

ARTICLE 14. SITE DEVELOPMENT STANDARDS

CURRENT CODE	REORGANIZED CODE PROVISIONS
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14.1 PURPOSE

The purpose of this Article is to address the regulation of those other site improvements on a lot other than the regulations for the principal building. This includes site design standards, accessory structures and uses, temporary uses, permitted encroachments and performance standards.

This is a new introductory paragraph for the Article.

§12-101
§9-107

14.2 USE OF LAND AND BUILDINGS

A. Number of Buildings on a Lot

In the R-1, R-2, R-3 and R-4 Districts there shall be no more than one (1) principal building per lot. In all other districts, more than one (1) building may be erected on a single lot, provided that each building shall comply with all yard and bulk requirements of a district as though it were a principal building on an individual lot. ~~Special Prohibition; Multiple Uses On Residential Zoning Lot: Except when authorized as part of a planned development approved pursuant to section 11-603 of this code, no zoning lot zoned in any residential district in the village shall be used for more than one principal use or one principal structure.~~

B. Frontage on a Public or Private Street

All lots shall front on a public or private street.

C. Required Yards

No lot shall be reduced in area so that the required yards are less than required by this Code. The required yards of a building or structure shall not be considered required yard space for any other building or structure. All required yards allocated to a building or structure shall be located on the same zoning lot as such building or structure. The dimension of required yards is provided in the bulk tables for the districts under setback requirements.

D. Applicability of Bulk Requirements

All buildings and structures erected after the effective date of this Code shall meet the requirements for the zoning district in which the building or structure is located. No existing building shall be enlarged, altered, reconstructed or relocated in such a manner that conflicts with the requirements of the zoning district in which the building or structure shall be located.

E. Applicability of Use Restrictions

No building, structure or land shall be used for any use other than that

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 a temporary use or accessory use, in accordance with the requirements of this Article.

F. Exempt Uses

1. Utility Lines

The following utility uses are exempt from the provisions of this Code: poles, wires, cables, conduits, vaults, laterals, pipes, mains, and valves. This exemption does not include substations located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water. All such uses shall, however, comply with the subdivision and other applicable ordinances of the Village.

2. Railroad Uses

All railroad rights-of-way used for railroad purposes, trackage and passenger stations existing on ____ (date) ____ shall be exempt from its provisions. Any other railroad facilities or uses, or any change of such existing facilities or uses, shall be subject to all of the provisions of this Code.

G. Sight Triangle

1. Nothing shall be erected, placed, planted, allowed to grow, or maintained on any corner lot in any ~~residential~~ district in violation of the provisions of Title 7, Chapter 1, Article D of the Village Code unless authorized by the Village Board in a planned development or special use.
2. No landscaping, fencing or other screening shall be erected or maintained at a height in excess of two and one-half (2½) feet within the area of any sight triangle as defined in Title 7, Chapter 1, Article D of the Village Code.

The above sections that are new (underlined) are standard Code language that ensure the “rules” are clear for all users.

Item 14.2.A: this was clarified to allow for more than one building on a lot in the multi-family districts (R-5 and R-6 Districts), as is the existing condition in these areas.

Item 14.2.G: The current sight triangle provisions are contradictory. There are requirements that the sight triangle be maintained clear in all residential districts. Then within the landscaping section there was a 2.5 foot limitation. We interpreted this to apply to non-residential districts because the other provisions cited residential specifically. For this reorganization, the provisions were modified to apply to all districts with exceptions only permitted by the Village Board.

A. Building Elevation

Building elevation is measured from top of foundation to the highest point of a building or structure. For the purposes of measurement:

1. "Top of foundation" shall mean a point one (1) foot above the lowest point of the foundation of a building or structure that is either above grade or visible from the exterior of the building or structure. However, if the top of the lowest floor joist of the first full story of such building or structure is lower than said lowest point of the foundation, then the top of said floor joist shall be deemed to be the top of foundation.
2. "Highest point of a building or structure" shall mean the point of said building or structure that is located at the highest vertical distance above the top of foundation. Notwithstanding the foregoing, the following shall not be included in determining said highest point: chimneys and railings, and any turrets, widow walks, and cupolas having no exterior length, width or diameter in excess of nine (9) feet.

B. Building Height

1. The vertical distance measured from grade to:
 - a. The highest point of the roof for flat roofs.
 - b. The deck line for mansard roofs.
 - c. The mean height between the principal eave and the highest ridge or point for gable, hip and gambrel roofs.
 - d. The highest point of a structure without a roof.
2. When a parapet wall, a penthouse or any similar structure is located on the roof of a building with a flat or mansard roof, the building height shall be measured to the highest point of said structure if any part of it extends above the height as measured pursuant to Paragraph 1 above.
3. The following shall not be considered in determining the height of a building: mechanical equipment, walls or similar structure designed exclusively for the purpose of screening mechanical equipment from view, chimneys and railings, and turrets, widow walks or cupolas having no exterior length, width or diameter in excess of nine (9) feet.

C. Grade

Grade is established at the average level of the ground existing prior to any reshaping of the natural contours at the four (4) corners of a structure or proposed structure that are, respectively, closest to the four (4) points of intersection of the required front, rear and side yard lines. When the existing natural ground level slopes away from any such corner, then the level of the ground at such corner shall be measured at the lowest point lying within six (6) feet of such corner.

D. Gross Floor Area

1. Gross Floor Area: For All Purposes Except Determining Floor Area Ratio In Single-Family Districts and Off Street Parking Requirements

Gross floor area is the sum of the gross horizontal area of all floors of all stories and partial stories of a building, or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two (2) buildings or uses. Gross floor area shall include:

- a. Fifty percent (50%) of all floor area located in a basement.
- b. One-hundred percent (100%) of all floor area located in any story of a structure other than the uppermost story or partial story.
- c. One-hundred percent (100%) of all floor area having a ceiling height of seven (7) feet or more and located in the uppermost story of a structure if such story is counted as a full story.
- d. Fifty percent (50%) of all floor area having a ceiling height of seven (7) feet or more and located in the uppermost story or partial story of a structure if such story is counted as a half story.
- e. One-hundred percent (100%) of all floor area of all levels of all parking structures, except cellar and basement levels, which shall be counted as other cellar and basement levels, and the uppermost level, which shall be counted only fifty percent (50%).
- f. For purposes of measuring gross floor area, all of the following shall, without limitation, be included:
 - i. Elevator shafts and stairwells at each floor
 - ii. Floor spaces and shafts, not including roof space, used for mechanical, electrical and plumbing equipment
 - iii. Penthouses
 - iv. Interior balconies and mezzanines
 - v. Atria
 - vi. Enclosed porches (not ~~open~~ unenclosed porches)
 - vii. Floor space used for accessory uses
 - viii. Where any space has a floor to ceiling height of more than sixteen (16) feet, each sixteen (16) feet in height, and any major fraction thereof, shall be treated as a separate floor

2. Gross Floor Area: For Determining Floor Area Ratio In Single-Family Residential Districts

Gross floor area is the sum of the gross horizontal area of all floors of all stories and partial stories of a building, or of such area devoted to a

specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two (2) buildings or uses. Gross floor area shall include:

- a. Fifty percent (50%) of all floor area located in a basement, ~~except as provided in subsection 2(d) of this definition.~~
- b. One-hundred percent (100%) of all floor area located on any level, other than a basement, that is counted as a story or a half story, except as follows:
 - i. When any portion of a story or half story has no floor above it and has a ceiling height of seven (7) feet or more over an area that is twenty percent (20%) or less than the portion of the story or half story immediately below such portion, it shall be excluded before any calculation of gross floor area pursuant to this subsection B.
 - ii. When any portion of a story or half story has no floor above it and has a ceiling height of seven (7) feet or more over an area that is less than one-half ($\frac{1}{2}$), but more than twenty percent (20%), of the portion of the story or half story immediately below such portion, then only fifty percent (50%) of the floor area of such portion that has a ceiling height of seven (7) feet or more shall be included.
 - iii. When any portion of a story or half story has no floor above it and has a ceiling height of seven (7) feet or more over an area that is equal to or greater than one-half ($\frac{1}{2}$) of the portion of the story or half story immediately below such portion, then one-hundred percent (100%) of the floor area of such portion that has a ceiling height of seven (7) feet or more shall be included.
 - iv. For a single-family detached dwelling in the R-1, R-2, R-3 or R-4 District constructed prior to January 1, 1930 the following exemptions shall apply:
 - (A) The floor area of the uppermost level of that dwelling, if that dwelling has two (2) full stories below the uppermost level, shall be excluded before any calculation of gross floor area.
 - (B) The floor area of the basement of that dwelling shall be excluded before any calculation of gross floor area. However, such basement floor area shall not be excluded if that floor area is a part of any alteration or enlargement of that dwelling at any time after March 1, 2006, which alteration or enlargement changes the elevation of any portion of the first story of that dwelling.
- c. One-hundred percent (100%) of all exterior area that is surrounded on eighty-five percent (85%) or more of its perimeter by the walls of any structure.
- d. For purposes of measuring gross floor area, all of the following shall, without limitation, be included:

- i. Elevator shafts and stairwells at each floor
- ii. Floor spaces and shafts, not including roof space, used for mechanical, electrical and plumbing equipment
- iii. Penthouses
- iv. Interior balconies and mezzanines
- v. Atria
- vi. Enclosed porches (not ~~open~~ unenclosed porches)
- vii. Floor space used for accessory uses
- viii. Where any space has a floor to ceiling height of more than fourteen (14) feet, each fourteen (14) feet in height, and any fraction thereof in excess of fourteen (14) feet of height or a multiple thereof, shall be treated as a separate floor

E. Story

1. Story: For Determining Stories in All Districts Other Than Single-Family Residential Districts

A story is defined as each level of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it. ~~The various levels shall be treated~~ Stories shall be counted as follows:

- a. A cellar shall not be counted as a story.
- b. A basement shall be counted as one-half ($\frac{1}{2}$) story.
- c. The first level that is neither a cellar nor a basement, whether or not located above a cellar or basement, shall be counted as the first full story.
- d. Any level located above such first full story shall also be counted as a full story, unless the following apply:
 - i. The uppermost level of a structure shall not be counted as a story when it has a ceiling height of seven (7) feet or more over a floor area that is less than one-third ($\frac{1}{3}$) of the floor area of the next lower level.
 - ii. The uppermost level of a structure shall be counted as one-half ($\frac{1}{2}$) story when it has a ceiling height of seven (7) feet or more over a floor area that is one-third ($\frac{1}{3}$) or more, but less than one-half ($\frac{1}{2}$), of the floor area of the next lower level.
 - iii. The uppermost level of a structure shall be counted as a full story

when it has a ceiling height of seven (7) feet or more over a floor area that is one-half ($\frac{1}{2}$) or more of the floor area of the next lower level.

~~For the purpose of determining the number of stories, the following rules shall apply:~~

- e. The floor of a story may split levels provided that there is no more than four (4) feet of difference in elevation between the different levels of the floor.
- f. Where any space has a floor to ceiling height of more than sixteen (16) feet, each sixteen (16) feet in height, and each major fraction thereof in excess of sixteen (16) feet of height or a multiple thereof, shall be treated as a separate story.

2. Story: For Determining Stories in Single-Family Residential Districts

A story is defined as each level of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it. ~~The various levels shall be treated~~ Stories shall be counted as follows:

- a. A cellar shall not be counted as a story.
- b. A basement shall be counted as one-half ($\frac{1}{2}$) story.
- c. The first level that is neither a cellar nor a basement, whether or not located above a cellar or basement, shall be counted as the first full story.
- d. Any level located above such first full story shall also be counted as a full story, unless the following apply:
 - i. The uppermost level of a structure shall not be counted as a story when it has a ceiling height of seven (7) feet or more over a floor area that is twenty percent (20%) or less of the floor area of the next lower level.
 - ii. The uppermost level of a structure shall be counted as one-half ($\frac{1}{2}$) story when it has a ceiling height of seven (7) feet or more over a floor area that is more than twenty percent (20%) and less than one-half ($\frac{1}{2}$) of the floor area of the next lower level.
 - iii. The uppermost level of a structure shall be counted as a full story when it has a ceiling height of seven (7) feet or more over a floor area that is one-half ($\frac{1}{2}$) or more of the floor area of the next lower level.

~~For the purpose of determining the number of stories, the following rules shall apply:~~

- e. The floor of a story may split levels provided that there is not more

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	<p>than four (4) foot difference in elevation between the different levels of the floor.</p> <p>f. Where any space has a floor to ceiling height of more than fourteen (14) feet, each fourteen (14) feet in height, and any fraction thereof in excess of fourteen (14) feet of height or a multiple thereof, shall be treated as a separate story.</p>
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This section should be supplemented with illustrations. In addition, this section should be referenced as a footnote in the bulk tables to indicate where measurement methodology can be found. (Once these methodologies are verified as correct, they will be illustrated where appropriate and referenced in the tables.)

When evaluating the actual bulk standards, these measurement methodology should be considered as well.

§9-101
IB District
Footnotes

- 14.4 EXTERIOR LIGHTING**
- A. Any permitted accessory lighting fixtures shall be so designed, arranged, and operated to prevent glare and direct rays of light from being cast onto any adjacent public or private property or street and so as not to produce excessive sky reflected glare. Except for streetlights, no exterior light in or adjacent to any residential district shall be designed, arranged or operated to produce an intensity of light exceeding one-half (½) foot-candle at any residential lot line.
 - B. In the IB District, light poles and fixtures accessory to Village-owned recreational facilities shall be allowed to exceed the IB District height limits as follows:
 - 1. Light poles and fixtures, up to a maximum height of eighty-five (85) feet, shall be permitted ~~accessory structure~~.
 - ~~2. The provisions of this section shall not be applicable in determining the maximum height of a light pole and fixture.~~
 - 2. All such light poles and fixtures shall otherwise comply with the applicable illumination standards of this Code.
 - C. Residential recreational facilities shall not be illuminated by lighting fixtures exceeding fifteen (15) feet in height, except in the R-5 and R-6 Districts.

There are limited exterior lighting controls, for example that lighting fixtures cannot exceed 15 feet in height when part of a residential recreation facility. Comprehensive lighting standards for on-site exterior lighting are recommended in order to prevent light trespass off property lines and eliminate nuisance situations. The Code can be updated to include a full range of exterior lighting standards, including the design and intensity of building-mounted lighting and light poles in residential and non-residential districts, neon tubing, and illumination of signs, buildings and canopies. Tailored light standards are needed for certain uses, such as gas stations and auto dealerships, where excessive lighting can be a safety and aesthetic issue. (These standards do not address lighting in the right-of-way, which is not controlled by zoning.)

Item 14.4.C: Please note that currently there are no limits on lighting of residential recreational facilities in the R-5 and R-6 Districts.

§9-101
§9-102
§9-107**14.5 ACCESSORY STRUCTURES AND USES****A. General Requirements****1. Certificate of Zoning Compliance Required**

When required by ~~subsection 14-401C~~ of this Code, a certificate of zoning compliance evidencing the compliance of the accessory use or structure with the provisions of this code shall be obtained before any such accessory use or structure is established or constructed.

2. Uses Subject to Special Restrictions

When the district regulations of this Code require compliance with the procedures or standards of a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

3. Use, Bulk, Space and Yard Regulations

Except as expressly provided otherwise in this section, every accessory structure and use shall comply with the use, bulk and yard setback regulations of the district in which they are located.

4. Use Limitation

No accessory structure or use shall be constructed, established or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.

B. Accessory Structures

1. Accessory structures shall be limited to fifteen (15) feet in height.
2. Within the single-family and multiple-family districts, accessory structures shall be located a minimum of ten (10) feet from the principal building. This limitation shall not apply to attached accessory structures, air conditioning units, antennas or antenna support structures, or any accessory structure protected by a fire separation wall approved by the Village Manager
3. The total lot coverage of accessory structures on a lot is limited to ten percent (10%).
4. Accessory storage structures, other than garages, shall not exceed one-hundred twenty (120) square feet in gross floor area if accessory to a residential use nor ten percent (10%) of either the floor area or the volume of the principal structure if accessory to any other type of principal structure.

5. Side and Rear Yard Setbacks for Accessory Structures**a. Single-Family and Multiple-Family Residential Districts**

- i. ~~Accessory parking areas and~~ Detached accessory structures located within the rear twenty-percent (20%) of a zoning lot shall be located at least two (2) feet from any interior or rear lot line ~~not be required to maintain an interior side or rear yard in excess of two (2) feet.~~
- ii. However, when the rear yard of such lot abuts the side yard of an adjacent lot, then detached accessory structures shall not be located closer than six (6) feet from that side yard. This exception shall not apply to residential recreational facilities or antennas and antenna support structures in the single-family districts and residential recreational facilities, stables, or antennas and antenna support structures in the multiple-family districts.
- iii. No accessory structure, or combination of such structures, other than a permitted detached garage accessory parking garages, located within an otherwise required side or rear setback shall occupy more than thirty percent (30%) of such required setback.

b. Business Districts

~~Accessory parking areas and~~ Detached accessory structures when located within the rear twenty percent (20%) of the lot shall be located at least ten (10) feet from any interior or rear lot line ~~not be required to maintain an interior side or rear yard or setback in excess of ten feet (10')~~ if such interior side or rear yard is contiguous to any property zoned residential or at least five (5) feet from any interior or rear lot line ~~in excess of five feet (5')~~ if no part of if such yard is not contiguous to any property zoned in any residential district. This regulation shall not apply to antennas and antenna support structures.

c. Office Districts

~~Accessory parking areas and~~ Detached accessory structures when located within the rear twenty percent (20%) of the lot shall be located at least ten (10) feet from any interior or rear lot line ~~not be required to maintain an interior side or rear yard or setback in excess of ten feet (10')~~ if such interior side or rear yard is contiguous to any property zoned residential or at least five (5) feet from any interior or rear lot line ~~in excess of five feet (5')~~ if no part of if such yard is not contiguous to any property zoned in any residential district. This regulation shall not apply to antennas and antenna support structures. No accessory structure, or combination of structures, located within a required side or rear setback pursuant to this paragraph shall occupy more than forty percent (40%) of such required yard.

d. OS District

~~Parking areas and other~~ Detached accessory structures located within the rear twenty percent (20%) of the lot shall be located at least twenty-five (25) feet from any interior or rear lot line ~~not be required to~~

~~maintain an interior side or rear yard or setback in excess of 25 feet.~~
This regulation shall not apply to antennas and antenna support structures. No accessory structure, or combination of such structures, located within a required side or rear setback pursuant to this paragraph shall occupy more than thirty percent (30%) of such required yard.

e. IB District

~~Parking areas and other~~ Detached accessory structures located within the rear twenty percent (20%) of the lot shall be located at least ten (10) feet from any interior or rear lot line ~~not be required to maintain an interior side or rear yard or setback in excess of 10 feet.~~
This regulation shall not apply to antennas and antenna support structures. No accessory structure, or combination of such structures, located within a required side or rear setback pursuant to this paragraph shall occupy more than thirty percent (30%) of such required yard.

C. Amateur Radio Facilities Exceeding Ten Square Feet

Any antenna and antenna support structure having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve (12) feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions:

1. Number Limited

No more than one (1) such antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve (12) feet may be located on any zoning lot.

2. Height Limited

No such antenna support structure shall, if ground mounted, exceed sixty-five (65) feet in height or, if attached to a building ~~pursuant to subsection D7(c) of this section,~~ the height ~~therein~~ specified in Paragraph 3 below.

3. Attachment to Buildings Limited

No such antenna or its support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

- a. The antenna and its support structure shall not extend more than twenty (20) feet above the highest point of the building on which it is mounted.
- b. The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street.

- c. The antenna and its support structure shall be designed to withstand a wind force of eighty (80) miles per hour without the use of supporting guywires.
- d. The antenna and its support structure shall be bonded to a grounding rod.
- e. The antenna support structure shall satisfy such other design and construction standards as the Village Manager reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

4. Setback From Street

No antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

5. Setbacks From Adjacent Buildings

No antenna or its support structure shall be located in any required side ~~yard setback~~ or nearer than one-half ($\frac{1}{2}$) the height of the antenna and support structure to any habitable building on any adjacent property.

D. Antennas With Surface Areas of Ten Square Feet or Less

1. Antennas and antenna support structures having a combined surface area not greater than ten (10) square feet, and no single dimension exceeding twelve (12) feet, shall be permitted as an accessory use.
2. Ground-mounted antennas and antenna support structures that are accessory uses ~~under subsection 9-101D of this article~~, except amateur radio facilities with a surface area exceeding ten (10) square feet ~~such antennas and antenna support structures as are permitted pursuant to subsection 9-101D8 of this article~~, shall be buffered and screened by a perimeter landscape yard equal in width to the applicable required ~~yard setback~~ or ten (10) feet, whichever is greater, and consisting of a densely planted evergreen hedge of not less than six (6) feet in height, in combination with other landscaping materials.
3. Such screening shall be provided between any ground-mounted antenna or antenna support structure and each lot line of the property on which the antenna or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the Village Manager, of such antenna and antenna support structure from view from adjacent properties and public or private streets.

E. Antennas with Surface Areas Exceeding Ten Square Feet

Except for amateur radio facilities permitted pursuant to Paragraph C above, antennas and antenna support structures having a combined surface area greater than ten (10) square feet, or having any single dimension exceeding twelve (12) feet, shall be permitted as an accessory use only in compliance

with the following regulations:

1. Number Limited

No more than one (1) antenna and antenna support structure may be located on any zoning lot.

2. Height Limited

No antenna and antenna support structure shall exceed fifteen (15) feet in height when associated with a public utility station, or twelve (12) feet in height when associated with any other use, unless the antenna and antenna support structure is attached to a building pursuant to Paragraph 3 below.

3. Attachment to Buildings Limited

No antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

- a. The antenna and its support structure shall not exceed fifteen (15) square feet in area or twelve (12) feet in any dimension.
- b. The antenna and its support structure shall not extend more than three (3) feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.
- c. The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street.
- d. The antenna and its support structure shall be designed to withstand a wind force of eighty (80) miles per hour without the use of supporting guy wires.
- e. The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.
- f. The antenna and its support structure shall be bonded to a grounding rod.
- g. The antenna and its support structure shall satisfy such other design and construction standards as the building commissioner reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

4. Setback from Street

No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

5. Guy Wires Restricted

No guy or other support wires shall be used in connection with the antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which the antenna or support structure is attached.

6. Screening

- a. Ground-mounted antennas and antenna support structures that are accessory uses ~~under subsection 9-101D of this article, except amateur radio facilities with a surface area exceeding ten (10) square feet such antennas and antenna support structures as are permitted pursuant to subsection 9-101D8 of this article,~~ shall be buffered and screened by a perimeter landscape yard equal in width to the applicable required ~~yard setback~~ or ten (10) feet, whichever is greater, and consisting of a densely planted evergreen hedge of not less than six (6) feet in height, in combination with other landscaping materials.
- b. Screening shall be provided between any ground-mounted antenna or antenna support structure and each lot line of the property on which such antenna or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the Village Manager, of the antenna and antenna support structure from view from adjacent properties and public or private streets.

7. Village Antennas and Antenna Support Structures

The provisions of Paragraphs 1, 2, 3.a, 3.b and 3.c above shall not apply to antennas or antenna support structures erected by the Village for municipal purposes.

F. Home Occupations**1. Permitted Accessory Use**

Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

2. Employee Limitations

- a. The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
- b. No more than one (1) employee who is not domiciled in the dwelling unit where a home occupation is conducted shall participate in the operation of a home occupation at any one time. For the purposes of this subsection, the term employee shall not include persons domiciled in the dwelling unit where such home occupation is conducted. This limitation on the number of employees shall not

apply to employees who do not work at the dwelling unit devoted to such home occupation.

3. Structural Limitations

- a. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
- b. No separate entrance shall be provided in connection with the conduct of any home occupation.

4. Operational Limitations

- a. Every home occupation shall be conducted wholly within a principal dwelling unit or permitted accessory structure. This provision shall not apply to a day care home operated as a home occupation.
- b. No more than a total of six-hundred (600) square feet of floor area (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be specially designed, arranged, or set apart for the conduct of a home occupation. This provision shall not apply to a day care home operated as a home occupation.
- c. No stock in trade shall be displayed or sold on the premises of any home occupation.
- d. No routine attendance of patients, clients, subcontractors, or employees, except as provided in this section, associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of up to eight (8) children at any one time may be allowed at a day care home operated as a home occupation and that the attendance of up to four (4) persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation requires non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency or duration of such visits.
- e. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
- f. No outdoor storage shall be allowed in connection with any home occupation.
- g. No refuse in excess of the amount allowable for regular residential

pick up shall be generated by any home occupation.

- h. Vehicles used in connection with any home occupation shall be subject to the requirements of the provisions for off-street storage of vehicles in residential districts in Article 16. ~~subsection 9-101D4 of this article~~
- i. No home occupation shall be in any manner visible or apparent from any public or private street.

5. Signage and Visibility

No sign shall advertise the presence or conduct of the home occupation.

6. Traffic Limitations

No home occupation shall generate more vehicular or pedestrian traffic than is typical of residences in the area.

7. Nuisance Causing Activities

In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety or general welfare, or be noxious, offensive or hazardous.

8. Licensing Requirements

Every home occupation shall be subject to applicable business licensing and inspection requirements, and shall comply with all applicable federal, state and local laws and regulations, including, without limitation, obtaining, maintaining and complying with regulations applicable to any required federal, state or local license or permit.

G. Outdoor Storage

Except when expressly permitted by this Code, outdoor storage shall not be allowed as an accessory use. When permitted, outdoor storage shall meet the following standards:

1. All areas of permitted outdoor storage shall be fully enclosed by an opaque fence, wall or densely planted evergreen hedge of a height sufficient to completely screen such containers or storage areas from view from adjoining properties and public or private streets.
2. No storage areas shall be located between any principal structure and either its front or corner side lot line.
3. All areas of permitted outdoor storage shall be kept in a clean and neat condition, and no materials shall be stored in any manner that creates or emits noxious fumes, odors or other emissions.

H. Refuse Containers

1. All refuse containers shall be fully enclosed by an opaque fence, wall or densely planted evergreen hedge of a height sufficient to completely screen such containers or storage areas from view from adjoining properties and public or private streets. This requirement shall not apply to standard receptacles permitted for use by single-family dwellings, nor to receptacles accessory to schools.
2. No refuse containers shall be located between any principal structure and either its front or corner side lot line.
3. All refuse containers shall be kept in a clean and neat condition, and no containers shall be maintained in any manner that creates or emits noxious fumes, odors or other emissions.
4. None of the requirements of this section shall apply to receptacles placed and maintained for use by the general public to avoid littering.

I. Residential Recreational Facilities

1. Residential recreational facilities shall be limited to use by the occupants of the principal residential use and their guests.
2. Outdoor residential recreational facilities accessory to any dwelling located in any single-family residential district shall be buffered and screened by a perimeter landscaped open space equal in width to the applicable required ~~yard setback~~ or ten (10) feet, whichever is less. Such screening shall consist of an opaque fence, wall or densely planted evergreen hedge of not less than six (6) feet in height in combination with other landscaping materials. Such screening shall be provided on all sides of such facility visible from any adjoining property or any public or private street.

J. Rooftop Mechanical Equipment

Except for antennas mounted on roofs pursuant to the provisions of this Code, all mechanical equipment located on the roof of any building ~~constructed after the effective date of this code~~ shall be fully screened by a parapet wall or other screening structure constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building facade to the height of such equipment.

There are a variety of accessory uses that should be addressed under this section, including updated provisions for satellite dishes and HAM radios (amateur radios). What needs to be clearly defined and regulated within these provisions is what is considered an accessory structure, and what limitation applies to each in terms of size/dimension, height and location.

On a related item, fencing requirements from the Village Code should be moved into the Zoning Code as the regulations are more logically located as part of zoning regulations.

Item 14.5.A.1: Currently all accessory structures and uses require a certificate of zoning compliance. For many accessory structures, the process can be simplified by spelling out the restrictions that structures must comply with. Many communities do not want to institute a permitting process for simple structures like window air conditioning units and dog houses, when they can be controlled via maximum size

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regulations. Obviously, for those structures that require a building permit, a zoning review is conducted to ensure that the structure complies with both the building code and zoning requirements (which may make the certificate of zoning compliance redundant). The different types of accessory structures should be defined and individual restrictions crafted for size/dimension, height and location.

Another recommended control on accessory structures and uses that should be added to the regulations is the special use permit. Because no code can possibly cover every accessory structure, especially as new types of structures and uses are created, a special use permit can be used to address all accessory structures and uses not currently regulated within the Code. Such a provision would read similar to the following: "Any accessory structure not listed within this Code shall be considered a special use. Such uses shall be regulated in the same manner as a listed accessory use that is most similar in nature."

Item 14.5.B: Should the limits on height and lot coverage for accessory structures apply to all districts, including multi-family and non-residential districts where larger structures may be part of the development?

Item 14.5.F: Day care homes should be treated as a principle use, rather than as a type of home occupation. Illinois requires communities to allow single-family homes to be used as day care homes (subject to licensing provisions and operation conditions). The Illinois Child Care Act specifically authorizes day care homes in residences, and gives exclusive power to the Illinois Department of Children and Family Services (DCFS) to license day care homes. They should be moved out of the home occupation regulations.

Item 14.5.G: It is unclear when outdoor storage is permitted by the Code, though there are provisions for it. It should be made explicit when it is permitted.

14.6 PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of any structure or building, or component of such, into a required setback. Additional restrictions on permitted encroachments, including additional setback requirements and bulk regulations, can be found in Section 14.5 (Accessory Structures and Uses) above. Permitted encroachment requirements are found in the following tables.

All permitted encroachment provisions have been reorganized into tables.

Typically a zoning code has only one permitted encroachments table. Below, there are a series of permitted encroachment tables – one for each set of districts because standards are different. These should be reviewed and consolidated.

**SINGLE-FAMILY RESIDENTIAL DISTRICTS
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Statuary, arbors, trellises & ornamental light standards - 8' or less in height	Y	Y	Y	Y
Eaves & gutters - Projecting no more than 3' from exterior wall	Y	Y	Y	Y
Awning, canopies, bay windows & balconies - All such projections shall be confined entirely within planes drawn from the main corners of the building at an interior angle of 45° with the wall in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question		Y, but no more than 2' into a front setback from an exterior wall for a distance along such wall of not more than 1/4 of the building width of the building in question	Y, but no more than 3' into a rear setback from an exterior wall for a distance along such wall of not more than one-third 1/3 of the building width of the building in question
The Code does not state whether permitted or not in corner side setbacks.				
Covered, unenclosed porches, patios or terraces - No paved terrace, & no wall or similar structure requiring a foundation to support a terrace, shall encroach past the interior side of a principal structure or be located within 10' of any rear lot line - No patio shall encroach past the interior side of a principal structure or be located within 10' of any rear lot line	Y, but no more than 8' into the required setback and: 1) No closer than 25' from the front lot line in an R-1 or R-2 District 2) No closer than 20' from the front lot line in an R-3 or R-4 District 3) No more than 2' outside any side or rear setback line as extended into the front setback	Y, but no more than 8' into the required setback and: 1) No closer than 25' from the front lot line in an R-1 or R-2 District 2) No closer than 20' from the front lot line in an R-3 or R-4 District 3) No more than 2' outside any side or rear setback line as extended into the corner side setback		Y, but no more than 3' into a rear setback from an exterior wall for a distance along such wall of not more than one-third 1/3 of the building width of the building in question
The Code does not state whether permitted or not in interior side setbacks. Also, the encroachment past the "interior side of a principle structure" is not clear.				
Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like - Projecting no more than 2' from exterior wall	Y	Y	Y	Y
Outside stairways projecting from an exterior wall of a principal structure or from a porch, patio or terrace - No more than 4' in height	Y, but no more than 11' into a required setback & no closer than 10' from front or corner side lot lines	Y, but no more than 11' into a required setback & no closer than 10' from front or corner side lot lines	Y, but no more than 11' into a required setback & no closer than 10' from front lot line	Y, but no more than 11' into a required setback & no closer than 10' from corner side lot line
Flagpole - Attached to Building: May extend to a height of 10' above the highest point of the roof of the principal structure to which they are attached - Freestanding: No more than 4 per	Y	Y	Y	Y

**SINGLE-FAMILY RESIDENTIAL DISTRICTS
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
lot and may not exceed 35' in height				
Flagpole setbacks are unclear – are they intended to mean flagpoles mounted into the ground or attached to the building? Typical regulations for flagpoles have been included.				
Non-mechanical laundry drying equipment	N	Y	Y	Y
Recreational devices	N, except for portable basketball standards	Y	Y	Y
Fences, walls & hedges - Subject to Section 9-12-3 of the Village Code	Y	Y	Y	Y
Driveways - Subject to Article ____	Y	Y	Y	Y
Swimming pools & appurtenances constructed at or below finished grade	N	N	Y, but 10' from any lot line	Y, but 10' from any lot line
Sidewalks	Y, but a minimum of 2' from interior lot line	Y, but a minimum of 2' from interior lot line	Y, but a minimum of 2' from interior lot line & not exceeding 30" in width	Y, but a minimum of 2' from interior lot line
Window wells & emergency egress area wells - No guardrails permitted	Y, but projecting no more than 2' from exterior wall	Y, but projecting no more than 2, from exterior wall	Y, but projecting no more than 2' from exterior wall 1 emergency egress area well, defined in Title 9, Chapter 2 of the Village Code, as amended, may be permitted in an interior side yard & shall have a metal grate which is flush with the ground	Y
Deck - Not required to maintain a rear yard in excess of 25' in the R-1 & R-2 Districts or 15' in the R-3 & R-4 Districts	N	N	N	Y
This provision is unclear. The assumption is that decks are allowed only in the rear yard.				

**MULTIPLE-FAMILY RESIDENTIAL DISTRICTS
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Statuary, arbors, trellises & ornamental light standards - 10' or less in height	Y	Y	Y	Y
Eaves & gutters - Projecting no more than 3' from exterior wall	Y	Y	Y	Y
Awning, canopies, bay windows & balconies - All such projections shall be confined entirely within planes drawn from the main corners of the building at an interior angle of 22.5° with the wall in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question		Y, but no more than 2' into a front setback from an exterior wall for a distance along such wall of not more than 1/4 of the building width of the building in question	Y, but no more than 3' into a rear setback from an exterior wall for a distance along such wall of not more than one-third 1/3 of the building width of the building in question
The Code does not state whether permitted or not in corner side setbacks.				
Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like - Projecting no more than 2' from exterior wall	Y	Y	Y	Y
Outside stairways projecting from an exterior wall of a principal structure or from a porch, patio or terrace - Projecting no more than 3' from exterior wall - No more than 4' in height	Y	Y	Y	Y
Flagpole - Attached to Building: May extend to a height of 10' above the highest point of the roof of the principal structure to which they are attached - Freestanding: No more than 4 per lot and may not exceed 35' in height	Y	Y	Y	Y
Flagpole setbacks are unclear – are they intended to mean flagpoles mounted into the ground or attached to the building? Typical regulations for flagpoles have been included.				
Non-mechanical laundry drying equipment	N	Y	Y	Y
Terrace	Y	Y	Y	Y
Recreational devices	N, except for basketball standards	Y	Y	Y
Fences, walls & hedges - Subject to Section 9-12-3 of the Village Code	Y	Y	Y	Y

**MULTIPLE-FAMILY RESIDENTIAL DISTRICTS
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Driveways - Subject to Article ____	Y	Y	Y	Y
Deck - Not required to maintain a rear yard in excess of 15' in the R-5 & R-6 Districts	N	N	N	Y

This provision is unclear. The assumption is that decks are allowed only in the rear yard.

**BUSINESS DISTRICTS
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Statuary, arbors, trellises & ornamental light standards - 8' or less in height	Y	Y	Y	Y
Awnings, canopies, eaves & gutters - Projecting no more than 3' from exterior wall	Y	Y	Y	Y
Fire escape	Y	Y	Y	Y
Bay windows & balconies - All such projections shall be confined entirely within planes drawn from the main corners of the building at an interior angle of 22.5° with the wall in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question
The same provision seems to apply to all yards.				
Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like - Projecting no more than 2' from exterior wall	Y	Y	Y	Y
Outside stairways projecting from an exterior wall of a principal structure or from a porch, patio or terrace - Projecting no more than 3' from exterior wall - No more than 4' in height	Y	Y	Y	Y
Flagpole - Attached to Building: May extend to a height of 10' above the highest point of the roof of the principal structure to which they are attached - Freestanding: No more than 4 per lot and may not exceed 35' in height	Y	Y	Y	Y
Flagpole setbacks are unclear – are they intended to mean flagpoles mounted into the ground or attached to the building? Typical regulations for flagpoles have been included.				
Terrace	Y	Y	Y	Y
Fences, walls & hedges - Subject to Section 9-12-3 of the Village Code	Y	Y	Y	Y
Driveways - Subject to Article ____	Y	Y	Y	Y

**OFFICE DISTRICTS
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Statuary, arbors, trellises & ornamental light standards - 8' or less in height	Y	Y	Y	Y
Eaves & gutters - Projecting no more than 3' from exterior wall - Telecommunications equipment facilities may project 4' from exterior wall	Y	Y	Y	Y
Fire escape	Y	Y	Y	Y
Awnings, canopies, bay windows & balconies - All such projections shall be confined entirely within planes drawn from the main corners of the building at an interior angle of 22.5° with the wall in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 2' into a front setback from an exterior wall for a distance along such wall of not more than 1/4 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question
Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like - Projecting no more than 2' from exterior wall	Y	Y	Y	Y
Outside stairways projecting from an exterior wall of a principal structure or from a porch, patio or terrace - Projecting no more than 3' from exterior wall - No more than 4' in height	Y	Y	Y	Y
Flagpole - May extend to a height of 10' above the highest point of the roof of the principal structure to which they are attached - Freestanding: No more than 4 per lot and may not exceed 35' in height	Y	Y	Y	Y
Flagpole setbacks are unclear – are they intended to mean flagpoles mounted into the ground or attached to the building? Typical regulations for flagpoles have been included.				
Terrace	Y	Y	Y	Y
Recreational devices accessory to day care services	Y	Y	Y	Y
Fitness trails	Y	Y	Y	Y
Fences, walls & hedges - Subject to Section 9-12-3 of the Village Code	Y	Y	Y	Y
Driveways - Subject to Article ____	Y	Y	Y	Y

**HS DISTRICT
PERMITTED ENCROACHMENTS
VILLAGE OF HINSDALE**

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Statuary, arbors, trellises & ornamental light standards - 10' or less in height	Y	Y	Y	Y
Awnings, canopies, eaves & gutters - Projecting no more than 3' from exterior wall	Y	Y	Y	Y
Bay windows & balconies - All such projections shall be confined entirely within planes drawn from the main corners of the building at an interior angle of 22.5° with the wall in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question	Y, but no more than 3' into a front setback from an exterior wall for a distance along such wall of not more than 1/3 of the building width of the building in question
Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and the like - Projecting no more than 2' from exterior wall	Y	Y	Y	Y
Outside stairways projecting from an exterior wall of a principal structure or from a porch, patio or terrace - Projecting no more than 3' from exterior wall - No more than 4' in height	Y	Y	Y	Y
Flagpole - Attached to Building: May extend to a height of 10' above the highest point of the roof of the principal structure to which they are attached - Freestanding: No more than 4 per lot and may not exceed 35' in height	Y	Y	Y	Y
Flagpole setbacks are unclear – are they intended to mean flagpoles mounted into the ground or attached to the building? Typical regulations for flagpoles have been included.				
Non-mechanical laundry drying equipment	N	Y	Y	Y
Terrace	Y	Y	Y	Y
Recreational devices	N	Y	Y	Y
Fences, walls & hedges - Subject to Section 9-12-3 of the Village Code	Y	Y	Y	Y
Driveways - Subject to Article ____	Y	Y	Y	Y

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14.7 TEMPORARY USES**A. Certificate of Zoning Compliance Requirements**

1. Unless specifically exempted by this Code, no temporary use shall be established or maintained unless a certificate of zoning compliance ~~evidencing the compliance of such use with the provisions of this Code~~ has been issued. ~~in accordance with Section 11-401 of this Code;~~ ~~provided, however, that~~ Permitted temporary uses of publicly-owned or leased buildings and property shall be exempt from this requirement.
2. A certificate of zoning compliance may be denied if the Village Manager determines that the applicant has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use. A certificate of zoning compliance shall be denied if the permanent use of the subject property fails to comply in all respects with the provisions of all Village ordinances regulating the development, use and maintenance of the property. A certificate shall be denied if the Village Manager determines that the public health, safety or welfare would be, or may reasonably be impaired by the issuance thereof.
3. A certificate of zoning compliance may be conditioned upon such special requirements as the Village Manager may determine are necessary to achieve the purposes of this Code and to protect the public health, safety and welfare.
4. A certificate of zoning compliance shall be revoked if any of the standards and conditions imposed pursuant to this section, and any additional conditions issued with the certificate, are violated.
5. Any approval granted shall authorize only the particular use for which it was given, and shall not be construed to be any right or entitlement to any subsequent approval for the applicant or any other person.

B. General Regulations on Temporary Uses

1. Except as expressly provided otherwise in this section, every temporary use shall comply with the bulk and ~~yard setback~~ regulations applicable in the district in which such temporary use is located.
2. Every temporary use shall comply with the limitations made applicable to specified temporary uses by Paragraph C below. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, ~~as a whole,~~ in which it is located.
3. No temporary use shall be operated during any hours or on any days of the week except those designated by the Village Manager in the certificate of zoning compliance ~~required by subsection C of this section,~~ on the basis of the nature of the temporary use and the character of the surrounding area.

4. No temporary use shall be permitted unless the Village fire and police departments shall have first certified that such use will result in no additional undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said departments may require in connection with such certification. If required by the Village Manager, the operator of the temporary use shall employ a fire watch team and appropriate security personnel.
5. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
6. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
7. Except as otherwise expressly authorized by Article ____, signs shall comply with the following standards:
 - a. Signs shall be located only on the same zoning lot as the temporary use.
 - b. Signs shall be limited to no more than one (1) per street frontage.
 - c. Signs shall be set back at least six (6) feet from the front lot line.
 - d. Signs shall be no larger than six (6) square feet in area in any residential district or twenty (20) square feet in area in any other district
 - e. Signs shall be of sturdy construction, and not detrimental to the character of the area.
 - f. Such signs shall not be erected sooner than twenty-four (24) hours before the commencement of the temporary use and shall be removed within twenty-four (24) hours following the termination of the temporary use.
8. Before approving any temporary use, the Village Manager shall make an assessment of the total number of off-street parking spaces reasonably required in connection with the proposed temporary use on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Village Manager shall approve such temporary use only if the required off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Village Manager, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
9. Every temporary use shall comply with, and the Village Manager may impose, conditions reasonably necessary to achieve the purposes of this Code and to protect the public health, safety and welfare.

C. Permitted Temporary Uses

Subject to the specific regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and no others are permitted in the zoning districts herein specified:

1. House, Apartment, Garage and Yard Sales

House, apartment, garage and yard sales are permitted in any residential district. Such use shall be limited to a period not to exceed three (3) consecutive days, and no more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period. No certificate of zoning compliance shall be required.

2. Indoor and Outdoor Art, Craft, Rummage and Plant Shows, Exhibits and Sales

Indoor and outdoor art, craft, rummage, and plant shows, exhibits, and sales are permitted in any business, office, health services, open space, or institutional building district. Any such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three (3) days.

3. Christmas Tree Sales/Pumpkin Patches

Christmas tree sales and pumpkin patches are permitted in any business district. When conducted by a not-for-profit religious, philanthropic, or civic group or organization on property owned or leased by such group or organization, Christmas tree sales and pumpkin patches are permitted in any office district, and the HS, OS and IB Districts. Such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed sixty (60) days. ~~Display of Christmas trees~~ need not comply with the yard requirements of this Code, except that ~~no tree~~ nothing shall be displayed within the sight triangle defined in Title 7, Chapter 1, Article D of the Village Code.

4. Contractor's Offices and Equipment Sheds

Contractor's offices and equipment sheds are permitted in any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

5. Real Estate Offices, Including Model Units

Real estate offices, including model units are permitted in any district when accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing

of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

6. Carnivals and Circuses

Carnivals and circuses are permitted in any non-residential district, but only when sponsored by a not-for-profit religious, philanthropic, or civic group or organization. Such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days. Such use need not comply with the yard requirements of this Code except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight triangle defined in Title 7, Chapter 1, Article D of the Village Code. Such use need not comply with the maximum height requirements of this Code.

The concessionaire responsible for the operation of any such carnival or circus shall:

- a. Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles.
- b. Provide fire extinguishers of a type and at site locations approved by the Village Manager.
- c. Provide and service refuse containers in the number and locations required by the Village Manager.
- d. Provide for a thorough clean-up of the site upon termination of the event.
- e. Upon written notice from the Village Manager, terminate the use of any amusement device or structure found by the Manager to pose a threat to the public safety.

7. Tents

Tents are permitted in any district, in connection with any permitted, accessory, temporary or special use. No tent shall be allowed to remain for a period of more than ten (10) days. Unless waived in writing by the Village Manager, every tent shall comply with the bulk, space, and yard requirements applicable to accessory structures ~~uses~~ pursuant to ~~Subsection 9-101E~~ of this Code.

8. Civic Uses of Public Property

Temporary civic use of property is permitted in the OS and IB Districts when authorized by the governmental agency owning or controlling such property. No such use shall impose an undue adverse effect on neighboring streets or property.

9. Others

In any district, any other temporary use consistent with the purposes of this Code and with the purposes and intent of the regulations of the district in which such use is located may be permitted, provided, however, that any such use shall require the specific prior approval of the Village Board. The Village Board shall establish a limitation on the duration of every temporary use approved pursuant to this section ~~subsection D9~~.

There are additional temporary uses that the Village may want to consider regulating, such as outdoor storage, outdoor sales and display, temporary contractor trailers, temporary storage trailers and temporary storage containers (i.e., PODS). More often communities are taking a proactive stance at regulating these uses, especially if significant construction is ongoing or anticipated, before they become problematic or cause nuisance issues. Many older codes lack any sort of regulation or enforcement mechanism for these temporary uses.

Item 14.7.A.2: The following language appears to deny nonconformities all permission to host a temporary use outright, stating that if “the permanent use of the property fails to comply in all respects with the provisions of all Village ordinances regulating the development, use and maintenance of the property,” it cannot be granted a temporary use. This may be an undesirable effect and not current Village practice. In some cases, it is true that the nonconformity of a site would deem it unsafe for a temporary use, while in other cases, a nonconformity would not impact the site or those around, such as a garage sale on a residential lot that is nonconforming in terms of lot area or width.

Item 14.7.C.8: The temporary use “civic uses of public property” is confusing and does not indicate specifically what is intended; what constitutes a civic use? This term should be defined and examples provided. In addition, the Code stipulates public buildings within the open space or institutional district, however it may be better to say public buildings generally to reduce confusion.

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14.8 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section unless any federal, state, county or local law, ordinance or regulation establishes a more restrictive standard, in which case, the more restrictive standard shall apply.

A. Noise

No noise, other than ordinary vehicular noise, from operations of any use ~~in the office districts~~ shall be detectable at any point off the zoning lot on which the use is located.

B. Glare and Heat

No glare or heat from any operations of any use ~~in the office districts~~ shall be detectable at any point off the zoning lot on which the use is located.

C. Vibration

No earthborne vibration from any operations of any use ~~in the office districts~~ shall be detectable at any point off the zoning lot on which the use is located.

D. Air Pollution

No air pollution, including smoke or gas, odors and particulate matter, from any operations of any use ~~in the office districts~~ shall be detectable at any point off the zoning lot on which the use is located, unless in compliance with all applicable regulations of the Illinois Environmental Protection Agency.

E. Electromagnetic Interference

Electromagnetic interference from any operations of any use ~~in the office districts~~ shall not adversely affect the operation of any equipment located off the zoning lot ~~on which such interference originates~~.

F. Fire And Explosive Hazards

Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state and local laws.

G. Special Hazards

Hazardous, toxic, and radioactive materials shall be transported, stored and used only in conformance with all applicable federal, state and local laws.

These provisions were moved from the office districts to be made applicable to all uses, allowing the Village to enforce against nuisances in any district.