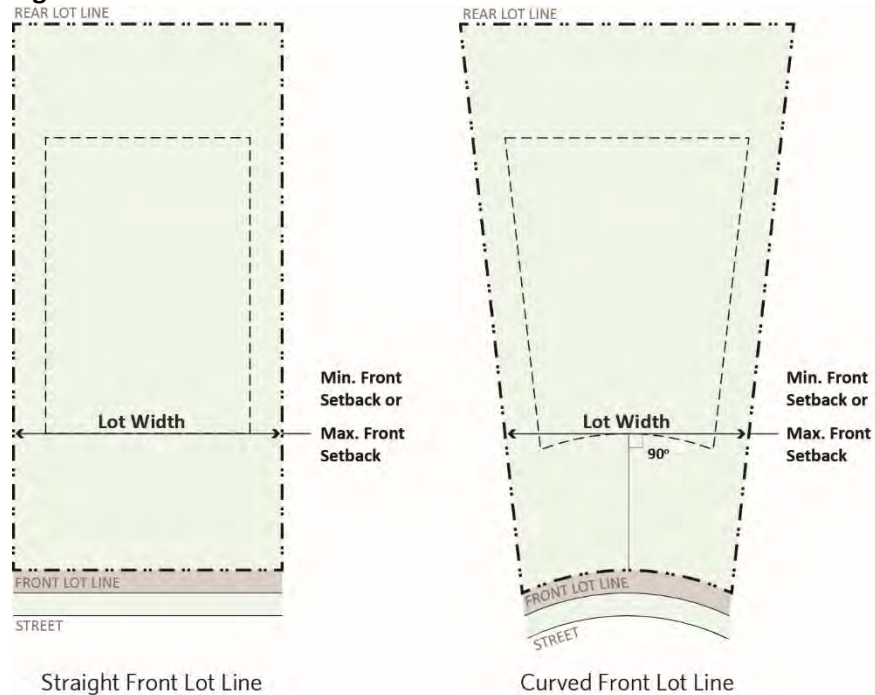


**Lot Line:** The boundary line of any lot.

**Lot of Record:** A legally created lot established by plat, deed, or contract, as recorded by the Cook or DuPage County Recorder of Deeds.

**Lot Width:** For zoning lots with a straight front lot line, the distance between the side lot lines measured at the applicable minimum front setback or maximum front setback. For zoning lots with a curved front lot line, the distance between the side lot lines along a line that is tangent to the minimum front setback or maximum front setback. See [Figure 10-11-2-5. Lot Width.](#)

**Figure 10-11-2-5. Lot Width**



**Machinery and Equipment Sales and Rental:** Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, and similar industrial equipment. “Machinery and Equipment Sales and Rental” includes the incidental storage, maintenance, and servicing of such equipment.

**Manually Changeable Copy Sign:** A sign designed to allow modifications of messages, letters, characters, illustrations, or other symbols by hand. “Manually Changeable Copy Signs” shall not include “Electronic Message Signs.”

**Marquee Sign:** A sign with two or three sign faces that is mounted to a permanent roof-like structure extending from the façade of a building.

**Massage Therapy Establishment:** An establishment that provides services for the manipulation of tissues for relaxation or therapeutic purposes. “Massage Therapy Establishment” does not include “Adult Use.”

**Maximum Corner Side Setback:** The maximum distance that a building or structure shall be located from a corner side lot line, as required by the zoning district regulations.

**Maximum Front Setback:** The maximum distance that a building or structure shall be located from a front lot line, as required by the zoning district regulations.

**Mechanical Equipment:** Ground-mounted and roof-mounted equipment such as heating, ventilating, and air-conditioning (HVAC) units.

**Medical Marijuana Cultivation Center:** An establishment licensed, certified, or accredited by the appropriate state agencies to perform necessary activities in order to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

**Medical Marijuana Dispensary:** An establishment licensed, certified, or accredited by the appropriate state agencies to acquire medical cannabis from a registered “Medical Marijuana Cultivation Center” for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

**Medium Industrial:** A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products from both unprocessed and prepared materials, which does not include the use of highly flammable material, or toxic matter. “Medium Industrial” uses may be engaged in process that are likely to have a moderate impact on the environment or on adjacent properties. Typical “Medium Industrial” uses include, but shall not be limited to, bottling, food processing, machine shops, or freight handling.

**Microbrewery or Microdistillery:** A facility for the production and packaging of malt beverages of alcoholic content with a capacity of less than 15,000 barrels per year, or a facility for the production and packaging of spirits and liquors with a capacity of less than 12,000 gallons per year. Microbreweries or Microdistilleries include a tasting room, which allows customers to consume products manufactured on site, and/or a retail space for purchase of products manufactured on site and related items. Breweries that exceed a capacity of 15,000 barrels per year, distilleries that exceed a capacity of 12,000 gallons a year, or facilities that only manufacture for distribution are considered “Light Industrial.”

**Minimum Corner Side Setback:** The minimum distance that a building or structure shall be located from a corner side lot line, as required by the zoning district regulations.

**Minimum Front Setback:** The minimum distance that a building or structure shall be located from a front lot line, as required by the zoning district regulations.

**Minimum Interior Side Setback:** The minimum distance that a building or structure shall be located from an interior side lot line, as required by the zoning district regulations.

**Minimum Rear Setback:** The minimum distance that a building or structure shall be located from a rear lot line, as required by the zoning district regulations.

**Minimum Setback Abutting a Residential District:** The minimum distance that a building or structure shall be located from any lot line shared with a lot located in a residential district, as required by the zoning district regulations.

**Minimum Street Frontage:** The minimum proportion of a principal building required to be located adjacent to a right-of-way expressed as a percentage of the total length of the lot line adjacent to the right-of-way.

**Miscellaneous Information Sign:** A sign which displays information such as hours of operation, credit cards accepted, open/closed signs, and push/pull signs, and appears on or adjacent to entry doors or in display windows. Miscellaneous information shall include information located on vending machines, automated teller machines, and gasoline pumps.

**Mobile Food Facility:** A motorized vehicle or mobile food unit, such as a pushcart, that is used to sell food items.

**Model Unit:** A building or structure displayed as an example of the dwelling units available for sale or for rent in a residential development. A "Model Unit" may include sales or rental offices. "Model Unit" does not include "Dwelling Unit."

**Monument Sign:** A sign mounted to a freestanding base with a width equal to or greater than the width of the sign. A monument sign does not include freestanding poles and is not attached to a building.

**Motor Vehicle Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical vehicles, taxis, school buses, and livery vehicles. "Motor Vehicle Operations Facility" does not include "Motor Vehicle Rental," Motor Vehicle Repair and/or Service," "Motor Vehicle Sales," or "Government Facilities" to dispatch, store, and maintain fire, police, public works, and other municipal vehicles.

**Motor Vehicle Rental:** An establishment that rents motor vehicles, including incidental facilities for parking and servicing such vehicles. "Motor Vehicle Rental" does not include "Motor Vehicle Operations Facility."

**Motor Vehicle Repair and/or Service:** An establishment that provides services to adjust, align, repair, repaint, and/or replace motor vehicle parts and systems. "Motor Vehicle Repair and/or Service" includes facilities that sell motor vehicle parts and supplies in an incidental manner to the establishment's repair facilities. "Motor Vehicle Repair and/or Service" does not include "Gas Station," "Motor Vehicle Rental," "Motor Vehicle Sales," or "Truck Repair."

**Motor Vehicle Sales:** An establishment that sells or leases new or used motor vehicles, including incidental facilities for parking and servicing such vehicles.

**Moving Sign:** A sign that moves or gives the appearance of movement, including any sign that revolves, rotates, or in any way alters position by natural or artificial means. "Moving Signs" do not include barber poles, "Electronic message signs," "Flags," "Inflatable Devices," "Pennant Signs," signs displaying time and temperature, street clocks, and similar such signs.

**Multiple-Unit Dwelling:** A building that contains three or more dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors. "Multiple-Unit Dwelling" does not include "Townhouse Dwelling" or "Two-Unit Dwelling."

**Nit:** A unit of luminous intensity equal to one candela per square meter.

**Nonconforming Lot:** A lot of record that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.

**Nonconforming Structure:** A principal or accessory structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance. “Nonconforming Structure” shall also include nonconforming signs, on-site development, off-street parking and loading facilities, and landscape characteristics.

**Nonconforming Use:** A use of land or a structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.

**Nursing Home:** A residential facility that provides ongoing medical care and inpatient services for people requiring regular medical attention. Such facilities do not provide emergency medical services, surgical services, or treatment for alcoholism, drug addiction, or mental illness. A “Nursing Home” does not include “Assisted Living Facility,” “Community Residence,” or “Independent Living Facility.”

**Obscene Sign:** A sign that displays content in which the dominant theme of the material depicts prurient representations of sexual matters that affront contemporary community standards and do not possess redeeming social value.

**Off-Premises Parking Facility:** A parking facility that is not located on the same premises as the use which it serves.

**Off-Premises Sign:** A sign that directs attention to a business, product, service, or other commercial activity that is conducted, sold, or offered at a location other than the premises where such sign is located.

**Off-Street Parking:** An area not located within a right-of-way that is used to park a motor vehicle.

**Off-Street Loading Facility:** An area not located within a right-of-way that is provided and maintained for the temporary parking of motor vehicles in order to load and unload materials for commercial, civic, institutional, industrial, and multiple-unit dwelling uses.

**On-Street Parking:** An area located within a right-of-way that is used to park a motor vehicle.

**Outdoor Dining:** An outdoor seating area that is typically connected to an indoor seating area for a “Restaurant” or “Bar/Tavern.”

**Outdoor Entertainment:** An open air or partially enclosed structure in which spectator uses are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical “Outdoor Entertainment” uses include, but shall not be limited to, outdoor theaters, outdoor music venues, outdoor sports arenas, and amusement parks. “Outdoor Entertainment” uses may include refreshment stands that provide products for consumption on the premises. “Outdoor Entertainment” does not include “Outdoor Recreation.”

**Outdoor Fire Pit.** An outdoor fireplace that is open in design, or equipped with openings for a hearth and chimney and is generally constructed of steel, concrete, clay, or other noncombustible material.

**Outdoor Recreation:** An open air or partially enclosed structure in which recreational activities are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical “Outdoor Recreation” uses may include, but shall not be limited to, outdoor miniature golf courses, outdoor swimming pools, outdoor tennis courts, and outdoor skating facilities. “Outdoor Recreation” uses may include refreshment stands that provide products for consumption on the premises. “Outdoor Recreation” does not include “Outdoor Entertainment,” “Park,” “Elementary, Middle, or High School.”

**Outdoor Sales and Display.** The sales and display of products and services outside of a building or structure.

**Outdoor Storage Area:** An area for the storage of materials, equipment, machinery, or motor vehicles used in the conduct of a business.

**Owner:** The legal or beneficial title-holder of land, or the holder of a written option to contract or purchase the land.

**Parapet Roof:** A low wall that projects above a roof along the perimeter of a building. See [Figure 10-11-2-1. Building Height and Roof Types](#).

**Park:** An area for active recreation, passive recreation, and/or resource protection that is open to the public. “Park” may include, but shall not be limited to, baseball fields, football fields, soccer fields, basketball courts, tennis courts, playgrounds, water parks, and field houses. “Park” does not include “Indoor Recreation” or “Outdoor Recreation.”

**Parking Garage (Primary Use):** A structure with two or more levels that is used to park motor vehicles.

**Parking Lot Perimeter Landscape:** A planted area located between the boundary of a parking lot and a right-of-way.

**Parking Lot (Primary Use):** A paved area not located within a right-of-way that is used to park motor vehicles and is not ancillary to any other use on the same lot.

**Parking Lot Sign:** A sign regulating a parking lot, with a message such as “No Parking” or “Tow Zone,” that is oriented to an off-street parking area.

**Patio:** A roofless hard surfaced area typically constructed of masonry, brick, or concrete that is attached to the ground adjacent to the wall of a building.

**Paved Parking Area:** A motor vehicle parking area located adjacent to the entrance to a garage.

**Pawn Shop:** An establishment licensed, certified, or accredited by the appropriate local and state agencies that lends money in exchange for personal property that is used as collateral. “Pawn Shops” may purchase personal property outright or on the condition of selling it back to a customer with interest. “Pawn Shops” may include cash for gold establishments, which have the primary business of purchasing precious metals, jewelry, watches, and other similar items. “Pawn Shop” does not include “Retail Goods Establishments” such as antique stores and consignment stores.

**Payday or Title Loan Establishment:** An establishment that provides loans to individuals in exchange for personal checks or titles to motor vehicles. “Payday or Title Loan Establishment” does not include “Currency Exchange” or “Financial Institution.”

**Pennant Sign:** A sign consisting of tapered flags made of lightweight material that are hung in a series and may or may not contain a message. “Pennant Signs” do not include “Attention Getting Devices” or “Banner Flag Signs.”

**Pergola:** A freestanding structure with columns or posts topped with beams and open rafters, which may or may not be connected to the wall of a building.

**Permanent Sign:** A sign constructed of durable materials that is intended to be displayed for the duration of time that the use or occupant is located on the premises.

**Permitted Use:** A use that is allowed to be established by-right in a zoning district, and does not require administrative review or approval.

**Person:** An individual, firm, corporation, partnership, or other similar entity.

**Personal Services Establishment:** A commercial enterprise primarily engaged in the provision of services of a personal nature. “Personal Service Establishment” uses may include, but shall not be limited to, dry cleaners, barbershops, beauty salons, animal day care establishments, animal grooming establishments, shoe repair shops, and tailor shops. “Personal Service Establishment” includes facilities that sell products and goods in an incidental manner to the establishment’s provision of services. “Personal Services Establishment” does not include “Adult Use,” “Animal Boarding, Hospital, or Shelter” or “Tattoo Parlor.”

**Pitched Roof:** A pitched or sloped roof, including hipped roofs, gabled roofs, roofs with a combination of hips and gables, gambrel roofs, and mansard roofs. See [Figure 10-11-2-1. Building Height and Roof Types](#).

**Place of Worship:** An institution maintained by a religious body where people assemble for religious purposes, ceremonies, and other similar events. “Place of Worship” may include housing for members of religious orders, “Day Care Centers,” “Preschools,” or “Elementary, Middle, or High Schools.”

**Planned Unit Development:** A distinct category of special use permit intended to allow flexibility in the application of the standards of this Ordinance. “Planned Unit Developments” are intended for significant development proposals that provide amenities to the community which are not required from conventional development applications.

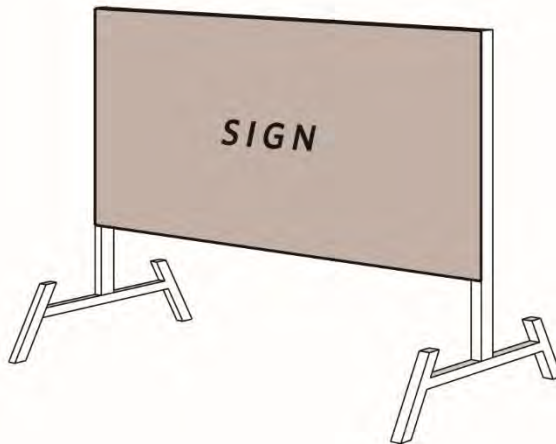
**Plat:** A document that displays property lines and other information for the purpose of identifying and/or dividing land.

**Pole Sign:** A sign mounted to one or more freestanding poles that does not include a freestanding base and is not attached to a building.

**Porch:** An unenclosed roofed platform projecting from the exterior wall of a building.

**Portable Sign:** A sign with a supporting structure that is designed to be moved or relocated for display. Portable signs include, but shall not be limited to, signs mounted upon a trailer or other non-motorized mobile structure, which may or may not possess wheels. “Portable Signs” do not include “A-Frame Signs” or “Manually Changeable Copy Signs.” Refer to [Figure 11-2-C. Portable Sign](#).

**Figure 11-2-C. Portable Sign**



**Principal Structure:** A structure where the primary use of the lot is conducted.

**Principal Use:** The primary use of a lot or building as distinguished from an accessory use, which may be designated as a permitted use or a special use.

**Professional Office:** An establishment that engages in the application, processing, or manipulation of business information or professional expertise, which may or may not offer services to the public or offer health-related outpatient treatment by licensed health professionals. A “Professional Office” shall not manufacture, assemble, warehouse, or repair goods and products for the retail or wholesale market, or engage in the repair of products or the provision of retail services. “Professional Office” may include, but shall not be limited to, medical offices, dental offices, law firms, insurance agencies, accounting firms, real estate agencies, investment firms, and non-profit organizations. “Professional Office” does not include “Day Labor Center,” “Medical Marijuana Dispensary” or government offices, which are considered “Government Facilities.”

**Projecting Sign:** A sign attached to a building or other structure that extends beyond the surface of the building and is typically oriented perpendicular to the façade of the building. “Projecting Signs” do not include “Awning Signs” or “Marquee Signs.”

**Rain Barrel:** A container for storing rainwater installed above-grade that generally has a capacity of less than 500 gallons.

**Rain Garden:** A shallow vegetated basin that collects and absorbs stormwater runoff.

**Rainwater Cistern:** A container for storing rainwater that may be installed either above or below grade.

**Rear Façade:** Any façade that faces and is most closely parallel to the rear lot line.



**Rear Lot Line:** The boundary of a lot that is most distant from and approximately parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point in the rear, then the rear lot line shall be considered a line that is 10 feet in length between the side lot lines that is most distant from and approximately parallel to the front lot line. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Rear Yard:** The area on a lot extending from the rear façade of a building to the rear lot line between the side lot lines on an interior lot, and between the side lot line and the corner side yard on a corner lot. Refer to [Figure 10-11-2-3. Lot Lines and Yards](#).

**Recreation Equipment:** Structures typically used for children’s active recreation, which may include, but not be limited to swing sets and jungle gyms. “Recreation Equipment” does not include “Treehouse.”

**Recreational Vehicle:** Vehicles or trailers for recreational or utilitarian uses that can be driven, towed, hauled, sailed, or flown. “Recreational Vehicles” includes, but is not limited to, snowmobiles, all-terrain vehicles, race cars, off-road vehicles, travel trailers, pull campers, tent trailers, special purpose trailers, cargo trailers, utility trailers, vehicle trailers, power boats, cruisers, jet skis, fishing boats, hunting boats, pontoon boats, personal watercraft, row boats, and sail boats. “Recreational Vehicle” does not include “Dwelling Unit.”

**Refuse, Recycling, or Grease Container:** A receptacle for the disposal of litter, recyclables, or grease.

**Research/Development Facility:** A facility in which ideas and technologies are investigated, tested, and refined in industries that may include, but shall not be limited to, electronics, computer hardware and software, communications, information technology, biotechnology, and pharmaceuticals. “Research/Development Facility” may include the incidental manufacture and/or sale of products developed at the facility.

**Residential Care Facility:** A group care facility licensed for 24-hour medical or non-medical care of people in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A “Residential Care Facility” includes “Assisted Living Facility,” “Independent Living Facility,” “Nursing Home,” hospice, and continuum of care facilities. A “Residential Care Facility” does not include “Community Residence.”

**Residential Sign:** A permanent sign located on a lot in a residential zoning district.

**Restaurant:** An establishment that prepares and sells food and beverages for consumption on the premises and/or for carry-out. “Restaurant” shall not include refreshment stands incidental to “Indoor Entertainment,” “Indoor Recreation,” “Outdoor Entertainment,” or “Outdoor Recreation” uses.

**Retail Goods Establishment:** A commercial enterprise primarily engaged in providing physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. “Retail Goods Establishment” may include, but shall not be limited to, grocery stores, clothing stores, jewelry stores, appliance stores, electronics stores, furniture stores, office supply stores, bookstores, and sporting goods stores. “Retail Goods Establishment” does not include “Adult Use,” “Gun Sales Establishment,” “Medical Marijuana Dispensary,” or “Tobacco Shop.”

**Reverse Corner Lot.** A type of corner lot where the corner side lot line is adjacent to the front lot line of the lot to its rear. See [Figure 10-11-2-2. Lot Types](#).

**Right-of-Way:** Land dedicated or utilized for a street, trail, sidewalk, utility, railroad, or other similar purpose.

**Roof Sign (Building-Mounted):** A sign erected on the roof of a building that projects above the highest point of the roofline or parapet wall.

**Roof Sign (Painted):** A sign painted on the surface of the roof of a building or fastened to the roof with adhesives.

**Satellite Dish:** A parabolic antenna designed to send and/or receive television, radio, communication, data, or other similar signals from satellites and antennas.

**Screening:** Structures or landscaping elements used to conceal adjacent buildings or structures.

**Self-Service Storage:** A facility used for the storage of personal property where individuals rent storage spaces of various sizes on an individual basis.

**Shade Tree:** A deciduous tree, generally having a single stem, planted primarily for shade. Trees with an expected canopy of over 40 feet are considered large shade trees. Trees with an expected canopy of 30 to 40 feet are considered medium shade trees.

**Shared Parking:** The use of a parking space to serve two or more individual land uses without conflict or encroachment.

**Shed:** A relatively small building typically used to store lawn, garden, and/or swimming pool equipment.

**Short-Term Bicycle Parking:** Bicycle parking intended primarily for short-term use. Bicycles are typically secured to short-term parking facilities by means of a bicyclist's own lock.

**Sign:** A message, image, display, or object used to advertise, direct attention to, or promote the interests of a person, business, organization, location, product, service, or activity. "Signs" do not include works of art.

**Sill:** A projecting horizontal architectural feature, often located below a window or door.

**Single-Unit Dwelling:** A building that contains one dwelling unit, which is not attached to any other dwelling units.

**Small Wind Energy System:** A structure that converts wind energy to electric or mechanical power with a rated capacity of not more than 100kW. "Small Wind Energy Systems" consist of a wind turbine, tower or mounting device, and associated control or conversion electronics intended to reduce on-site consumption of utility power.

**Snipe Sign:** A sign affixed, hung, placed, applied, or posted to any tree, utility pole, hydrant, bench, fence, stake, trash receptacle, sidewalk, curb, parkway, street, median, or similar location, located on either public or private property, without the consent of the property owner.

**Solar Energy Collection System:** A structure that converts sunlight into electric or mechanical power. “Solar Energy Collection Systems” consist of photovoltaic panels, mounting device, and associated control or conversion electronics intended to reduce on-site consumption of utility power.

**Special Use:** A use that has unique characteristics inherent in its operation that may be allowed in a zoning district following administrative review and approval.

**Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areola; and human genitals, or any device worn to simulate human genitals, in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; and fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

**Stacking Space:** A space designated as a waiting area, or queuing area, for vehicles at a drive-through establishment.

**Stairs:** A structure made up of a series of steps used to move from one level of a building or structure to another.

**Stealth Design:** A technique that reduces the visual impact of a structure by enclosing, camouflaging, screening, or obscuring the structure in relation to the architectural features of a larger building or structure.

**Stoop:** A structure made up of stairs and a landing used to access a building or structure.

**Story:** The portion of a building included between a floor and the floor above it, or if there is no floor above it, the space between the floor and the ceiling above the floor. A basement shall not be counted as a story.

**Street Address Sign:** A sign that displays the name or address of the occupant.

**Structural Soil:** Soil that includes aggregate to support concrete sidewalks and asphalt parking lots while providing nourishment to plant roots.

**Structure:** Anything constructed or erected that requires location on the ground or must be attached to something located on the ground.

**Swimming Pool:** An in-ground or aboveground basin of water constructed for swimming or wading.

**Tandem Parking:** A parking area consisting of two or more parking spaces placed one behind the other, with the space nearest to the driveway or street serving as the only means of access to the other space.

**Temporary Outdoor Entertainment:** A live event that is intended to be in place for a limited period of time within an outdoor space. “Temporary Outdoor Entertainment” may include, but shall not be limited to, animal shows, carnivals, circuses, fireworks shows, live music, outdoor theater, and worship services.

**Temporary Outdoor Sale:** The outdoor sale and display of merchandise of a seasonal nature, such as pumpkins or Christmas trees.

**Temporary Sign:** A sign that is intended to be displayed for a limited period of time.

**Temporary Storage Container:** A temporary, moveable structure that may be used for the storage of possessions or products prior to being transported to a storage facility, or for collecting waste and other material associated with the construction and renovation of a structure.

**Temporary Structure:** A structure that is intended to be in place for a limited period of time, which is typically constructed without a foundation.

**Temporary Use:** A use that is intended to be in place for a limited period of time.

**Temporary Window Sign:** A sign affixed, hung, placed, applied, or posted on the interior or exterior of a building window or door that is intended to be displayed for a limited period of time.

**Through Lot:** An interior lot having frontage on two generally parallel streets that do not intersect. On a through lot, both lot lines adjacent to the right-of-way shall be deemed front lot lines. See [Figure 10-11-2-2. Lot Types](#).

**Tobacco Shop:** An establishment primarily engaged in the sales and display of cigarettes, cigars, chewing tobacco, electronic cigarettes, and other smoking related products.

**Townhouse Dwelling:** A building that contains three or more dwelling units where each unit has an individual entrance to the outdoors and each unit is attached vertically using one or more party walls. “Townhouse Dwelling” does not include “Two-Unit Dwelling” or “Multiple-Unit Dwelling.”

**Transitional Treatment Facility:** A facility that provides supervision, counseling, and therapy for individuals recovering from addiction that is licensed, certified, or accredited by the appropriate state or federal agencies, and may dispense pharmaceutical products for off-site use. “Transitional Treatment Facility” does not include any residential facility.

**Treehouse:** An accessory structure supported by one or more trees. “Treehouse” does not include “Recreation Equipment.”

**Trellis:** A vertical latticework structure used in a garden to support climbing plants.

**Truck Repair.** An establishment that provides services to adjust, align, repair, repaint, and/or replace commercial vehicle and/or truck parts and systems for vehicles that weigh 8,000 pounds or more. “Truck Repair” includes facilities that sell commercial vehicle and/or truck parts and supplies in an incidental

manner to the establishment's repair facilities. "Truck Repair" does not include "Gas Station," "Motor Vehicle Rental," "Motor Vehicle Repair and/or Service," "Motor Vehicle Sales," or "Truck Stop."

**Truck Stop:** An establishment where motor vehicle fuel, including non-petroleum fuel, is stored and dispensed from fixed equipment into commercial vehicles and/or trucks that weigh 8,000 pounds or more. A "Truck Stop" may also include accessory activities such as restaurants, shower facilities, truck washes, and convenience retail stores.

**Two-Unit Dwelling:** A building that contains two dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors. "Two-Unit Dwelling" does not include "Townhouse Dwelling" or "Multiple-Unit Dwelling."

**Unshielded Lighting:** A fixture that allows light to be emitted above a horizontal plane from the lowest point of the fixture that emits light.

**Use:** The purpose or activity for which a lot, building, or structure is designed, intended, occupied, or maintained.

**Utility:** The use of land for infrastructure facilities including, but not limited to, services for gas, electricity, water treatment and storage, sewage treatment and storage, telephone, cable television, data, cellular, and fiber.

**Variation:** Authorization granted by the Village to allow development that deviates from the specific regulations of this Ordinance.

**Vehicle for Sale Sign:** A sign used to sell a new or used vehicle, often placed in the window of the vehicle.

**Vehicle Sign:** A sign attached to or placed on a vehicle that is prominently visible from the public right-of-way where the primary purpose of the vehicle is to advertise a business, product, or service rather than to be actively used or available for the daily function of the business to which the sign relates. "Vehicle Sign" shall not include a vehicle for sale sign advertising a vehicle for lease or sale.

**Video Display Sign:** A sign that displays a message with text, detailed images, or video using digital screens, LED screens, plasma screens, flat screens, video screens, and holographic displays. "Video Display Sign" shall not include "Electronic Message Sign."

**Village:** The Village of Bensenville, Illinois.

**Vocational School:** A facility that offers instruction in industrial, clerical, commercial, managerial, building trades, or automotive skills. "Vocational School" also includes educational facilities conducted as commercial enterprises, such as driving schools, schools for general educational development, and other privately operated schools that do not offer a complete educational curriculum. "Vocational School" does not include "High School" or "College or University."

**Wall:** A vertical structure, typically constructed of concrete, stone, brick, masonry, or other similar material, that creates a physical barrier for light and air.

**Wall Sign:** A sign mounted flat against the wall of a building or structure that is typically oriented parallel to the wall to which it is attached.

**Warehousing, Storage, or Distribution Facility:** An establishment that stores and transports products or equipment, including, but not limited to warehouses, moving companies, storage facilities, freight transportation, and truck terminals.

**Warning Sign:** A sign that communicates a message of warning, danger, or caution, such as “Private Property,” “No Trespassing,” or “Beware of Dog.”

**Wayfinding Sign:** A sign installed within the right-of-way by a government agency for the purpose of improving navigation and/or promoting local amenities.

**White Roof:** A roof that is white or light in color that provides high levels of solar reflectance and reduces the heat absorbed by a building or structure.

**Window Sign:** A sign affixed, hung, placed, applied, or posted on the interior or exterior of a building window or door which is intended to be viewed from the exterior of a building.

**Window Well:** Space maintained around an at grade or below-grade window to provide light, egress, and stormwater drainage.

**Wireless Telecommunication Antenna:** A structure used to transmit and/or receive communication, data, or other similar signals in order to facilitate the use of wireless devices. “Wireless Telecommunications Antenna” does not include “Antenna” or “Satellite Dish.”

**Wireless Telecommunication Facility:** A structure used to protect the equipment that processes communication, data, or other similar signals in order to facilitate the use of wireless devices.

**Wireless Telecommunication Tower:** A structure designed and constructed to support one or more “Wireless Telecommunications Antennas” and all devices attached to it. “Wireless Telecommunication Towers” are typically freestanding and may be of either lattice or monopole construction.

**Yard:** The area on a lot between the principal structure and the lot line.

**Yard Sign:** A temporary freestanding sign that is placed in a yard.

**Zoning District:** A designation given to each lot within the Village under which certain development regulations and requirements are uniform.

**Zoning Lot:** One or more lots located within a block that is under single ownership and is designated as a unit of land for development by the owner of such land.

**Zoning Map:** The map incorporated into this Ordinance, which designates the boundaries of the zoning districts of the Village.