



Agenda

Village of Arlington Heights
Ordinance Review Committee
Community Room, 3rd Floor

Arlington Heights Village Hall
33 S. Arlington Heights Road
Arlington Heights, IL 60005
February 22, 2017
6:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

IV. REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

A. Chapter 28 Text Amendments

VII. OTHER BUSINESS

VIII. ADJOURNMENT

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005, (847)368-5793 (Voice), (847)368-5980 (Fax) or drobb@vah.com.



Item: Chapter 28 Text Amendments

Department: Planning & Community Development

Background

– In late 2016 the Village Board established strategic priorities for the Village in 2017. Staff from the Planning and Community Development Department and Legal Department have internally discussed updating various aspects of the Zoning code to modernize the code to make it more user friendly and provide clarity. In addition, staff has reviewed areas of the code to streamline the processes for residents and for developers. The end product will be much more inviting visually and better organized. Staff has divided recommended amendments to the code into two phases as follows:

Phase 1

Definitions; Permitted Use Table; Special Uses; and Planned Unit Developments. In addition there are amendments suggested to several other sections of Chapter 28, that will be described below.

Phase 2

Non Conforming Uses; Hardship Criteria for Land Use Variations; Use Districts; Parking; and minor updates to the Plan Commission and Design Commission sections. Also minor fences and accessory structures will be reviewed.

Phase 1: the following summarizes the proposed amendments to the zoning code as part of Phase 1.

Planned Unit Developments; Chapter 28-9

– Attached are proposed amendments to the Planned Unit Development section. The primary recommendation is to streamline the development review process by combining the Preliminary PUD and Final PUD into one step. The difference between preliminary PUD and Final PUD is Final Engineering, which includes posting of any required bonds and escrows. Final Engineering would now be deferred to building permit as outlined in a new section '9.13 Permit Requirements for Planned Unit Developments'.

Currently, the Preliminary PUD process can take about 4 to 5 months, and then Final PUD can take an additional 2 months. Making the PUD process a one step process will reduce the timing to obtain PUD approval so that the developer can

move forward with permits. The developer will still need to submit all the same documents, but this revised process will allow certain final items to be submitted at permit.

Also recommended is changing the name of the Plat and Subdivision Committee to the "Conceptual Plan Review Committee". This name more accurately describes the committee.

Special Uses

–
Aside from minor changes to verbiage, the primary recommended amendment is to increase the threshold for granting a Special Use waiver for restaurants from 1,500 square feet to 4,000 square feet. In 2013 the Plan Commission recommended and the Board approved allowing staff to approve a Special Use waiver for restaurants 1,500 sf or less. An application must be filed with the Planning Department and if all criteria are met, then the waiver can be granted and no public hearing required. Attached is the current Special Use Waiver application. One revision to this application is to allow restaurants who serve alcohol to qualify for the waiver. Currently if they serve alcohol, the waiver cannot be granted.

Since 2013, 4 of 16 restaurants were granted a waiver, while 12 went through the Plan Commission process. The table attached lists all restaurants since 2006 and the square footage of each. From 2006 to 2016, there have been 61 restaurants. 17 of 61 (28%) fell within the 1,500 sf waiver threshold. Staff is recommending a larger threshold so that a higher percentage of restaurants can become eligible for the waiver. It is recommended that the waiver apply to restaurants of 4,000 sf or less. Since 2006, 48 of 61 (79%) would have qualified for the waiver in terms of floor area size, while the larger restaurants above 4,000 sf would have to submit the Plan Commission application and obtain Board approval.

Staff suggests this recommendation to streamline the process for restaurants while continuing, via the waiver process, to check critical issues such as parking.

Definitions

–
Proposed amendments to this section mostly consist of minor revisions to (or more logical reorganization of) existing definitions or eliminating obsolete and or self-explanatory definitions. One definition recommended for removal is the definition of family, which is rarely utilized for code enforcement and is likely unconstitutional.

Permitted Use Table

–
The recommended amendments to the permitted use table include reorganizing the table by use categories. Attached are the changes to the existing table and the new recommended table. Currently, there are three sections: Non-Manufacturing and Non-Residential; Processing and Manufacturing; and Residential. Staff recommends grouping by the following new categories:

'Residential; Commercial; Manufacturing / Processing; Institutional; and Other.'

The new categories better align the permitted uses to make the code more user friendly.

In addition, many line items (31 total) in the permitted use table are clearly commercial retail, so a new line item "Retail" has been added to the Commercial category. These 31 line items are no longer in the table and will fit under "Retail". Other line items have been combined or deleted as not necessary. Therefore the total number of line items in the table have been reduced from 215 to 145, thus making the table more user friendly.

Other

The following sections are either duplicative to other municipal code sections, or should be moved to other section of the Municipal Code, and are therefore not necessary in Chapter 28 - Zoning. The following sections are recommended for deletion:

28-15 (Occupancy Permits / will be moved to Chapter 23);

28-16 (Plats / already in Chapter 23 so redundant);

28-17 (Enforcement / move to Chapter 3 which is the Director of Building responsibilities);

28-19 (Violation and Penalty / already covered in Chapter 1 of the Municipal Code);

28-20 (Validity / Validity of Chapter 28 will be written into the Ordinances that approve these amendments and all future amendments therefore not necessary in chapter 28));

28-21 (Repeal of Conflicting Ordinances / same as above, verbiage to address conflicting Ordinances will be in all future Ordinances adopting any amendments to this Chapter.)

*Also Chapter 28-18 will be renumbered to Chapter 15 due to deletions above.

ATTACHMENTS:

Description	Type
28-9 PUD Amendments	Exhibits
28-9 PUD Proposed	Exhibits
28-8 Special uses Amendments	Exhibits
28-8 Special Uses Proposed	Exhibits
Current Permitted Use Table with Amendments	Exhibits
Permitted Use Table Proposed	Exhibits
Definitions Amendments	Exhibits
Definitions - Proposed	Exhibits
Various Sections 15, 16, 17, 19, 20, 21	Exhibits

Special Use Waiver Application
List of Restaurants by Square Feet

Exhibits
Exhibits

Section 28-9 Planned Unit Development.

9.1 Intent. Planned Unit Developments permit site plans and designs which would not be possible under strict application of zoning district regulations. Consequently, Planned Unit Developments shall offer more benefits than a conventional development because of comprehensive design and adherence to high standards. Improved features include but are not limited to the following:

- a. efficient land utilization;
- b. innovative design;
- c. preservation of natural areas;
- d. diversified land use and architectural treatment;
- e. compatibility with adjacent and nearby land developments.

9.2 Qualifications Required for a Planned Unit Development. The following are the projects that will be considered to be a Planned Unit Development:

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~~(Ord. #06-070)~~

~~9.2-1 a.~~ Any development with more than one principal building on a zoning lot or lot of record shall be a Planned Unit Development.

~~(Ord. #04-013)~~

~~9.2-2 b.~~ Planned Unit Developments in the following districts shall have a minimum lot size of one acre: R-E, R-1, R-2, R-3, R-4, R-5, R-6, B-1, B-2, B-3, and B-4, S.

~~9.2-3 c.~~ Any development ~~in~~ the B-5 Zoning District ~~of,~~ any new building or additions of 500 square feet sq. ft. or more to existing buildings shall be a Planned Unit Development.

~~9.2-4 d.~~ Any development of four or more acres ~~in~~ the M-1 and M-2 Districts, any development of four or more acres shall be a Planned Unit Development.

~~9.2-5 e.~~ Any All developments in the R-7, O-T, O-R, I and P-L Districts, shall be a Planned Unit Development.

~~9.2-6~~ Planned Unit Development Sites shall be under single ownership and/or unified control until fully developed.

~~9.2-7 f.~~ Any residential development using private roadways or private drives to provide vehicular access on the lot, ~~subject to the requirements in Section 9.3,~~ shall be a Planned Unit Development.

9.3 General Requirements for Planned Unit Developments. Planned Unit Development Sites shall be under single ownership and/or unified control until fully developed and shall be governed by all applicable zoning requirements of this Chapter.

~~9.3-1~~ Yards along the periphery of Planned Unit Developments shall be provided as required by the regulations of the district in which said development is located.

~~9.3-2~~ Parking in a Planned Unit Development shall not be less than required for the same uses in Section 11 of Chapter 28.

~~9.3-3~~ Minimum lot size and lot area per dwelling unit shall be computed according to the standards of the district in which said development is located.

~~9.3-4~~ Whenever possible, vehicular and pedestrian traffic shall be separated from each other.

~~9.3-5~~ Adequate provision shall be made to minimize both external and internal traffic hazards and congestion.

~~9.3-6~~ 9.4 –Requirements for Planned Unit Developments Using Private Roadways. A Planned Unit Development for a residential development using private roadways may be approved in the following circumstances:

- a. The size and shape of the parcel is such that strict application of public street standards would cause development of the parcel to be impractical;
- b. The proposed development is enhanced by exceptional site design features not ordinarily possible under the strict application of the Zoning Ordinance and Subdivision Control Regulations;
- c. The development will provide amenities and improvements that would be materially beneficial to the adjacent neighborhood;
- d. The developer demonstrates to the reasonable satisfaction of the Plan Commission and the Village Board that the private roadways will be adequately maintained, including the execution and recording of a ~~and the owner shall execute and record a~~ covenant, binding all successors in title, ensuring that the private roadways will be maintained in a condition safe for vehicular travel;

~~e.~~ ~~The developer execute an agreement with the Village for traffic enforcement on private roadways; and~~

(Ord. # 04-059)

~~f.~~ e. The development conforms with the following criteria:

~~1.~~ Private roadways are constructed in accordance with Village construction standards for public roadways.

~~2f.~~ Private roadways are not planned or expected to serve property outside the proposed development.

~~g3.~~ Private roadways are not used to fill gaps in the existing thoroughfare system, connect two collector or arterial streets, or laid out to encourage through traffic.

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h4. Private roadways shall provide a minimum of two 12-foot wide driving lanes, excluding curb and gutter dimensions.

5-i. Only parallel parking is permitted on a private roadway provided the pavement width is increased by eight feet for each parking lane.

~~(Ord. #04-059)~~

6j. Signs indicating building addresses and directing motorists through the development are provided, the size, number and location of such signs to be determined by the Director of Building.

7k. Unimpeded circulation and travel for emergency vehicles is provided on private roadways in the development.

8l. Curbs are provided along private roadways and driveways.

9m. Street lights and sidewalks shall be installed along all private roadways in compliance with Village standards.

9.4 9.5 Variations.

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~~9.4.1~~ In the case of any Planned Unit Development, the Plan Commission may recommend and the Village Board of Trustees may authorize ~~exceptions~~ variations to the applicable bulk regulations of this ordinance and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

~~9.4.2~~ ~~Qualifications for Granting Variations.~~ Such variations may be granted as long as it is demonstrated that they exceptions shall will not exercise a detrimental influence on the surrounding neighborhood. ~~Exceptions Variations~~ shall be justified when other characteristics of the development exceed the minimum standards of the ~~m~~Municipal eCode. All recommendations shall be based on the standards for appeals as stated in Section 6-201 of the Arlington Heights Municipal Code. Special consideration shall be given to:

~~9.4.2.1~~ a. The provision for indoor and outdoor recreation facilities, which. ~~These facilities~~ should be proportional to the size and density of the Planned Unit Development.

~~9.4.2.2~~ b. The conservation of natural resources such as flood plains, wet lands and wooded areas.

~~9.4.2.3~~ c. As much as possible, ~~the~~ preservation, ~~as much as possible,~~ of the natural drainage and floodwater retention.

~~9.4.2.4~~ ~~All recommendations shall be based on the standards for appeals as stated in Section 6-202 of the Arlington Heights Municipal Code.~~

9.65 Procedures for Approval of Planned Unit Development. Application shall be made on

forms supplied by the Planning Department and shall be complete with all supporting data, documents, plans, maps and other documents as specified below.

The Village review and approval of the Planned Unit Development may be performed in ~~four~~ three stages:

- a. Review of the Conceptual Plan by the Staff Development Committee and Conceptual Plan Review Committee of the Plan Commission.
- b. Review and approval ~~of the Preliminary Plan by the Plan Commission.~~
- c. Review and approval by the Village Board, including adoption of the Ordinance approving the Planned Unit Development, of the Final Plan.
- d. ~~Approval of the Planned Unit Development Ordinance.~~

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~~In some circumstances review and approval of the Preliminary and Final Plan could be considered at the same time requiring only Plan Commission and Village Board Hearings. A petitioner, intending to combine the hearings must make such request at the time of filing the application.~~

9.5-1.7 Conceptual Planned Unit Development Submission and Review. Should a Petitioner desire, the Village will review a Conceptual Plan for a Planned Unit Development.

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~~9.5-1.1~~ In order for the Village to review the Conceptual Plan, the following items must be submitted: must include three copies of the following items:

- a. ~~Location plan;~~
- b. ~~Current Plat of Survey of the subject parcel;~~
- c. ~~Current proof of ownership or petitioner interest in the property;~~
- d. ~~Topographical map of the subject property;~~
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- ea. Sketch Conceptual Development Plan including the site layout of buildings, roadways, access drives, and floor plans as necessary. Conceptual architectural elevations and landscape plans may also be submitted, indicating in a general form proposed land uses, the natural features of the site, the approximate location of roadways, streets, and structures, the density of dwellings, the parking and the natural drainage of the terrain,
- fb. A brief written statement explaining the character of the development and its main features should accompany the plan.

~~9.5-1.2~~ As quickly as possible from the date of submission of the Conceptual Plan, the Village Planning Department and the Staff Development Committee and Engineering Departments

~~assisted by other Departments if necessary, will review the submitted materials, after which -and a meeting of the Plat and Subdivision- Conceptual Plan Review Committee of the Plan Commission will be set. The notes of the Committee will be sent to the Plan Commission. If the Conceptual Plan Review Committee has an In a case of an unfavorable recommendation, the petitioner can revise the Conceptual Plan and resubmit material for Staff and Committee review. The Petitioner can also choose to move forward to the Plan Commission with the negative recommendation from the Conceptual Plan Review Committee.~~

~~**9.5-2 Preliminary Planned Unit Development Submission, Review and Approval.** The petitioner applying for approval of the Planned Unit Development may petition for Preliminary Plan approval even if the staff and Plan Commission recommendation is negative.~~

~~**9.5-2.18 Submission for Planned Unit Development Approval.** The following items are required for submission to the Plan Commission for approval of a Planned Unit Development, in the quantity set forth in the Plan Commission application: materials required for Preliminary Plan approval shall include 10 copies for Department Heads and 10 copies for Plan Commission.~~

- ~~a. The previously submitted and updated items required for Conceptual Plan approval; A legal description of the entire Planned Unit Development;~~
- ~~b. A current plat of survey or Alta Survey of the subject property;~~
- ~~c. Proof of ownership or other legal interest of the petitioner in the property;~~
- ~~db. A Master Plan showing streets, lots, parcels and sites for all uses included in the Planned Unit Development, including areas proposed to be conveyed, dedicated or reserved for public uses including parks, playgrounds and parkways, as well as a brief written statement describing the Planned Unit Development;~~
- ~~ee. A site plan indicating exterior and interior roadways and streets, pedestrian walkways, fire lanes, parking lots including parking spaces for handicapped persons, areas reserved for landscaping and screening, all proposed structures, free standing signs, outdoor lighting, trash storage areas and loading areas, including a chart with all relevant zoning data such as FAR, land coverage ratios, density, setbacks, etc.;~~
- ~~df. Preliminary architectural floor plans and one typical building elevations. The plans for single family dwellings do not require submittal of floor plans and building elevations;~~
- ~~eg. A preliminary tree preservation plan and a detailed landscaping plan indicating approximate location of the planting material with general description like shade trees, bushes, flower beds, foundation planting, etc. with all of the planting materials common and Latin names, sizes and quantities.~~
- ~~fh. A preliminary engineering development plan indicating storm sewer lines, sanitary sewer lines, water mains and storm water detention or retention facilities and topographic plans.~~

- gi. A preliminary development schedule indicating:
 1. The approximate date of construction start.
 2. The number of construction phases and the date of starting each phase.
 3. The date of completion of each phase.
 4. A construction staging plan.
- hj. A draft of all proposed bylaws, covenants, easements, maintenance and other agreements, wherever applicable.
- i. ~~For residential Planned Unit Development a letter stating compliance with the required land or cash contribution in accordance with Chapter 29 of the Arlington Heights Municipal Code.~~
- jk. A preliminary traffic analysis in accordance with Section 6.12 of this Chapter.
- kl. Preliminary Plat of Subdivision (if required) in accordance with Chapter 29 of the Municipal Code.

~~9.5-2.29~~ **The Review of the Preliminary Plan material.** Once a complete Plan Commission application has been received, Village Staff will review the

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- ~~a. As quickly as possible the Village Administration will review the submitted material, prepare written comments and submit the material to the Plat and Subdivision Committee of the Plan Commission for a public hearing in accordance with the requirements of this Chapter. The Committee will schedule the meeting with the petitioner as quickly as possible after the Department Heads review.~~
- ~~b. The Chairman of the Plan Commission will schedule the Plan Commission Hearing date.~~
- ~~c. The petitioner is responsible for proper notifications in accordance with Section 17.~~

~~9.5-2.310~~ **Public Hearing before the Plan Commission.** At tThe Ppublic Hhearing, the Plan Commission may make shall include, but need not be limited to, the following findings which shall be if fully supported by reference to the specific evidence presented by the petitioner.;

- a. The reasons why extent to which the proposed Planned Unit Development departs the departures from the Village Zoning and Subdivision regulations; and the Village Comprehensive Plan and the reasons why such departures proposed for the Planned Unit Development are or are not deemed to be in the public interest.
- b. The extent to which reasons why the proposed design does or does not make adequate provision for public services, public utilities and services, for vehicular and pedestrian traffic or provide for common open space and recreation.

- c. The physical and economic benefits of the proposed development to the entire community.
- d. The impact of the proposed development on the adjoining traffic network.

~~9.5.2.4 The Preliminary Plan application material with Plan Commission minutes and findings shall be submitted to the Village Board of Trustees for their approval. The Village Board shall accept, modify, or reject the Plan Commission recommendation. The preliminary acceptance of the Planned Unit Development shall not constitute a commitment by the Village that final approval will be granted.~~

9.5.3 Final Development Plan Review and Approval

~~9.5.3.1 Within 12 months after the approval of the Preliminary Plan the petitioner shall file all the following materials with the Planning Department required for Final Plan approval:~~

- ~~a. A final land use plan suitable for recording. The purpose of the Final Land Use Plan is to designate the land subdivided into lots as well as the division of other land into common open areas and building areas.~~
- ~~b. A legal description of the entire Planned Unit Development and a legal description of each separate unsubdivided use, including common open space.~~
- ~~c. If subdivided lands are included in the Planned Unit Development, a Final Plat of subdivision must be submitted. (Refer to Chapter 29 Subdivision Control Regulations)~~
- ~~d. Detailed final site plan with all dimensions, details, designation and location of all buildings to be constructed and designation of the uses for which each building is designed.~~
- ~~e. Properly executed land dedication ordinances and recording documents.~~
- ~~f. Detailed project data including number of dwelling units per net acre; parking computation, land coverage, F.A.R. and land use breakdown by area and percentage.~~
- ~~g. Detailed landscaping plan with all the planting materials common and Latin names, sizes and quantities.~~
- ~~h. Final engineering plans and feasibility study for all utilities, water retention and drainage.~~
- ~~i. Final traffic report (if required).~~
- ~~j. Final agreements, bylaws, maintenance and continued protection of the Planned Unit Development, common areas and other facilities.~~
- ~~k. Final development and construction schedule.~~

~~l. Any bond or escrow agreements.~~

~~m. A written commitment to contribute land or money as determined in Chapter 29 of the Arlington Heights Municipal Code.~~

~~Items "d" through "k" may substitute for preliminary plan in case of simultaneous Preliminary and Final plan submission.~~

~~**9.5-3.2 Approval of Final Development Plan.** The petitioner shall file all the above described plans and documents with the Planning Department. As soon as possible the Planning Department and other Village Departments will review the submitted materials and prepare written comments and forward the material to the Plat and Subdivision Committee of the Plan Commission.~~

~~Satisfactory submission will be forwarded to the Plan Commission, which will approve or disapprove the petition at their regular meeting. As soon as possible all the material, with the recommendation of the Plan Commission, will be forwarded to the Village Board which will accept, modify, or reject the Plan Commission recommendation.~~

~~**9.5-4-11 Approval of Planned Unit Development Ordinance.** If, after review of the recommendation from the Plan Commission, After the Village Board approves the Planned Unit Development, a Planned Unit Development an appropriate Ordinance shall be prepared if required. Upon approval of the Planned Unit Development Ordinance, ~~said~~the ordinance and with exhibits shall be recorded by the Village Clerk with the County Recorder of Deeds. The Village Zoning Map and the Village Comprehensive Plan shall be amended to include the approved Planned Unit Development. ~~The~~ final approval and recording is required for the issuance of the building permit.~~

~~**9.612 Enforcement of Development Schedule.** The ~~final~~ Planned Unit Development approval shall be effective for no more than 24-months from the date the ordinance was adopted granting the approval. Unless a building permit has been issued and construction commenced within this time period, all ordinances approving the Planned Unit Development, including any other conditions and approvals, shall be void. An extension of up to 12-months can be obtained by submitting a detailed request to the Planning Department. After appropriate review, the Planning Department will transmit the request and its recommendation to the Village Board ~~of Trustees~~ for final determination.~~

~~In the event that an additional request for extension is made, ~~said~~ that request will also be reviewed by the Plan Commission and the Plan Commission will transmit the request with its recommendation to the Village Board of Trustees.~~

~~(Ord. #12-055)~~

~~**9.7 Amending of the Final Plan.** The Development shall take place in substantial compliance with the Planned Unit Development Ordinance. The procedures for amending, approval and recording of an amended Planned Unit Development are the same as the procedures for approval of a Planned Unit Development as outlined in Section 9.5. The amended final Planned Unit Development must be recorded by the Village Clerk with the County Recorder of Deeds.~~

9.13 Permit Requirements for Planned Unit Developments. The following items shall be required as part of a submittal for a building permit, in addition to all other permit requirements:

- a. Final Engineering Plans and Details for all utilities, storm water retention, and drainage;
- b. Final Construction staging plan, including a construction schedule; and
- c. Final copy of all bylaws, covenants, easements, and maintenance agreements, including bonds and escrow agreements, as requested by the Village.

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Section 28-9 Planned Unit Development.

9.1 Intent. Planned Unit Developments permit site plans and designs which would not be possible under strict application of zoning district regulations. Consequently, Planned Unit Developments shall offer more benefits than a conventional development because of comprehensive design and adherence to high standards. Improved features include but are not limited to the following:

- a. efficient land utilization;
- b. innovative design;
- c. preservation of natural areas;
- d. diversified land use and architectural treatment;
- e. compatibility with adjacent and nearby land developments.

9.2 Qualifications Required for a Planned Unit Development. The following are the projects that will be considered to be a Planned Unit Development:

- a. Any development with more than one principal building on a zoning lot or lot of record.
- b. Planned Unit Developments in the following districts shall have a minimum lot size of one acre: R-E, R-1, R-2, R-3, R-4, R-5, R-6, B-1, B-2, B-3, and B-4.
- c. Any development in the B-5 Zoning District of any new building or additions of 500 square feet or more to existing buildings.
- d. Any development of four or more acres in the M-1 and M-2 Districts, .
- e. All developments in the R-7, O-T, O-R, I and P-L Districts
- f. Any residential development using private roadways or private drives to provide vehicular access on the lot

9.3 General Requirements for Planned Unit Developments. Planned Unit Development Sites shall be under single ownership and/or unified control until fully developed and shall be governed by all applicable zoning requirements of this Chapter.

9.4 Requirements for Planned Unit Developments Using Private Roadways. A Planned Unit Development for a residential development using private roadways may be approved in the following circumstances:

- a. The size and shape of the parcel is such that strict application of public street standards would cause development of the parcel to be impractical;
- b. The proposed development is enhanced by exceptional site design features not ordinarily possible under the strict application of the Zoning Ordinance and Subdivision Control Regulations;
- c. The development will provide amenities and improvements that would be materially beneficial to the adjacent neighborhood;

- d. The developer demonstrates to the reasonable satisfaction of the Plan Commission and the Village Board that the private roadways will be adequately maintained, including the execution and recording of a covenant binding all successors in title, ensuring that the private roadways will be maintained in a condition safe for vehicular travel;
- e. Private roadways are constructed in accordance with Village construction standards for public roadways.
- f. Private roadways are not planned or expected to serve property outside the proposed development.
- g. Private roadways are not used to fill gaps in the existing thoroughfare system, connect two collector or arterial streets, or laid out to encourage through traffic.
- h. Private roadways shall provide a minimum of two 12-foot wide driving lanes, excluding curb and gutter dimensions.
- i. Only parallel parking is permitted on a private roadway provided the pavement width is increased by eight feet for each parking lane.
- j. Signs indicating building addresses and directing motorists through the development are provided, the size, number and location of such signs to be determined by the Director of Building.
- k. Unimpeded circulation and travel for emergency vehicles is provided on private roadways in the development.
- l. Curbs are provided along private roadways and driveways.
- m. Street lights and sidewalks shall be installed along all private roadways in compliance with Village standards.

9.5 Variations. In the case of any Planned Unit Development, the Plan Commission may recommend and the Village Board of Trustees may authorize variations to the applicable bulk regulations of this ordinance and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

Such variations may be granted as long as it is demonstrated that they will not exercise a detrimental influence on the surrounding neighborhood. Variations shall be justified when other characteristics of the development exceed the minimum standards of the Municipal Code. All recommendations shall be based on the standards for appeals as stated in Section 6-201 of the Arlington Heights Municipal Code. Special consideration shall be given to:

- a. The provision for indoor and outdoor recreation facilities, which should be proportional to the size and density of the Planned Unit Development.
- b. The conservation of natural resources such as flood plains, wet lands and wooded areas.
- c. As much as possible, the preservation, of the natural drainage and floodwater retention.

9.6 Procedures for Approval of Planned Unit Development. Application shall be made on forms supplied by the Planning Department and shall be complete with all supporting data, documents, plans, maps and other documents as specified below.

The Village review and approval of the Planned Unit Development may be performed in three stages:

- a. Review of the Conceptual Plan by the Staff Development Committee and the Conceptual Plan Review Committee of the Plan Commission.
- b. Review and approval by the Plan Commission.
- c. Review and approval by the Village Board, including adoption of the Ordinance approving the Planned Unit Development.

9.7 Conceptual Planned Unit Development Submission and Review. Should a Petitioner desire, the Village will review a Conceptual Plan for a Planned Unit Development. In order for the Village to review the Conceptual Plan, the following items must be submitted:

- a. Conceptual Development Plan including the site layout of buildings, roadways, access drives, and floor plans as necessary. Conceptual architectural elevations and landscape plans may also be submitted.
- b. A brief written statement explaining the character of the development and its main features should accompany the plan.

As quickly as possible from the date of submission of the Conceptual Plan, the Village Planning Department and the Staff Development Committee will review the submitted materials, after which a meeting of the Conceptual Plan Review Committee will be set. If the Conceptual Plan Review Committee has an unfavorable recommendation, the petitioner can revise the Conceptual Plan and resubmit material for Staff and Committee review. The Petitioner can also choose to move forward to the Plan Commission with the negative recommendation from the Conceptual Plan Review Committee.

9.8 Submission for Planned Unit Development Approval. The following items are required for submission to the Plan Commission for approval of a Planned Unit Development, in the quantity set forth in the Plan Commission application:

- a. A legal description of the entire Planned Unit Development;
- b. A current plat of survey or Alta Survey of the subject property;
- c. Proof of ownership or other legal interest of the petitioner in the property;
- d. A Master Plan showing streets, lots, parcels and sites for all uses included in the Planned Unit Development, including areas proposed to be conveyed, dedicated or reserved for public uses including parks, playgrounds and parkways, as well as a brief written statement describing the Planned Unit Development;
- e. A site plan indicating exterior and interior roadways and streets, pedestrian walkways, fire lanes, parking lots including parking spaces for handicapped persons, areas reserved

for landscaping and screening, all proposed structures, free standing signs, outdoor lighting, trash storage areas and loading areas, including a chart with all relevant zoning data such as FAR, land coverage ratios, density, setbacks, etc.;

- f. Architectural floor plans and building elevations;
- g. A tree preservation plan and a detailed landscaping plan with all of the planting materials common and Latin names, sizes and quantities.
- h. A preliminary engineering plan indicating storm sewer lines, sanitary sewer lines, water mains and storm water detention or retention facilities and topographic plans.
- i. A preliminary development schedule indicating:
 - 1. The approximate date of construction start.
 - 2. The number of construction phases and the date of starting each phase.
 - 3. The date of completion of each phase.
 - 4. A construction staging plan.
- j. A draft of all proposed bylaws, covenants, easements, maintenance and other agreements, wherever applicable.
- k. A traffic analysis in accordance with Section 6.12 of this Chapter.
 - 1. Preliminary Plat of Subdivision (if required) in accordance with Chapter 29 of the Municipal Code.

9.9 Review of the Plan material. Once a complete Plan Commission application has been received, Village Staff will review the submitted material, prepare written comments and submit the material to the Plan Commission for a public hearing in accordance with the requirements of this Chapter.

9.10. Public Hearing before the Plan Commission. At the public hearing, the Plan Commission may make the following findings if fully supported by specific evidence presented by the petitioner:

- a. The reasons why the departures from the Village Zoning and Subdivision regulations and the Village Comprehensive Plan proposed for the Planned Unit Development are or are not deemed to be in the public interest.
- b. The reasons why the proposed design does or does not make adequate provision for public services, public utilities and services, for vehicular and pedestrian traffic or provide for common open space and recreation.
- c. The physical and economic benefits of the proposed development to the entire community.

- d. The impact of the proposed development on the adjoining traffic network.

9.11 Approval of Planned Unit Development Ordinance. If, after review of the recommendation from the Plan Commission, the Village Board approves the Planned Unit Development, an appropriate Ordinance shall be prepared. Upon approval of the Planned Unit Development Ordinance, the ordinance and with exhibits shall be recorded by the Village Clerk with the County Recorder of Deeds. The Village Zoning Map and the Village Comprehensive Plan shall be amended to include the approved Planned Unit Development. The final approval and recording is required for the issuance of the building permit.

9.12 Enforcement of Development Schedule. The Planned Unit Development approval shall be effective for no more than 24-months from the date the ordinance was adopted granting the approval. Unless a building permit has been issued and construction commenced within this time period, all ordinances approving the Planned Unit Development, including any other conditions and approvals, shall be void. An extension of up to 12-months can be obtained by submitting a detailed request to the Planning Department. After appropriate review, the Planning Department will transmit the request and its recommendation to the Village Board for final determination.

In the event that an additional request for extension is made, that request will also be reviewed by the Plan Commission and the Plan Commission will transmit the request with its recommendation to the Village Board of Trustees.

9.13 Permit Requirements for Planned Unit Developments. The following items shall be required as part of a submittal for a building permit, in addition to all other permit requirements:

- a. Final Engineering Plans and Details for all utilities, storm water retention, and drainage;
- b. Final Construction staging plan, including a construction schedule; and
- c. Final copy of all bylaws, covenants, easements, and maintenance agreements, including bonds and escrow agreements, as requested by the Village.

Section 28-8 Special Uses

8.1 Purpose. The principal objective of ~~this- the~~ Zoning ~~Ordinance- Code~~ is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this ~~ordinance Chapter~~. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "Special Uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "Special Uses" are established by the following provisions of this Section 8.

8.2 Authority. The Board of Trustees of the Village of Arlington Heights shall have authority to permit the "special uses" of land or structures or both, subject to the applicable provisions of ~~Section 8.4 Section 8~~, if it finds that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites. For such uses, the Plan Commission may recommend and the Village Board of Trustees may authorize exceptions to the applicable bulk regulations of this ~~Ordinance- Chapter~~ and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

8.3 Conditions and Approval. The Plan Commission may recommend and the Board of Trustees may impose such restrictions upon the height and bulk and area of occupancy of any structure so approved for a "Special Use" as may be reasonable under the particular circumstances provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located, or as may be required ~~in any municipal code elsewhere in the Village Code~~. Off-street parking facilities as well as off-street loading and unloading spaces may also be stipulated in the ~~order ordinance~~ permitting the "Special Use."

8.4 Procedure. The procedure to be followed in considering applications for a Special Use permit shall be those outlined in ~~Sections 6.14-2.3, 8-7, 13 and 17 of this Code applicable sections of this Chapter~~.

8.5 Determination. The Plan Commission then shall make its findings and recommendations to the Village Board of Trustees within 30 days following the date of public hearing on each application. No Special Use shall be recommended by the Plan Commission unless ~~said- the~~ Commission ~~shall~~ finds:

8.5-1 That ~~said- the~~ special use is deemed necessary for the public convenience at this location; and

8.5-2 That such use ease will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity; and

8.5-3 That the proposed use will comply with the regulations and conditions specified in this ~~ordinance- Chapter~~ for such use and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

8.6 Ordinance Required. Those uses indicated in Section 5.5 as a Special Use shall not be established until the Village Board has adopted an ordinance to grant the special use.

Section 8.7 Special Use Waiver for Restaurants. The special use requirement for a restaurant may be waived if the restaurant use is

1. A sit-down/carry out restaurant that is no larger than ~~1,500-4,000~~ square feet (for purposes of this provision, any outdoor eating area in the B-5 District is not to be counted for determining the square footage);
2. A carry-out only restaurant, regardless of size;
3. An outdoor café in conjunction with a restaurant that has been legally established either through the special use permit or special use waiver process;

The Petitioner must submit detailed plans and an application to the Planning and Community Development Department for an administrative review to determine if the special use public hearing can be waived. ~~Applicant shall comply with application review criteria established by the Department.~~ After review by the Planning and Community Development Department, the Village reserves the right to add other restrictions if there are impacts to surrounding property owners and/or ~~require a public hearing review~~ require the Applicant pursue a Special Use through the by the Plan Commission process set forth in this Chapter. ~~and approval by the Village Board.~~

~~**Section 8.7-1, Building Permit Required.** Approval of the special use waiver shall be subject to the submittal and issuance of a building permit.~~

Section 28-8 Special Uses

8.1 Purpose. The principal objective of the Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Chapter. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "Special Uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "Special Uses" are established by the following provisions of this Section 8.

8.2 Authority. The Board of Trustees of the Village of Arlington Heights shall have authority to permit the "special uses" of land or structures or both, subject to the applicable provisions of Section 8, if it finds that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites. For such uses, the Plan Commission may recommend and the Village Board of Trustees may authorize exceptions to the applicable bulk regulations of this Chapter and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

8.3 Conditions and Approval. The Plan Commission may recommend and the Board of Trustees may impose such restrictions upon the height and bulk and area of occupancy of any structure so approved for a "Special Use" as may be reasonable under the particular circumstances provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located, or as may be required elsewhere in the Village Code. Off-street parking facilities as well as off-street loading and unloading spaces may also be stipulated in the ordinance permitting the "Special Use."

8.4 Procedure. The procedure to be followed in considering applications for a Special Use permit shall be those outlined in applicable sections of this Chapter.

8.5 Determination. The Plan Commission then shall make its findings and recommendations to the Village Board of Trustees within 30 days following the date of public hearing on each application. No Special Use shall be recommended by the Plan Commission unless the Commission finds:

8.5-1 That the special use is deemed necessary for the public convenience at this location; and

8.5-2 That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity; and

8.5-3 That the proposed use will comply with the regulations and conditions specified in this Chapter for such use and with the stipulations and conditions made a part of the authorization

granted by the Village Board of Trustees.

8.6 Ordinance Required. Those uses indicated in Section 5.5 as a Special Use shall not be established until the Village Board has adopted an ordinance to grant the special use.

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2. A carry-out only restaurant, regardless of size;
3. An outdoor café in conjunction with a restaurant that has been legally established either through the special use permit or special use waiver process;

The Petitioner must submit detailed plans and an application to the Planning and Community Development Department for an administrative review to determine if the special use public hearing can be waived. After review by the Planning and Community Development Department, the Village reserves the right to add other restrictions if there are impacts to surrounding property owners and/or require the Applicant pursue a Special Use through the Plan Commission process set forth in this Chapter.

5.5-1 PERMITTED USE TABLE: NON-MANUFACTURING AND NON-RESIDENTIAL

X=PERMITTED USE

S=SPECIAL USE

<u>R-E</u> <u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-7</u>	<u>I</u>	<u>O-T</u>	PERMITTED-SPECIAL USES	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>B-5</u>	<u>O-R</u>	<u>P-L</u>	<u>M-1</u>	<u>M-2</u>
							S	X	ACCESSORY USES INCIDENTAL TO PERMITTED PRINCIPAL USES	X	X	X	X	X	X	X	X	X
									(Ord. #06-064) ADULT BUSINESS			S						
									AGRICULTURAL IMPLEMENT SALES AND SERVICE WHEN CONDUCTED WHOLLY WITHIN AN ENCLOSED BUILDING			X						
							X		AMBULATORY CARE FACILITY (already falls under Care Facility)									
									ANIMAL HOSPITALS		X	X						
							S	S	ANTENNA-RADIO-TELEPHONE, AND TELEVISION RECEIVING OR TRANSMITTING ANTENNA COMMERCIAL STRUCTURE AND OTHER ELECTRONIC EQUIPMENT REQUIRING OUTDOOR STRUCTURES AS DEFINED AND RESTRICTED IN CHAPTER 23	S	S	S	S	S	S	S	S	S
X	X	X	X	X	X				ANTENNA, NON-COMMERCIAL, AND RELATED STRUCTURES SUBJECT TO THE REGULATIONS IN CHAPTER 23, ARTICLE XIII									
									ANTIQUÉ SHOPS (retail)	X	X	X	X	X				
									APPLIANCE SALES (retail)		X	X	X	X				
									ARCADE, AMUSEMENT/INTERNET COMPUTER, LARGE (See Additional Requirements for Use Districts)		S	S						
									ARCADE, AMUSEMENT/INTERNET COMPUTER, SMALL		X	X						
									ART GALLERIES (add below)	X	X	X	X	X				
									(Ord. #12-055) ARTS & CRAFT STUDIOS & GALLERIES	X	X	X	X	X				
									ARTS, CRAFTS, & SCHOOL SUPPLY STORES (retail)	X	X	X	X	X				
									AUCTION ROOMS		X	X	X	X				

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										AUDITORIUM, STADIUM, ARENA, MEETING HALL, GYMNASIUM & OTHER SIMILAR PLACES FOR PUBLIC EVENTS		S	S		S				
										(Ord. #12-055) AUTOMOBILE CAR WASH			S						
										AUTOMOBILE DRIVING SCHOOL				X	X				
										(Ord. #12-055) AUTO PARTS & SUPPLY STORES (retail)		X	X	X	X				
										(Ord. #03-055, #12-055) AUTOMOBILE SERVICE STATIONS, WITH OR WITHOUT CONVENIENCE MARTS		S	S						
										BAKERY	X	X	X		X				
										BANKS & FINANCIAL INSTITUTIONS, ALSO SEE DRIVE-INS	X	X	X	X	X				
										BANQUET HALLS		S	S		S				
										BARBER SHOPS (combine with below)	X	X	X	X	X				
										BARBER & BEAUTY SHOPS SALON	X	X	X	X	X				
										(Ord. #12-055) BICYCLE SALES, REPAIR & RENTAL (retail)	X	X	X	X	X				
										BOOK OR STATIONERY STORES (retail)	X	X	X	X	X				
										BROADCASTING STATION-RADIO & TELEVISION	X	X	X	X	X			X	
										(Ord. #12-055) BOWING ALLEYS		X	X		S				
										(Ord. #12-055) BUILDING MATERIALS, SALES		X	X						
										BUILDING MATERIALS, WHOLESALE									X
										CAMERA & PHOTOGRAPHIC SUPPLY STORES (retail)	X	X	X	X	X				

5.5-1 PERMITTED USE TABLE: NON-MANUFACTURING AND NON-RESIDENTIAL

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R-E	R-2	R-3	R-4	R-5	R-6	R-7	I	O-T	PERMITTED-SPECIAL USES	B-1	B-2	B-3	B-4	B-5	O-R	P-L	M-1	M-2
									(Ord. #12-055) CONTRACTOR OFFICE AND DESIGN SHOWROOM – NO VEHICLE STORAGE	X	X	X	X	X			X	X
									(Ord. #12-055) CONVENIENT MART AND FOOD STORES	X	X	X	X	X				
									CONTRACTOR SHOPS				X				X	X
									CURRENCY EXCHANGES	X	X	X	X	X			X	
									DANCE HALLS		S	S						
S	S	S	S	S	S	S	S	S	(Ord. #12-055) DAY CARE CENTERS	S	S	S	S	S			S	
X	X	X	X	X	X	X	X		DAY CARE HOMES LICENSED BY THE VILLAGE IN SINGLE-FAMILY HOMES									
									DEPARTMENT STORES (retail)		X	X	X	X				
							S		DORMITORY									
									DRIVE-THROUGH FACILITIES WHEN USED IN CONJUNCTION WITH USES OTHERWISE PERMITTED (See Additional Requirements in Use District)		S	S		S				
									DRUG STORE AND PHARMACY (retail)	X	X	X		X				
X	X	X	X	X	X	X	X	X	EARTH STATIONS, COMMERCIAL AND NON-COMMERCIAL, REQUIRING OUTDOOR STRUCTURES AS REGULATED IN CH. 23 AND SEC. 6.15	X	X	X	X	X	X	X	X	X
									ELECTRICAL EQUIPMENT SALES SUCH AS MOTORS, TRANSFORMERS		X	X						
									ELECTRONIC PRODUCT SALES (retail)	X	X	X	X	X				
								S	(Ord. #12-055) EMPLOYMENT AGENCIES	X	X	X	X	X				
									EQUIPMENT RENTAL & LEASING FOR HOME, OFFICE & BUSINESS		X	X	X				X	X
									EQUIPMENT RENTAL, INDUSTRIAL EXTERMINATING SHOPS			X	X				X	X

5.5-1 PERMITTED USE TABLE: NON-MANUFACTURING AND NON-RESIDENTIAL

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<u>R- E R- 1</u>	<u>R- 2</u>	<u>R- 3</u>	<u>R- 4</u>	<u>R- 5</u>	<u>R-6</u>	<u>R- 7</u>	<u>I</u>	<u>O-T</u>	PERMITTED-SPECIAL USES	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>B-5</u>	<u>O- R</u>	<u>P-L</u>	<u>M-1</u>	<u>M-2</u>
							S		HELIPORT SUBJECT TO FEDERAL AVIATION ADMINISTRATION	S	S	S	S	S	S	S	S	S
									HOBBY, TOY AND GAME SHOPS (retail)	X	X	X	X	X				
X	X	X	X	X	X	X	X		HOME OCCUPATIONS AS REGULATED BY SECTION 6.17 (not necessary)									
									HOTEL		S	S		S				
									HOTEL, APARTMENT					S				
			S	S	S	S	X		INSTITUTION, RESIDENTIAL									
									INTERIOR DECORATING SHOPS	X	X	X	X	X				
									JANITORIAL & CLEANING SERVICES				X				X	X
									JEWELRY STORES (retail)	X	X	X	X	X				
									KENNEL, COMMERCIAL			S						
								S	(Ord. #12-055) LABORATORIES, MEDICAL AND DENTAL		X	X	X				S	
									(Ord. #12-055) LAUNDROMAT AUTOMATIC SELF-SERVICE TYPE OR HAND	X	X	X	X				S	
									LAUNDRIES & DRYCLEANING, INDUSTRIAL								X	X
									LAUNDRY & DRYCLEANING ESTABLISHMENTS LIMITED TO 5,000-S.F. OF GROSS FLOOR AREA PER ESTABLISHMENT	X	X	X	X	X				

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R-E	R-2	R-3	R-4	R-5	R-6	R-7	I	O-T	PERMITTED-SPECIAL USES	B-1	B-2	B-3	B-4	B-5	O-R	P-L	M-1	M-2
									LEATHER GOODS AND LUGGAGE STORES (retail)	X	X	X	X	X				
									LIQUOR STORES, PACKAGE GOODS ONLY	X	X	X		X				
								X	(Ord. #12-055) LOAN OFFICES (office)	X	X	X		X			X	
									LOCKSMITH SHOPS (retail)	X	X	X	X					
									MACHINERY SALES & SERVICE			X	X					
									MEDICAL, DENTAL & ORTHOPEDIC APPLIANCE & INSTRUMENT SERVICE				X				X	
									MEDICAL, DENTAL & ORTHOPEDIC APPLIANCE & INSTRUMENT SUPPLY SALES		X	X	X					
									MONUMENT SALES			X						
									(Ord. #12-055) MOTOR VEHICLE RENTAL INCLUDING AUTOMOBILES, MOTORCYCLES, TRUCKS, TRAILERS		S	X						X
									MOTOR VEHICLE REPAIR, MAJOR			X						X
									MOTOR VEHICLE REPAIR, MINOR		S	X						
									MOTOR VEHICLES SALES AND INCIDENTAL RENTAL OF MOTOR VEHICLES, INCLUDING AUTOMOBILES, MOTORCYCLES, TRUCKS & TRAILERS, INCLUDING AUXILLARY SERVICE & REPAIRS IN CONJUNCTION THEREIN IF CONDUCTED WHOLLY WITHIN A COMPLETELY ENCLOSED BUILDING		S	X						
									MOTOR VEHICLE SALES LOTS WHEN CONTIGUOUS TO & ADJOINING AUTOMOBILE SALES ROOM FOR THE SALE OF AUTOMOBILES UNDER THE SAME OWNERSHIP		S	X						

5.5-1 PERMITTED USE TABLE: NON-MANUFACTURING AND NON-RESIDENTIAL

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										MUSIC CONSERVATORIES OR MUSIC INSTRUCTION	X	X	X	X	X				
										MUSICAL INSTRUMENT STORE (retail)	X	X	X	X	X				
										NEWSPAPER DISTRIBUTION AGENCY								X	X
										OFFICE SUPPLY STORE (retail)	X	X	X	X	X				
								X	X	OFFICES: BUSINESS AND PROFESSIONAL	X	X	X	X	X	X	X	X	X
								X	X	OFFICES: MEDICAL & DENTAL CLINICS, INCLUDING LABORATORIES	X	X	X	X	X			X	
										PAINT & WALLPAPER STORE (retail)	X	X	X	X	X				
										PARCEL DELIVERY & PICK-UP SERVICE		X	X	X	X			X	X
										(Ord. #06-058) PARKING GARAGES, MUNICIPAL					X		X		
								S	S	(Ord. #06-058) PARKING GARAGE, PRIVATE CUSTOMER AND EMPLOYEE	S	S	S	S	S	S	S	S	S
										(Ord. #06-058) PARKING LOTS & GARAGES PRIVATE/GENERAL PUBLIC									
										PAWN SHOP/ CASH CONVERTER		X	X						
										(Ord. #11-024) PERSONAL TRAINER PET GROOMING ESTABLISHMENTS	X	X	X	X	X			X	X
										PET SHOPS & SUPPLY STORE		X	X		X				
									X	(Ord. #12-055) PHOTOGRAPHERS PHOTOGRAPHIC DEVELOPING & PROCESSING	X	X	X	X	X				
										(Ord. #07-009, #12-055) PHYSICAL REHABILITATION CENTER	X	X	X	X	S				

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										SECONDHAND STORE (retail)		X	X	X	X				
										SECURITY & GUARD FIRMS				X	X			X	X
										SEWING SUPPLIES & FABRIC (retail)		X	X		X				
S	S	S	S	S	S			S		SHELTER CARE HOMES									
										SHOE STORE AND REPAIR (retail)	X	X	X	X	X				
										SIGN PAINTING SHOP, IF CONDUCTED WHOLY WITHIN A COMPLETELY ENCLOSED BUILDING			X	X					
										SPORTING GOODS STORE (retail)	X	X	X	X	X				
										(Ord. #12-055) STORAGE FACILITIES NOT LOCATED ALONG MAJOR OR SECONDARY ARTERIAL STREETS								X	X
										STUDIOS, RECORDING		X	X	X				X	X
										TAILOR & DRESSMAKING SHOP	X	X	X	X	X				
										(Ord. #12-055) TAXICAB DISPATCHING OFFICE			X	X					X
										TAXIDERMIST SHOP				X					
										THATERS, EXCLUDING DRIVE-IN THEATERS		X	X		X				
										TICKET AGENCIES, AMUSEMENT	X	X	X	X	X				
										TOBACCO SHOP (retail)	X	X	X	X	X				
										TOOL & DIE SHOP			X	X				X	X
									X	(Ord. #12-055) TRAVEL BUREAU AND TRANSPORTATION TICKET OFFICES	X	X	X	X	X			X	X
										(Ord. #12-055) WHOLESALE, AND WAREHOUSE FACILITY								X	X
										WHOLESALE OFFICES INCLUDING WAREHOUSES AND STOREROOMS			X					X	X

Commercial Uses

Commercial Uses	B1	B2	B3	B4	B5	I	OT	PL	M1	M2
Retail Stores/Sales (not otherwise listed)	p	p	p	p	p					
Adult Business			p							
Agricultural Implement Sales and Service within wholly enclosed building			p							
Animal Hospitals		p	p							
Antenna Commercial	s	s	s	s	s	s	s	s	s	s
Arcade, Amusement/Internet Computer, Large		s	s							
Arcade, Amusement/Internet Computer, Small		p	p							
Arts and Craft Studios/Galleries	p	p	p	p	p					
Auction Rooms		p	p	p	p					
Auditorium, Stadium, Meeting Hall Gymnasium or other similar places for public events		s	s		s					
Auto car wash			s							
Automobile driving school			p	p						
Auto Service Station, with or without convenience marts		s	s							
Bakery	p	p	p		p					
Banks and Financial Institutions	p	p	p	p	p					
Banquet Halls		s	s		s					
Barber, Beauty Salon	p	p	p	p	p					
Broadcasting station TV, Radio	p	p	p	p	p				p	
Bowling Alleys		p	p		s					
Building Material Sales		p	p							
Carpet Cleaning and Service				p						
Catering Establishments	s	p	p	p						
Clubs and Lodges Private		s	s		s					
Community Center, Recreation Building Municipal or non profit	s	s	s		s			s	s	
Contractor Office&Design Showroom (no vehicle storage)	p	p	p	p	p				p	p
Convenient Mart and Food Store	p	p	p	p	p					
Contractor Shops				p					p	p
Currency Exchanges	p	p	p	p						
Dance Halls		s	s							
Day Care Centers	s	s	s	s	s				s	
Drive Through when used in conjunction with uses otherwise permitted		s	s		s					
Drug Store and Pharmacy	p	p	p		p					
Electrical Equipments Sales		p	p							
Fairgrounds Kiddie Parks			s							
Food Stores	p	p	p	p	p					
Foot Massage	p	p	p	p	s					
Funeral Parlor, Mortuary		p	p	p						
Garden Center		p	p	p						
Health Club		p	p		p					
Commercial Uses	B1	B2	B3	B4	B5	I	OT	PL	M1	M2

Commercial Uses

Hotel		s	s		s					
Interior Decorator Shops	p	p	p	p	p					
Kennel, Commercial			s							
Laundry Dry Cleaning up to 5,000 sf	p	p	p	p	p					
Liquor Stores, Package Goods Only	p	p	p		p					
Machinery Sales and service			p	p						
Mecial Dental Orthopedic Appiance and										
Instrument Supply sales		p	p	p						
Monuments Sales			p							
Motor Vehicle Rental		s	p							p
Motor Vehicle Repair Major			p							p
Motor Vehicle Repair Minor		s	p							
Motor Vehicle Sales, inlcuding auxillary service		s	p							
Motor Vehicle Sales Lots when contiguous to and adjoining auto sales room under same owners		s	p							
Music Conservatories or instruction	p	p	p	p	p					
Offices Business and Professional	p	p	p	p	p	p	p	p	p	p
Offices Medical and Dental incl labs	p	p	p	p	p	p	p		p	
Pawn Shop Cash Converter		p	p							
Personal Trainer	p	p	p	p	p				p	p
Photographers	p	p	p	p	p		p			
Photographers, inlc photo developing processing	p	p	p	p	p					
Physical Rehabilitation Center	p	p	p	p	s	p	p			
Post Office not incl bulk distribution		p	p							
Printing Services Retail	p	p	p	p	p					
Private Library, Museum or Other Similar Buildings	s	s	s		s					
Railroad Passenger Stations			s		s					
Recreation Facilities Commercial inlc Health club		p	p	p	p				p	p
Recreational Vehicles and Boats, sales/supplies			p							
Repair Major				p						p
Repair Minor	p	p	p	p						
Restaurant	s	s	s		s					
Restaurant Amusement Divice Arcade		s	s							
School, Commercial	p	p	p	p	p				p	p
Secondhand store		p	p	p	p					
Security and Guard Firms				p	p				p	p
Sign Painting Shop (enclosed)			p	p						
Studios Recording		p	p	p					p	p
Tailor, Dressmaking Shop	p	p	p	p	p					
Taxicab Dispatching Office			p	p						p
Theaters, Excluding Drive-ins		p	p		p					
Ticket Agencies	p	p	p	p	p					
Tool and Die Shop			p	p					p	p
Travel Bureau and Transportation Ticket Offices	p	p	p	p	p		p		p	p

Manufacturing / Processing Uses

Manufacturing / Processing Uses	M1	M2	B3
Products made from fabrics and similar materials and textile mill products		p	
Bakery Products, Wholesale & Production		p	
Beverages Bottling and Distributing	p	p	
Beverages - Non Alcoholic		p	
Carpet Cleaning On Premises		p	
Canned Food Products		p	
Ceramic Products	p	p	
Concrete Gypsum & Plaster Products		p	
Containers, Pallets and other similar products		p	
Cosmetics, Perfumes & Other similar products		p	
Dairy Products		p	
Drugs	p	p	
Dwelling Unit for Caretaker located on premises	p	p	
Electronic Components and Lighting and Wiring Equipment	p	p	
Furniture / Fixtures		p	
Glass Products made of purchased glass		p	
Household Appliances		p	
Instruments and Supplies - Medical, Dental, Engineering	p	p	
Jewelry, Silverware and Plated Ware	p	p	
Leather (not including tanning) and vinly Products		p	
Metal Products, Fabricated - Except machinery and transportation equipment		p	
Musical Instruments	p	p	
Computers	p	p	
Paper Products from converted paper/paperboard		p	
Office & Art Supplies		p	
Photographic Equipment & Supplies, Developing/Processing	p	p	
Plastic Products, Fabricated		p	
Pottery and Related Products	p	p	
Printing Ink		p	
Printing, Publishing	p	p	
Radio and Television / Communication Equipment	p	p	
Rubber Products, Fabricated		p	
Signs and Advertising Displays		p	
Silver Plating and Repairing	p	p	
Structural Clay Products, Cut Stone and stone products		p	
Sugar and Confectionery Products		p	
Tool and Die Shops	p	p	
Toys; Sporting Goods		p	
Watches, Clocks, Clockwork Operated Devices and parts	p	p	
Storage Facility (not located along major or secondary arterial streets)	p	p	
Wholesale and Warehouse Facility	p	p	
Wholesale Offices (including warehouses and storerooms)	p	p	p

Section 28-3 – Definitions. For the purposes of this Chapter, the following words shall have the meanings set forth in this Section.

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~~3.1 Use of Definitions.~~ ~~In the construction of this code, the definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise:~~

~~3.2 Definitions.~~

~~3.2-1 Accessible (Accessibility).~~ ~~Meeting the requirements of the Illinois Accessibility Code and ANSI 117.1: Reference ADA~~

~~(#11-024)~~

~~3.2-21~~ **Accessory Structure.** An Accessory Structure is one which meets all of the following criteria:

~~3.2-2.1~~ a. Is subordinate to and serves a principal building; and

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~~3.2-2.2~~ b. Is subordinate in area, extent, or purpose to the principal building served; and

~~3.2-2.3~~ c. Contributes to the comfort, convenience or necessity of occupants of the principal building; and

~~3.2-2.4~~ d. Is located in the rear yard or side yards, and on the same zoning lot as the principal building served., except as otherwise indicated in this code.

~~3.2-3 Acreage.~~ ~~Any tract or parcel of land having an area of one acre or more which has not been sub divided by metes and bounds or platted.~~

~~(Ord. #14-028)~~

~~3.2-2a~~ **Acupuncture.** A medical practice or procedure that treats illness or provides local anesthesia by the insertion of needles at specified sites on the body.

~~(Ord. #06-064)~~

~~3.2-3a.~~ **Adult Business.** Any or all of the following businesses: ~~Adult Bookstore, Adult Live Business and Adult Theater, as defined herein:~~

~~1.-~~ a. **Adult Bookstore.** A business establishment having a substantial or significant portion of its stock in trade, books, magazines, films for sale, rent or other distribution, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.”

~~2.-~~ b. **Adult Live Entertainment Establishment.** A nightclub, theater, or other business establishment, which permits live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas.”

~~3.-~~ c. **Adult Theater.** A business establishment in an enclosed building that as a substantial or significant portion of its business regularly features for presentation films, motion

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pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of “Specified Anatomical Areas” or the conduct or simulation of “Specified Sexual Activities.”

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3.2-4 Alley. A public or private thoroughfare not more than 30 feet wide which affords only a secondary means of access to abutting property.

3.2-5 Animal Hospital ~~(with Kennel)~~. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

3.2-6 Antenna Structure. ~~Antenna structure shall mean a~~any structure, mast, pole, tripod or tower utilized for the purpose of either transmission or reception purposes, or both.

3.2-7 Commercial Antenna, ~~Commercial~~. ~~Commercial antenna shall mean a~~any antenna structure that is intended for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communication.

3.2-8 Non-Commercial Antenna ~~Non-Commercial~~. ~~Non-commercial antenna shall mean~~ any antenna used for private radio and/or television reception, for licensed amateur operators, citizens band facilities and governmental and non- profit organizations.

3.2-9 Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit and which includes permanently installed. ~~Complete kitchen and bathroom facilities, permanently installed, must always be included for in~~ each apartment.

3.2-10 Apartment-Hotel. ~~(See “Hotel, Apartment”).~~ A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.

~~**3.2-11 Apartment House.** (See “Dwelling, Multiple Family”).~~

~~**3.2-12 Arcade.** A continuous passageway parallel to and open to a street, open space, or building usually covered by a canopy or permanent roofing and accessible and open to the public.~~

3.2-131 Arcade, Amusement/Internet Computer, Large. An establishment devoted to the use of more than ten amusement devices or Internet computers.

3.2-14 3.2-12 Arcade, Amusement/Internet Computer, Small An establishment devoted to the use of ten or less amusement devices or internet computers.

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~~**3.2-15 Automobile Car Wash.** A building or portion thereof, used for washing and/or detailing of automobiles for either direct or indirect compensation.~~

3.2-16 Automobile Repair, Major. ~~(See, Motor Vehicle Repair, Major)~~ “Major motor vehicle repair” includes: Work that is of a significant nature, such as engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body,

frame or fender straightening or repair; and overall painting of vehicles.

3.2-17 Automobile Repair, Minor. (~~See, Motor Vehicle Repair, Minor~~)

~~“Minor motor vehicle repair” includes: Work that is not of a significant nature, including incidental repairs, replacement of parts, and motor service to motor vehicles, but not including does not include any operation specified Automobile Repair, Major, under “Major Motor Vehicle Repairs.”~~

3.2-18 Automobile Service Station. Any building or premises used for dispensing, sale or offering for sale at retail to the public, gasoline stored only in underground tanks, kerosene, lubricating oil or grease for the operation of automobiles and including the sale and installation of tires, batteries and other minor accessories and service for automobiles, but not including major automobile repairs; and including washing of automobiles where no production line methods are employed.

3.2-19 Awning. A roof like shelter extended over a doorway or window, ~~which is~~. ~~The awning is~~ supported entirely from the exterior wall of the building and provides protection from the weather.

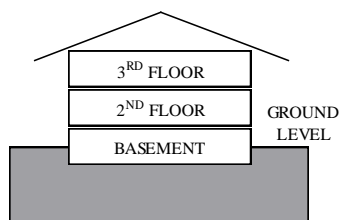
~~**3.2-20 Bakery.** Any building or part where bread, cakes, pastries or other baked goods are prepared and sold at retail.~~

~~**3.2-21 Bank.** A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities which may include a drive through.~~

3.2-22 Barber/Beauty Shop Salon. Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

3.2-23 Basement. A story having part, but not more than one-half its height below grade. ~~A basement subdivided and used for dwelling purposes other than by a janitor employed on the premises is counted as a story for the purpose of height regulation.~~

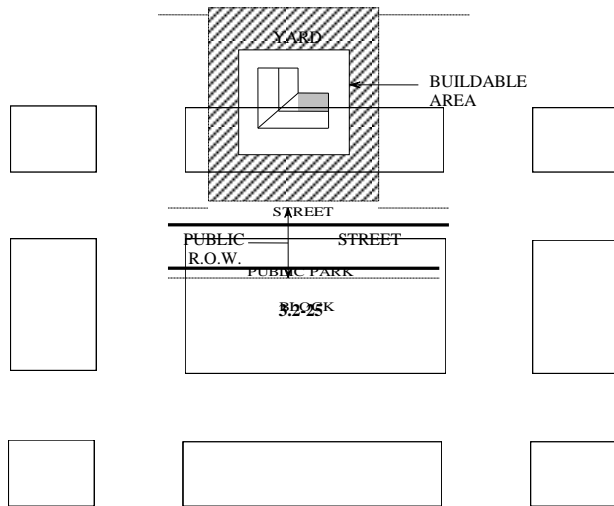
Comment [WR1]: This definition seems odd – my basement is fully below ground.



3.2 - 23

3.2-24 Block. A tract of land bounded by streets or, in lieu of ~~street or~~ streets, by public parks, cemeteries, railroad rights-of-way, lines of waterways, or a corporate boundary line of the Village.

3.2-25 Buildable Area. The space remaining on a zoning lot after the minimum open space requirements of this Code have been complied with.

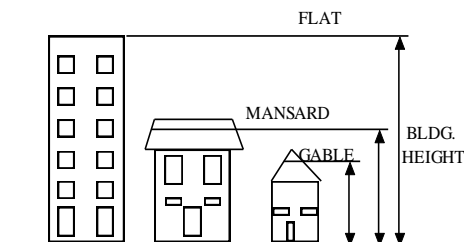


3.2 - 24

3.2-26 Building. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as oil tanks, water tanks, and other similar structures, are not considered as buildings.

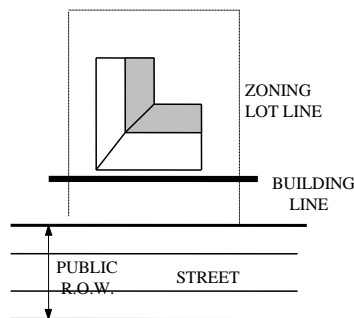
~~**3.2-27 Building, Detached.** A building surrounded by open space on the same zoning lot.~~

3.2-28 Building Height. The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of a building may be measured from the average elevation of the finished lot grade at the front of the building.



3.2 - 28

3.2-29 Building Line. The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.



3.2 - 29

~~(Ord. #03-066)~~

~~**3.2-29.a Building Lot Coverage.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.~~

~~**3.2-30 Building, Non-Conforming.** (See “Non-Conforming Building”).~~

~~**3.2-31 Building, Non-Conforming.** (See “Non-Conforming Building”).~~

~~**3.2-32 Building, Principal.** A non-accessory building in which a principal use of the zoning lot on which it is located is conducted.~~

~~**3.2-33 Building, Unit Group.** Two or more interacting buildings (other than dwellings), grouped upon a lot and held under one ownership, such as universities, hospitals, institutions and industrial plants.~~

3.2-34 Bulk. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

~~**3.2-35 Bus Lot.** Any lot or land area used for the storage or layover of passenger buses or motor coaches.~~

~~**3.2-36 Business.** An occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited, bought or sold, or where services are offered for compensation.~~

3.2-37 Camper Trailer (Pop-up). A partially collapsible structure designed to provide temporary living quarters primarily for recreational use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

3.2-38 Canopy. A structure other than an awning with a frame, which is wholly or partially supported by columns, poles or braces extending from the ground.

3.2-39 Care Facility. ~~A facility providing care to individuals. There are three primary types of care facilities:~~

~~a. Ambulatory. - A facility which to provides care to a patient individuals without hospitalization or other institutionalization.~~

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~~3.2-40 Care Facility, b. Extended Care or Skilled Nursing Home. - An institution or a distinct part of an institution. A facility or part of a facility which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients.~~

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~~3.2-41 Care Facility, c. Intermediate. - A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide but who, because of their mental or physical condition, require care and services which can be made available to them only through institutional facilities such as these.~~

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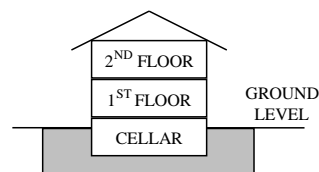
~~3.2-42 Carport. - A structure without substantial walls used solely for shelter for private passenger vehicles.~~

~~3.2-43 Cargo or Freight Terminal. - A building or premises in which cargo or freight is received or dispatched.~~

3.2-44 Catering Establishments. A facility whose primary purpose is to provide food, generally in large quantities, for banquets or for special events which are held off the premises not including a carry-out restaurant or a sit-down restaurant.

3.2-45 Cellar. A story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Comment [WR2]: I see now that this would encompass my basement – do we need this distinction?



3.2 - 45

~~3.2-46 Cemeteries, crematories or mausoleums. - Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, related sales, and related maintenance facilities.~~

~~3.2-47 Church, Synagogue, and Places of Worship: - A building used for public worship with customary incidental uses.~~

~~3.2-48 Club or Lodge, Private. - A non profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided~~

~~such sale is in compliance with the applicable Federal, State and municipal laws.~~

~~**3.2-49 Colleges and Universities, Public or Private.** An institution owned or operated by a private person, partnership or corporation or a public body, approved by the Illinois Board of Higher Education and/or the Illinois State Board of Education, offering instruction above the high school level leading toward or prerequisite to an academic or professional degree beyond the secondary school level, and which requires that in order to obtain such degree or diploma or certificate, the recipient thereof satisfactorily complete an appropriate course of class, laboratory or research study in person under a faculty whose members hold appropriate academic degrees or whose members possess appropriate moral, intellectual and technical skill and competence.~~

3.2-50 Community Center. A building owned, leased and operated by a governmental agency or a non-profit organization for recreational, educational or entertainment purposes.

Comment [WR3]: Can we have for-profit community centers?

3.2-51 Community Residence, - Small. A group home or specialized residential care home serving persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. The number of unrelated disabled persons allowed to live in residence shall be the same as the number of unrelated, non-disabled persons allowed to live in a residence, which is determined by the Village's definition of "family." For the purposes of this Section, the phrase "owned by one or more of the occupants" shall include ownership or other contractual obligation by an organization or entity sponsoring or responsible for the Community Residence, regardless of whether there is a full-time staff person residing in the home. (Example: If Group Home, Inc. owns a single-family residence in the Village, they can house up to four persons with disabilities in that single-family house.)

~~Full time staff, meaning staff which occupy the residence overnight, shall not be included when calculating the number of unrelated persons living in a residence but shall be included when determining the number of persons that can live in a structure spatially as per the Building Code.~~

Comment [WR4]: This belongs somewhere else not as part of the definition.

Community Residence does not include a residence, which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason is substance abuse, or persons whose primary reason for placement is treatment of a communicable disease.

3.2-52 Community Residence, - Large. A group home or specialized residential care home serving persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. A Community Residence is deemed large when the number of unrelated disabled persons living in the residence exceeds the permitted number of unrelated non-disabled persons allowed to live in a residence as determined by the Village's definition of "family." For the purposes of this Section, the phrase "owned by one or more of the occupants" shall include ownership or other contractual obligation by an organization or entity sponsoring or responsible for the Community Residence, regardless of whether there is a full-time staff person residing in the home. (Example: If Group Home, Inc. owns a single-family residence in the Village, they can house five to eight persons with disabilities in that single-family house.)

~~Full time staff, meaning staff which occupy the residence overnight, shall not be included when calculating the number of unrelated persons living in a residence, but shall be included when determining the number of persons that can live in a structure spatially as per the Building Code.~~

Comment [WR5]: See above

Community Residence does not include a residence, which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason is substance abuse, or persons whose primary reason for placement is treatment of a communicable disease.

3.2-53 Conference Room/Meeting Hall. A facility ~~or hall with space~~ available for lease by private parties, ~~the primary purpose of which is to provide accommodations for business or meetings.~~

~~(Ord. #12-071)~~

3.2-54 Construction Yard. An establishment with ~~an enclosed and/or unenclosed~~ space used for bulk storage of landscape and building material, heavy construction equipment and machinery, and ~~which~~; may include the provision of services, the fabrication of building related products, the operating of machinery, and the construction yard's business office.

~~(Ord. #12-071)~~

Section 3.2-54a Contractor's Office. A room or group of rooms used for conducting administrative, clerical and general office ~~(business)~~ affairs but not including design showrooms or any on-site storage of contractor's vehicles, equipment and materials. ~~This use shall be allowed as general office and shall adhere to Chapter 28, Section 5.5-1, Permitted Use Table "Offices: Business and Professional."~~

~~(Ord. #12-071)~~

Section 3.2-54b Contractor's Office and Design Showroom. A room or group of rooms used for conducting administrative, clerical and general office ~~(business)~~ affairs, ~~and which may~~ includes a design showroom but ~~shall does~~ not include on-site storage of contractor's vehicles, equipment and materials.

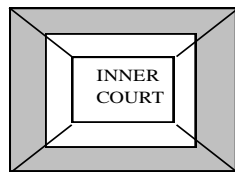
~~(Ord. #12-071)~~

Section 3.2-54c Contractor's Shop. An establishment used for conducting administrative, clerical and general office (business) affairs, indoor repair, maintenance and/or storage of a contractor's vehicles, equipment and materials, and may include the contractor's business office and may include a design showroom.

3.2-55 Corner Lot. ~~(See "Lot, Corner")~~ A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

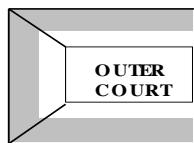
3.2-56 Reversed Corner Lot, Reversed. ~~(See "Lot, Reversed Corner")~~ A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

3.2-57 ~~Court~~, Inner Court. An open area unobstructed from the ground to the sky, which is bounded on more than three sides by the exterior walls of one or more buildings.



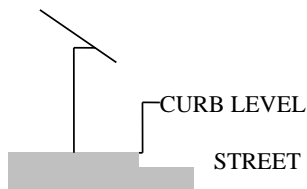
3.2 - 57

3.2-58 ~~Court~~, Outer Court. An open area, unobstructed from the ground to the sky, which is bounded on not more than three sides by the exterior walls of one or more buildings.

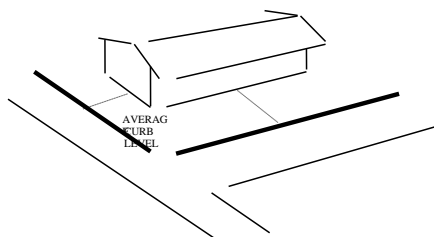


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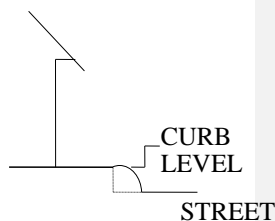
3.2-59 Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the “curb level” shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the “curb level”.



3.2-59a



3.2-59b



3.2-59c

3.2-60 Dance Halls. A commercial establishment where the principal function is dancing for entertainment and for compensation.

3.2-61 Day Care Center, Children’s. Any institution or place in which are received three or more children, ~~not of common parentage~~, apart from their parents or guardian, under the age of six years, for care during part or all of a day between 6:00 A.M. and 9:00 P.M. The term is further construed to include similar units operating under any other name whatsoever with or without stated educational purposes.

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This definition does not include “Group Care Home”, “Group Day Care Home”, “Foster Family Home”, “Centers for Mental Retarded”, licensed by the State of Illinois, bona fide kindergartens or “Day Nursery Schools”, established in connection with grade schools supervised or operated by a private or public Board of Education or approved by the State Department of Public Instruction.

3.2-62 Day Care Facility, Adult. Any facility operated for the purpose of providing care, protection and guidance to more than eight adults during only part of a 24-hour day. This term excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

3.2-63 Day Care Home. ~~A day care home is a~~ A facility located in a single-family detached residence, which receives not more than eight children for care during the day. The maximum of eight children includes the family’s natural or adopted children under age ~~sixteen-~~ 16 and those

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children who are in the home under full-time care.

~~3.2-64 Decibel. A unit of measurement of the intensity (loudness) of sound.~~

~~(Ord. #05-082)~~

~~3.2-65 Deck. A raised platform over 16" above grade, no more than 15% covered, which may or may not be directly attached to the principal building. If not directly attached to the principal building, it should be connected by stairs, walkway, or some other distinct means. The height of any deck shall not exceed the height of the first full story above grade.~~

~~3.2-66 Disability. Disability means any person whose disability:~~

- ~~a. is attributed to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and~~
- ~~b. is likely to continue for a significant amount of time or indefinitely; and~~
- ~~c. results in functional limitations in three or more of the following areas of major life activities:
 - ~~1. self care;~~
 - ~~2. receptive or expressive language;~~
 - ~~3. learning;~~
 - ~~4. mobility;~~
 - ~~5. self direction;~~
 - ~~6. capacity for self living;~~
 - ~~7. economic self sufficiency; and~~~~
- ~~d. reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life long or extended duration.~~

~~3.2-67 District or Zoning District. A section or sections of the Village of Arlington Heights for which regulations governing the use of buildings and premises, the heights of buildings, the size of yards, and the intensity of use, are uniform.~~

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3.2-68 Dormitory. A building or portion thereof, which contains living quarters for students, staff or members of an accredited college, university, boarding school, theological school, hospital, religious order or comparable organization; provide that said building is owned and managed by said organization and contains common cooking and eating areas.

3.2-69 Private Drive, Private. A private roadway providing access from a street to two or more dwellings on the same lot.

Comment [WR6]: Is this the right definition?

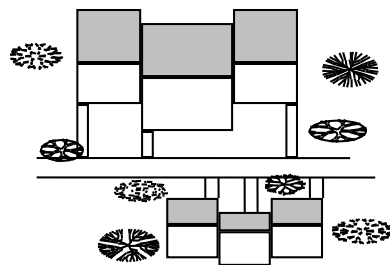
3.2-70 Drive-Through Facility: A facility, establishment, or portion thereof, such as a bank or restaurant, that is designed, intended or used for transacting business with customers who remain in their vehicles.

3.2-71 Driveway. A private motor vehicle access way between the roadway and a parking area within a lot.

3.2-72 Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels or motels. Kitchens and bathrooms must be permanently installed.

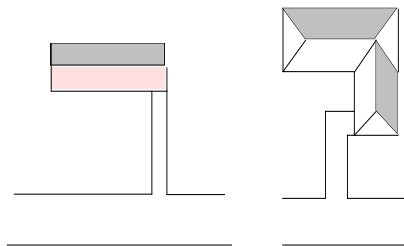
3.2-73 Dwelling Unit. One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

3.2-74 Attached Dwelling, Attached. A dwelling which is joined to another dwelling or dwellings at one or more sides by a party wall or walls and designed exclusively for the occupancy by one family.



3.2 - 74

3.2-75 Detached Dwelling, Detached. A dwelling which is entirely surrounded by open space on the same lot designed exclusively for occupancy by one family.



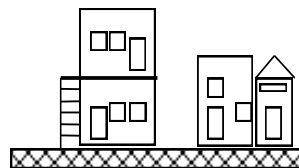
3.2 - 75

~~**3.2-76 Dwelling, One Family.** A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.~~

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~~**3.2-77 Dwelling, Two Family.** A building designed exclusively for occupancy by two families living independently of each other, including a duplex (one dwelling unit above the other) or an attached dwelling unit (one dwelling unit beside the other).~~

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3.2 - 77

3.2-78 ~~Multiple-Family Dwelling, Multiple-Family~~. A building or portion thereof designed or altered for occupancy by three or more families living in individual apartments with separate kitchen and bath facilities for each apartment.

3.2-79 ~~Efficiency Dwelling Unit, Efficiency~~. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

3.2-80 Drive-in Facility. A facility or establishment, which is designed, intended or used for transaction of business with customers in automobiles.

3.2-81 Earth Station. Any disc antenna with an essentially solid surface, whether flat, concave, or parabolic, which is designed for receiving television, radio, or data microwave signals from satellites.

3.2-82 ~~Commercial Earth Station, Commercial~~. Commercial earth station shall mean any earth station used in conjunction with communication facilities for use in commerce or industry.

3.2-83 ~~Non-Commercial Earth Station, Non-Commercial~~. Non-commercial earth station shall mean any earth station used for private radio and television reception only.

~~**3.2-84 Employee.** One who works for wages or salary in the service of an employer, including officers, manager and other administrative personnel.~~

3.2-85 ~~Business Establishment, Business~~. A separate place of business having the following three characteristics:

- a. The ownership and management of all operations conducted within such establishment are separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
- b. Direct public access to such “business establishment” is separate and distinct from direct access to any other “business establishment.”
- c. There is no direct public access from within such establishment to any other such establishment.

Where adjacent places of business lack any one of the aforesaid characteristics with respect to one another, they shall then be considered as a single business establishment: for the purposes of this Ceode.

3.2-86 Family. Any number of persons each related to each of the others by blood, marriage or adoption, living and maintaining a common household in dwelling unit; not more than two persons who are not related by blood, marriage or adoption, living and maintaining a common household in a detached single-family dwelling; not more than three persons who are not related to each of the others by blood, marriage or adoption, living and maintaining a common household in a dwelling unit other than a detached single-family dwelling; or, not more than four persons who are not each related to each of the others by blood, marriage or adoption, living and maintaining a common household in single-family dwelling owned by one or more of the occupants. For the purposes of this definition, “maintaining a common household” shall mean

the joint occupancy and use of the entire dwelling unit and the facilities therein, with the exception of bedrooms, by all of the residents.

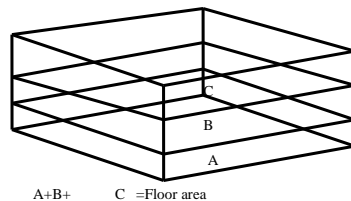
Comment [WR7]: We need to figure out what to do with this definition!

3.2-87 Fence, Open. An open fence is one in which less than 50% of its surface is closed when viewed from a right angle.

3.2-88 Fence, Semi-Open. A semi-open fence is one, which shall be designed and constructed to allow the free movement of air through the fence.

3.2-89 Fence, Solid. A solid fence is one, which effectively conceals from viewers in or on adjoining properties and streets, materials and activities conducted beyond it.

3.2-90 Floor Area. (For determining off-street parking and loading requirements). ~~“Floor Area”, when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean~~ the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.



3.2 - 90

(Ord. #03-065)

3.2-91 Floor Area. (For determining floor area ratio). The floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

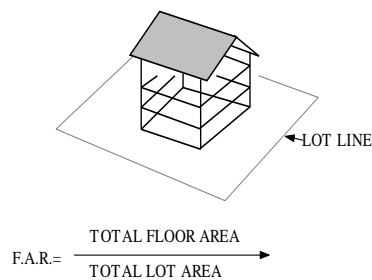
The “Floor Area” of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established; that floor area of attached and/or detached garage in excess of 400 square feet for a single family residential unit; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouses; attic or volume space having headroom of seven feet or more; interior balconies and mezzanines; and enclosed porches, and floor area devoted to accessory uses. However, any space, except a single-family attached or detached garage, that is devoted to off-street parking or loading shall not be included in “Floor Area.”

3.2-92 Floor Area. (For determining compliance with dwelling standards). The floor area shall be measured from the interior walls, excluding utility rooms, cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods of living, eating or sleeping purposes. Enclosed spaces intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area.

(Ord. #03-065)

3.2-93 Floor Area Ratio (F.A.R.). The “floor area ratio” of the building or buildings on any zoning lot is the total floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or in the case of planned unit developments, by the net site area. Measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.

a. ~~**Floor Area Credit For Detached Garages:**~~ In determining the floor area ratio for lots having detached garage, 100% of the total floor area of the detached garage shall be excluded from the FAR calculation if there are no other garages on site, if the structure is architecturally compatible with the principal dwelling unit, and if 50% or more of the existing homes that both front on the same side of the street and are contained between two adjacent streets which intersect that



3.2 - 93

street also have detached garages.

3.2-94 Food Store. A place of business where food such as meats, dairy products, frozen foods, produce and dry goods are sold for retail trade. Consumption of food items on the premises is prohibited except sampling of food products for promotional activities conducted by the food store.

~~(Ord. #14-001)~~

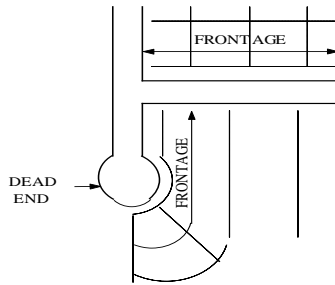
3.2-95 Convenience Food Store, ~~Convenience.~~ A small retail establishment solely for the purpose of selling food, tobacco, periodicals, beverages, and other household items, in limited size and produce choices with the intent of quick service. Reheating and/or selling of already prepared/prepackaged food for consumption off the premises does not ~~constitute~~ make a Convenience Food Store a restaurant.

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~~(Ord. #14-028)~~

3.2-95a Foot Massage. A place of business which provides any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft parts of the foot, ankle and lower leg below the knee only, to be performed in an open space as opposed to individual rooms.

3.2-96 Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.



3.2 - 96

3.2-97 Garage. A building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

~~3.2-98 Garage, Municipal. A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.~~

~~(Ord. #06-058)~~

3.2-99 Garage, Private Customer and Employee. A structure (above or below ground) which is accessory to a commercial, institutional or manufacturing establishment, building or use for the parking and storage of vehicles operated by the customers, visitors and employees of such building.

~~(Ord. #03-065, #06-058)~~

~~3.2-100 Garage, Private/Single-Family Residential. A structure not housing more than four motor driven vehicles, which is accessory to a residential building and which is used for the parking and storage of vehicles. It shall not be a separate commercial enterprise available to the general public.~~

~~3.2-100.a Private Residential Garage, Detached. An accessory building that is not structurally attached to a primary single-family residential dwelling unit.~~

~~(Ord. #06-058)~~

~~3.2-100.b Garage, Private/Multi-Family Residential. A structure which is accessory to a multi-family residential building and which is used for the parking and storage of vehicles. It shall not be a separate commercial enterprise available to the general public.~~

~~(Ord. #06-058)~~

~~3.2-101 Garage, Public. A privately owned and operated structure (above or below ground) which houses more than four motor driven vehicles, is not an accessory use to another use and is used primarily for the parking and storage of vehicles by the general public.~~

3.2-102 Garden Center. A place of business where plants, nursery products, fertilizers, potting soil, tools and garden utensils are sold to the customer. The sales and storage of the merchandise is permitted in any open area, which must be attached to the building and fenced.

Comment [WR8]: This does not belong in the definition.

~~(Ord. #05-082)~~

3.2-102.a Gazebo. An accessory building that is a detached, covered, freestanding, open air structure.

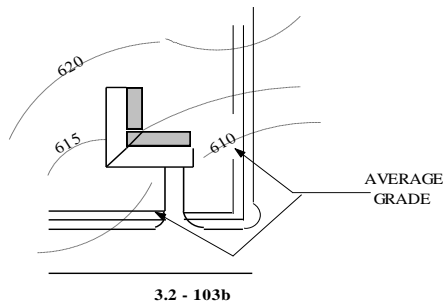
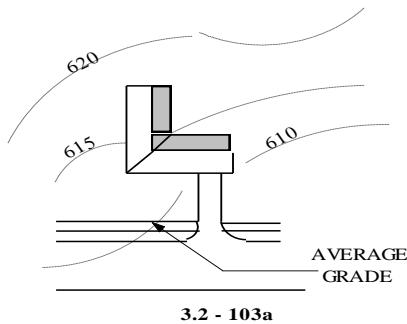
~~(Ord. #11-024)~~

3.2-102.b Geothermal Energy System. A renewable energy system using equipment that circulates relatively constant ground temperatures throughout buildings using an underground based piping system and a heat pump. All heat pump equipment shall be located within the principal building.

3.2-103 Grade. The degree of rise or descent of a sloping surface.

- a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining street.
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the Village Engineer.



3.2-104 Habitable Room. Any room primarily used for sleeping.

3.2-105 Health Clubs. A facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

3.2-106 Home Occupation. A use of a dwelling unit carried on by members of the immediate family residing on the premises. The use is clearly incidental to the use of the dwelling unit for residential purposes and does not change the character of the residence or adversely affect the residential character of the surrounding neighborhood. ~~All home occupations must comply with the standards in Section 6.16.~~

3.2-107 Hospital/Health Care Facility. An institution providing primary health services and medical or surgical care to persons, primarily ~~as in~~ patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

Comment [WR9]: Need to update this one!

3.2-108 Hotel. A building primarily designed for transient occupancy containing lodging rooms or suites accessible from a common hall or entrance, providing living, sleeping and bathroom facilities. ~~No more than five percent of the suites shall be provided with kitchen facilities.~~ A central kitchen, meeting rooms, dining rooms and recreation rooms may also be provided.

~~**3.2-109 Hotel, Apartment.** A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.~~

~~**3.2-110 Householder.** The occupant of a dwelling unit who is either the owner or lessee thereof.~~

~~(Ord. #03-066)~~

3.2-110a Impervious Surface Coverage. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, patios, paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g. basketball court, tennis court, swimming pools). ~~This would exclude public sidewalks on private property.~~

To determine the percentage of impervious surface covered, divide the total square footage of the impervious surfaces by the total square footage of the site:

$$\frac{\text{Impervious Surfaces}}{\text{Total Area of Site}} = \% \text{ Impervious Surface Coverage}$$

3.2-111 Incidental Use: A use which is associated with and subordinate to the principal permitted use.

~~**3.2-112 Non-Residential Institution, Non-Residential.** A public or quasi-public use including but not limited to such uses as a church, library, public school, hospital, intermediate care facility or municipality owned or operated building, structure or land used for public purposes.~~

~~**3.2-113 Residential Institution, Residential.** A housing facility owned, supervised, managed or controlled by an organization that qualifies as “institutional-non-residential.” Such housing facility shall be used for dwelling purposes only and be limited to members of, or persons under the supervision or control of the institutional organization such as, but not limited to elderly, students, clergy, disabled, etc.~~

~~**3.2-114 Intensity of Use of Lot.** That proportion of the area of a lot which is occupied by or which may be occupied under this ordinance by buildings and their accessories.~~

~~**3.2-115 Kennel, Commercial.** Any lot or premises, or portion thereof, on which more than four dogs, cats, and other household domestic animals, over four months of age, are kept, or on which more than two such animals are boarded for compensation or kept for sale.~~

3.2-116 Research Laboratory, ~~Research~~. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

3.2-117 Medical or Dental Laboratory, ~~Medical~~. A place of business devoted to the testing and analysis for the medical profession or to the preparation of dentures and similar items for dental preparation.

~~**3.2-118 Laboratory, Dental.**~~ A place of business devoted to preparation of dentures and similar items for dental preparation.

3.2-119 Off-Street Loading and Unloading Space, ~~Off-Street~~. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers; to avoid undue interference with the public use of streets and alleys. Such space shall not be less than ten feet in width, 45 feet in length and 14 feet in height, exclusive of access aisles and maneuvering space.

Comment [WR10]: This should not be part of the definition.

3.2-120 Lodging Room. A room rented in a facility having three or more rented rooms as sleeping and living quarters, but without cooking facilities and ~~with which may have~~ individual bathrooms. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one “lodging room” for the purposes of this code.

3.2-121 Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

~~**3.2-122 Lot, Access.**~~ A portion of a lot which does not meet minimum lot width at the boundary to the street and its primary purpose is for access to the zoning lot.

3.2-123 Lot Area. The net area of any lot shall be the area bounded by the lot lines, the right-of-way line of any street adjoining the lot, and the centerline of the right-of-way of any private access road adjoining the lot. For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private streets right-of-way and land dedicated for park or school purposes.

~~**3.2-124 Lot Area Requirement.**~~ (For calculation of Lot Area Per Dwelling Unit) For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private streets right-of-way and land dedicated for park or school purposes.

~~**3.2-125 Lot, Corner.**~~ A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

(Ord. #03-066)

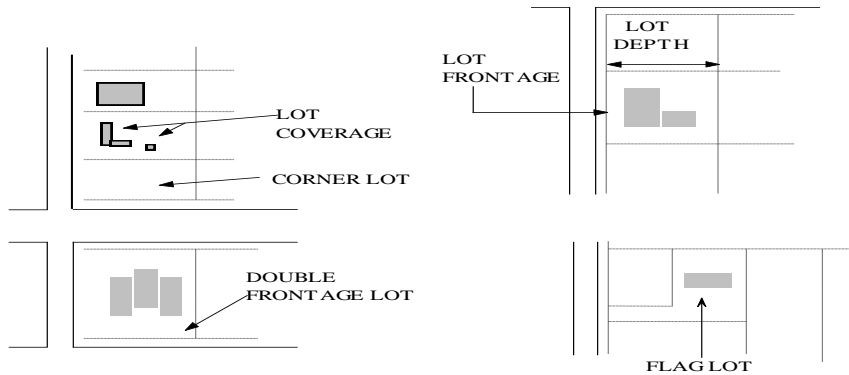
~~**3.2-126 Lot Coverage.**~~ See Section 3.2-29.a Building Lot Coverage.

3.2-127 Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

3.2-128 ~~Double Frontage Lot, Double Frontage.~~ A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

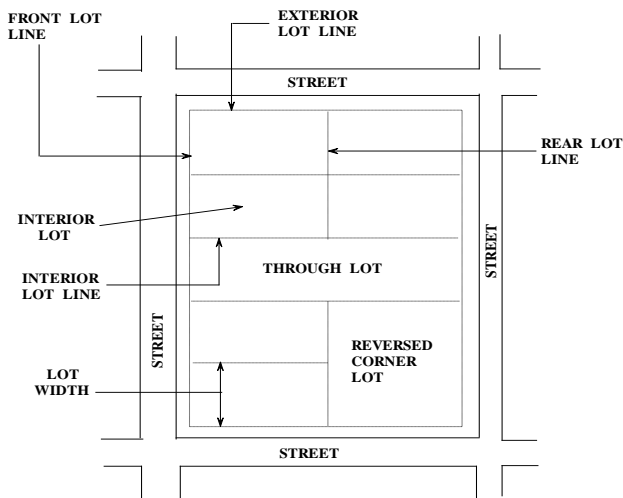
3.2-129 ~~Flag Lot, Flag.~~ Substandard lot of record that does not have its full “frontage” abutting a street. The lot width shall be measured at the required setback line for the building.

3.2-130 Lot Frontage. The frontage of a lot shall be that boundary of a lot along a public street excluding lot access areas.



3.2 - 125 thru 130

3.2-131 ~~Interior Lot, Interior.~~ A lot other than a corner or reversed corner lot.



3.2 - 131 thru 141

3.2-132 Lot Line. Property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

3.2-133 Lot Line, Exterior. A side lot line adjacent to a street.

3.2-134 Lot Line, Front. The front property line of a zoning lot.

~~3.2-135 Lot Line, Interior.~~ A side lot line common with another lot.

~~3.2-136 Lot Line, Rear.~~ The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

~~3.2-137 Lot, Reversed Corner.~~ A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

~~3.2-138 Lot of Record.~~ A lot that is part of a recorded subdivision, the map or Plat of Survey of which has been recorded in the Office of the County Recorder of Deeds; or a parcel of land, the deed to which was recorded at the office of the Recorder of Deeds. (see, Lot, Zoning).

3.2-139 **Substandard Lot of Record, Substandard.** Any lot lawfully existing at the time of adoption or amendment of this Zoning Code and not in conformance with the dimensional and/or area provisions of this Zoning Code.

3.2-140 **Through Lot, Through.** A lot having frontage on two parallel or approximately parallel streets, and but which is not a corner lot.

3.2-141 **Lot Width.** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

~~(Ord. #03-068, #06-070)~~

~~3.2-142 Zoning Lot, Zoning.~~ A tract of land located which is designated or required as a tract to be used to attain compliance with the regulations of the zoning district in which it is located, or developed or built upon as a unit, under single ownership or control. A “zoning lot” may or may not coincide with a lot of record.

3.2-143 **Manufacturing.** The mechanical or chemical transformation of materials or substances into new products including the assembling of components, parts, the manufacturing of products and the blending of materials.

3.2-144 **Marquee or Canopy.** A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way.

3.2-145 **Massage/Accu-Pressure Establishment:** A place of business which provides any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstance that it is reasonably expected that the person to whom treatment is provided, or some third party on such person’s behalf, will pay money or give other consideration or any gratuity therefore.

3.2-146 **Motel.** A building or buildings designed for transient occupancy containing lodging rooms or suites accessible through a common hall or separate outside entrances, providing living, sleeping, and bathroom facilities. No room shall be equipped with kitchen facilities.

~~3.2-147 Motor Freight Terminal.~~ A building in which freight, brought to said building by

Comment [WR11]: Do we need a separate definition for motel or is it really the same as hotel these days?

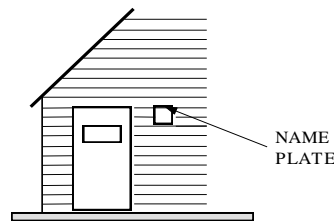
~~motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.~~

3.2-148 Motor Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

~~**3.2-149 Motor Vehicle Repair, Major.** “Major motor vehicle repair” includes: engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.~~

~~**3.2-150 Motor Vehicle Repair, Minor.** “Minor motor vehicle repair” includes: incidental repairs, replacement of parts, and motor service to motor vehicles, but does not include any operation specified under “Major Motor Vehicle Repairs.”~~

3.2-151 Nameplate. A sign indicating the name and/or address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein. ~~The area of the nameplate should be no larger than one square foot.~~



3.2 - 151

3.2-152 Non-Conforming Building. A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Code, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

3.2-153 Non-Conforming Use. A use which lawfully occupied a building or land at the time of adoption of this ~~Ceode~~ but and which no longer does not conforms with the use regulations or the district in which it is located.

3.2-154 Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

3.2-155 Business or Professional Office: ~~Business or Professional.~~ A use or structure other than a medical use where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, real estate and securities brokering, and professional consulting services. “Office” shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

3.2-156 Medical or Dental Office: ~~Medical.~~ The office of a member of the medical or dental profession requiring licensing by the State and maintenance of professional standards applicable to the field for which services are provided on an out-patient basis.

3.2-157 Open Sales Lot. Any premises used or occupied for the purpose of buying and selling

merchandise or for the storing of same prior to sale.

Comment [WR12]: Shouldn't this reference being open-air or outside or something like that?

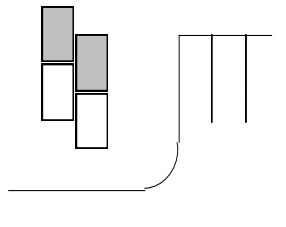
3.2-158 Overlay Zoning District. An overlay-zoning district is a mapped area with restrictions beyond those in the underlying zoning. An overlay district is used to achieve planning objectives, which may not be achieved through the underlying zoning. Where conflicts arise between the overlay district and the underlying zoning, the overlay district restrictions apply.

3.2-159 Parcel Delivery and Pick-Up Service. An establishment where parcels, not exceeding 120 inches in length or girth and not exceeding 125 pounds, are being received for the shipment and delivery to other destinations or are available for pick-up after arriving from other locations.

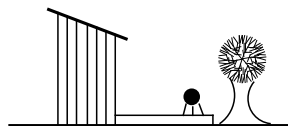
3.2-160 Private Parking Area, Private. An open or covered, hard-surfaced area, other than street or alley, used for the parking of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory. ~~The car overhang area of the parking space of no more than one foot six inches in length is not required to be of hard surface. Any ground cover material will be acceptable subject to Public Works Department approval.~~

3.2-161 Public Parking Area, Public. An open, hard-surfaced area, other than a street or public way intended to be used for the storage of passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory. ~~The car overhang area of the parking space of no more than one foot six inches in length is not required to be of hard surface. Any ground cover material will be acceptable subject to Public Works Department approval.~~

~~**3.2-162 Parking Space, Automobile.** A space for the parking of a motor vehicle within a public or private parking area and complying with the standards in Section 11.2-7.~~



3.2-163 Patio. A level landscaped and/or surfaced area directly adjacent to a principal building not to exceed 16-inches above grade and open to the sky.



3.2-164 Pawn Shop/Cash Converter Facility. A building or use, the principal purpose of which is the lending of money on deposit or pledge of personal property, or dealing in the purchase of personal property on condition of selling the same back at a stipulated price.

~~3.2-165 Person. Shall mean any natural person, partnership, trust, corporation or association. Whenever used with respect to any penalty, the term "person" as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to trusts of corporations, shall mean the trustees or officers thereof.~~

~~(Ord. #11-024)~~

3.2-165.a Personal Trainer. A physical fitness trainer who provides individual fitness counseling by appointment only ~~limited to no more than two clients per personal trainer at any one time. No more than four personal trainers are allowed on site at any time in conduct of the business.~~

Comment [WR13]: These should not be part of the definitions/

(Ord. #03-066)

3.2-165.b Pervious Surface. ~~(see also Impervious Surface)~~ A surface that presents an opportunity for precipitation to infiltrate into the ground.

3.2-166 Pet Grooming Establishments. Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged. The boarding, breeding, raising, or training of animals for compensation is not permitted.

3.2-167 Pet Shops & Supply Stores. A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats fish, birds, reptiles, and related pet supplies, but excluding exotic animals and farm animals such as horses, goats, sheep and poultry. ~~The boarding, breeding, raising, or training of animals for compensation is not permitted.~~

~~(Ord. #07-009)~~

3.2-167.a Physical Rehabilitation Center. A facility licensed by the State of Illinois providing treatment on an out-patient basis to remove or reduce the risk of injury, impairment, functional limitation or disability, including the promotion and maintenance of fitness, health and wellness through a rehabilitation plan of therapeutic intervention.

3.2-168 Pickup Camper. A structure designed for recreational use, designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling.

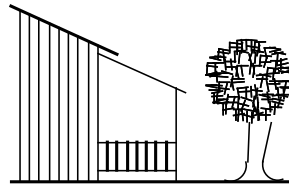
~~3.2-169 Planned Unit Development. Planned Unit Developments permit site plans and designs, which would not be possible under strict application of zoning district regulations. Consequently, Planned Unit Developments offer more benefits than a conventional development because of comprehensive design and adherence to high standards.~~

3.2-170 Plat of Subdivision. A plat showing lot configurations and other conditions prepared by a licensed Illinois Land Surveyor in accordance with the requirements set forth in Chapter 29 of the Municipal Code, Subdivision Control Ordinance.

3.2-171 Plat of Survey. A plat showing existing conditions prepared by a licensed Illinois land surveyor.

3.2-172 Playhouse. A freestanding structure, ~~exclusively for the use of children,~~ with a maximum height not to exceed 12 feet in a side yard and 15 feet in a rear yard.

3.2-173 Porch. A covered protection from a wall of a building that may or may not use columns or other ground supports for structural purposes and which is primarily used to provide an extension of the living area.



3.2 - 173

3.2-174 Portico. ~~The primary purpose of a portico is to provide shelter for access into a building.~~ A roofed structure projecting from the building which has no enclosures of any kind and which has an entry surfaced area that does not exceed eight feet in width and does not extend more than four feet out from the building.

3.2-175 Principal Building. A building in which the residence or permitted primary use of the lot is conducted. ~~The principal building on the lot must be greater in area than the total of all other buildings on the premises.~~

Comment [WR14]: This is not part of a definition.

3.2-176 Principal Use. Main use to which premises are devoted comprising at least 80% of the floor area and the primary purpose for the premises.

~~**3.2-177 Professional.** Member of a recognized profession defined as a vocation, calling, or occupation requiring advanced training, study, or research in a specialized field, or any occupation requiring licensing by the State of Illinois and maintenance of professional standards applicable to the field.~~

~~**3.2-178 Public Open Space.** Any publicly owned open area, including, but not limited to the following: parks, playgrounds, school sites, parkways and streets.~~

3.2-179 Public Right-of-Way. ~~The term “public right of way” in this ordinance shall refer to~~ the land owned, dedicated, or used as a public street or easement in contrast to any paved roadway, alley, sidewalk or other facility located on said right-of-way.

Comment [WR15]: Huh?



3.2 - 179

3.2-180 Public Utility. Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, cable television, water, and other data transmission services.

~~**3.2-181 Public Way.** Any sidewalk, roadway, alley, or other public thoroughfare open to the use of the public as a matter of right for the purpose of travel.~~

3.2-182 Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

3.2-183 Commercial Recreation Facilities. ~~Commercial.~~ Physical recreation establishments such as tennis or racquet clubs or gymnasiums or fitness facilities.

~~**3.2-184 Repair, Major.** Includes any action which fixes, mends, or restores products such as furniture, refrigerators, or similar products which generally require storage yards or storage area but excludes motor vehicle repair uses.~~

~~**3.2-185 Repair, Minor.** Includes any action which fixes, mends, or restores products, such as shoes, watches, jewelry, and electronics but excludes motor vehicle repair uses.~~

~~(Ord. #11-024)~~

3.2-185.a Renewable Energy. Energy harnessed from sources including, but not limited to, wind, solar or geothermal, which are essentially inexhaustible, minimizing environmental impact.

~~**3.2-186 Research Laboratory.** (See "Laboratories").~~

3.2-187 Restaurant. Any building or part thereof where food is cooked or prepared for compensation, for the general public and for immediate consumption on or off the premises.

3.2-188 Restaurant-Amusement Device Arcade. A restaurant-amusement device arcade is an establishment primarily devoted to the sale of food and beverage and partially devoted to the use of more than ten coin-operated amusement devices.

3.2-189 Private Roadway, Private. The paved area, exclusive of sidewalks, driveways or related uses, on private property, used or intended to be used for circulation, passage or travel of

motor vehicles from a street to two or more adjacent parcels.

~~3.2-190 **Public School, Public.** Elementary, Middle or High School, shall mean a~~ public ~~or other non-profit~~ institution conducting regular academic instruction at the kindergarten, elementary and high school levels ~~which. Such institutions shall~~ offer general academic instruction equivalent to the standards prescribed by the School Code of Illinois.

~~3.2-191 **Private School, Private.** Shall mean a~~n institution conducting regular academic instruction at kindergarten, elementary, junior high and senior high school levels, operated by non-governmental organizations, which programs are accepted by the State of Illinois in lieu of public instruction. ~~Schools shall not include private commercial schools.~~

~~3.2-192 **Commercial School, Commercial.**~~ A school which principally offers, for profit, specific courses of instruction in business, trade, industry or other trained skills, but does not offer academic instruction equivalent to the standards prescribed by the School Code of Illinois.

3.2-193 Seating Area. Areas used to consume food or beverages on the customer side and which provide access to areas such as buffets, bars, or serving tables.

3.2-194 Sheltered Care. An establishment licensed to provide assistance, supervision or oversight to residents, usually short term. A sheltered care home may not provide skilled or intermediate nursing services nor care for those cases for which hospitalization is generally required.

~~3.2-195 **Sign.** Shall mean any symbol (including letter, word, numeral, emblem or trademark); pictorial representation (including illustration or decoration); flag (including banner or pennant); or any other figure of similar character, which:~~

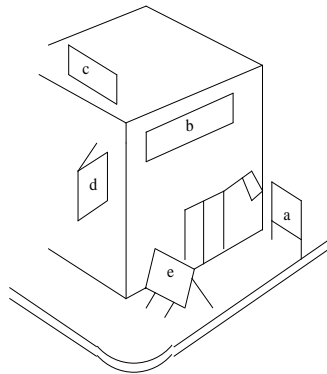
~~a. is a structure or any part thereof or is attached to, painted on, or in any other manner represented on a building or other structure, and;~~

~~b. is used to announce, direct attention to, or advertise, and~~

~~c. is visible from outside a building. A sign shall include writing, representation, or other figure of similar character within a building only when located in a window.~~

~~The term "sign" (see sketch) shall include, among other structures, and whether illuminated or non-illuminated, (a) every ground sign, (b) wall sign, (c) roof sign, (d) projecting sign, and (e) temporary sign. However, the term "sign" shall not include any display of official, court, or public office notices, nor shall it include the flag, emblem, or insignia of a nation, governmental unit, school, or religious group.~~

Comment [WR16]: Do we need any of these sign related definitions in the Zoning Code? Aren't all of the sign regulations in Chapter 30?



3.2 - 195

~~3.2-196 Sign, Gross Surface Area Of.~~ The “gross surface area” of a sign shall be the entire area within a single, continuous perimeter enclosing the extreme limits of such sign, and in no case, passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

~~3.2-197 Snowmobile.~~ A motorized unit with a continuous tread and runner type steering device used primarily for over snow travel.

~~(Ord. #11-024)~~

3.2.197.a Solar Energy System. A renewable energy system consisting of a collection of parts including any base, mounts, tower, solar collectors and accessory equipment such as utility interconnections and solar storage batteries in such a configuration as necessary to convert solar radiation into thermal or electrical energy. There are three types of Solar Energy Sytems:

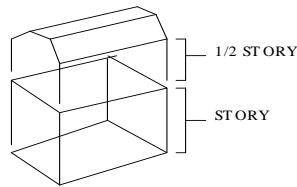
- a. ~~Solar Energy System~~ **Roof Mounted.** A renewable energy system consisting of equipment installed on the roof of a principal or accessory building located between the eave and ridge used for the conversion of sunlight into a usable form of electrical energy or to heat water.
- b. ~~Solar Energy System~~ **Wall Mounted.** A renewable energy system consisting of equipment installed on a wall of a principal or accessory building below the eave, or where there is a flat roof the space below the top of a parapet, used for the conversion of sunlight into a usable form of electrical energy or to heat water.
- c. ~~Solar Energy System~~ **Ground Based.** A renewable energy system consisting of equipment used for the conversion of sunlight into a usable form of electrical energy placed on the ground of a zoning lot and which is not attached to any principal or accessory building.

~~3.2-198 Special Use.~~ A use which is specifically enumerated in the permitted use table (Section 5.4) as a special use and is granted upon demonstrating that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in the zoning ordinance and approved by the Village Board of Trustees subject to the

~~provisions of Section 8.~~

3.2-199 Storage Facility. A space or place where goods, materials, or personal property is placed and kept for more than 24-consecutive hours.

3.2-200 Story. That portion of a building 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. Any portion of a story exceeding ~~fourteen feet~~ 14 in height shall be considered as an additional story for each ~~fourteen~~ 14 or fraction thereof.



3.2 - 199 and 200

3.2-201 Story, Half. ~~A half story is~~ That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-half feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this Code. In the case of multiple-family dwellings three or more stories in height, a half story shall be counted as a story.

~~3.2-202 Street.~~ (See "Public Right-of-Way").

~~3.2-203 Street Line.~~ A line separating an abutting lot, piece or parcel of land from a street.

3.2-204 Structure. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall, television antenna towers, earth stations, or other devices receiving electronic signals. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

3.2-205 Structural Alterations. Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as

bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.



~~3.2-206 Terrace, Open. (See “Patio, Open”.)~~

~~3.2-207 Toxic Materials. Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.~~

3.2-208 Travel Trailer. A rigid, non-collapsible structure designed to provide temporary living quarters primarily for recreational use, constructed with integral wheels to make it mobile land/or towable by a motor vehicle.

~~(Ord. #11-024)~~

3.2-208.a Tree House. An accessory structure which utilizes one or more trees for structural support and/or incorporates the tree into the design.

~~3.2-209 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 or performance of such activity with respect to the performance requirements of this Code.~~

3.2-210 Principal Use. ~~Principal.~~ The main use of land or building(s) as distinguished from a subordinate or accessory use.

3.2-211 Used Car Lot. A zoning lot on which used cars are displayed for sale or trade.

3.2-212 Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

~~(Ord. #08-012)~~

3.2-213 Commercial Vehicle. ~~Commercial.~~ Any type of vehicle used or maintained for commercial purposes, primarily to transport material or operate a power attachment or tool, such as a snowplow or any vehicle containing cargo for commercial purposes. For purposes of this Chapter, any vehicle with advertising or a business designation affixed to it shall be considered a commercial vehicle.

~~3.2-214 Vehicle-Off Road. Any motorized vehicle not licensed for on road usage.~~

~~(Ord. #08-012)~~

~~3.2-215 Vehicle-Private Passenger. A motorized vehicle used primarily as a private passenger vehicle.~~

3.2-216 ~~Recreational Vehicle~~ ~~Recreational~~-(RV). An RV shall include, but not be limited to, camper trailer (pop-up), motor home, off-road vehicle, open trailer, pickup camper, snowmobile, travel trailer and water craft.

3.2-217 ~~Vehicle~~-Trailer. Any motorized or non-motorized vehicle intended to carry or store a recreational vehicle. An open trailer or a trailer not carrying or storing an RV shall be considered an RV for the purposes of this Code.

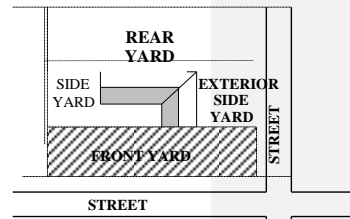
~~(Ord. #12-055)~~

3.2-218 Window Wells. A space maintained between a below grade window and the surrounding soil. The window well provides drainage or air or light around the window and in some cases, an egress route from the structure.

3.2-219 Yard. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

~~(Ord. #11-024)~~

3.2-220 ~~Exterior Side Yard~~, ~~Exterior Side~~. That part of the yard, on a corner lot, lying between the exterior side lot line and the nearest line of the principal building and extending from the front yard (or from the front lot line, if there is no required front yard) to the rear yard (or from the rear lot line, if there is no required rear yard). On a corner lot, the larger of the two lot dimensions adjacent to the street shall be considered the exterior side yard.



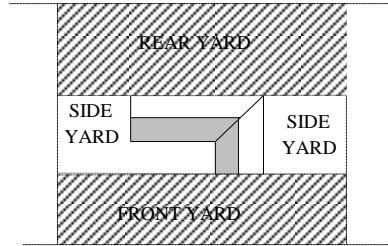
3.2 - 220

3.2-221 ~~Front Yard~~, ~~Front~~. A yard extending across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building. On a corner lot, the smaller of the two dimensions adjacent to a street shall be considered the front yard.

3.2-222 ~~Rear Yard~~, ~~Rear~~. A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

~~(Ord. #11-024)~~

3.2-223 ~~Side Yard~~, ~~Side~~. That part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the front yard (or from the front lot line, if there is no front yard) to the required rear yard (or from the rear lot line, if there is no required rear yard).



3.2 - 221 thru 223

~~3.2-224 Zoning Lot.~~ (See "Lot, Zoning").

~~3.2-225 Zoning Maps.~~ The map or maps incorporated into this code as a part hereof.

Section 28-3 Definitions. For the purposes of this Chapter, the following words shall have the meanings set forth in this Section.

1. Accessory Structure. An Accessory Structure is one which meets all of the following criteria:

- a. Is subordinate to and serves a principal building; and
- b. Is subordinate in area, extent, or purpose to the principal building served; and
- c. Contributes to the comfort, convenience or necessity of occupants of the principal building; and
- d. Is located in the rear yard and on the same zoning lot as the principal building served, except as otherwise indicated in this Code.

2. Acupuncture. A medical practice or procedure that treats illness or provides local anesthesia by the insertion of needles at specified sites on the body.

3. Adult Business. Any or all of the following businesses:

- a. Adult Bookstore - A business establishment having a substantial or significant portion of its stock in trade, books, magazines, films for sale, rent or other distribution, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- b. Adult Live Entertainment Establishment - A nightclub, theater, or other business establishment, which permits live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas."
- c. Adult Theater - A business establishment in an enclosed building that as a substantial or significant portion of its business regularly features for presentation films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of "Specified Anatomical Areas" or the conduct or simulation of "Specified Sexual Activities."

4. Alley. A public or private thoroughfare not more than 30 feet wide which affords only a secondary means of access to abutting property.

5. Animal Hospital. A place where animals are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

6. Antenna Structure. Any structure, mast, pole, tripod or tower utilized for the purpose of either transmission or reception purposes, or both:

- a. A **Commercial Antenna** is any antenna structure that is intended for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communication.
- b. A **Non-Commercial Antenna** is any antenna that is used for private radio and/or television reception, for licensed amateur operators, citizens band facilities, and governmental and non-profit organizations.

7. Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit and which includes permanently installed complete kitchen and bathroom facilities in each apartment.

8. Arcade, Amusement/Internet Computer. An establishment devoted to the use of amusement devices or Internet computers. An Arcade is considered **Large** if there are more than ten amusement devices or internet computers. An Arcade is considered **Small** if there are ten or less amusement devices or internet computers.

9. Automobile Repair.

- a. **Major Repair** is work that is of a significant nature, such as engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.
- b. **Minor Repair** is work that is not of a significant nature, including incidental repairs, replacement of parts, and motor service to motor vehicles, but not including any operation specified as Major Repair in paragraph a above.

10. Automobile Service Station. Any building or premises used for dispensing, sale or offering for sale at retail to the public, gasoline stored only in underground tanks, kerosene, lubricating oil or grease for the operation of automobiles and including the sale and installation of tires, batteries and other minor accessories and service for automobiles, but not including major automobile repairs; and including washing of automobiles where no production line methods are employed.

11. Awning. A roof like shelter extended over a doorway or window, which is supported entirely from the exterior wall of the building and provides protection from the weather.

12. Basement. A story having all or part of its height below grade.

13. Block. A tract of land bounded by streets or, in lieu of streets, by public parks, cemeteries, railroad rights-of-way, lines of waterways, or a corporate boundary line of the Village.

14. Buildable Area. The space remaining on a zoning lot after the minimum open space requirements of this Code have been complied with.

15. Building. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as oil tanks, water tanks, and other similar structures, are not considered as buildings.

16. Building Height. The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of a building may be measured from the average elevation of the finished lot grade at the front of the building.

17. Building Line. The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

18. Building Lot Coverage. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

19. Bulk. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

20. Business Establishment. A separate place of business having the following three characteristics:

- a. The ownership and management of all operations conducted within such establishment are separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
- b. Direct public access to such “business establishment” is separate and distinct from direct access to any other “business establishment.”
- c. There is no direct public access from within such establishment to any other such establishment.

Where adjacent places of business lack any one of the above-listed characteristics with respect to one another, they shall then be considered as a single business establishment for the purposes of this Chapter.

21. Camper Trailer (Pop-up). A partially collapsible structure designed to provide temporary

living quarters primarily for recreational use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

22. Canopy. A structure other than an awning with a frame, which is wholly or partially supported by columns, poles or braces extending from the ground.

23. Care Facility. A facility providing care to individuals. There are three primary types of care facilities:

- a. **Ambulatory** - A facility which provides care to individuals without hospitalization or other institutionalization.
- b. **Extended Care or Skilled Nursing Home** - A facility or part of a facility which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients.
- c. **Intermediate** - A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide but who, because of their mental or physical condition, require care and services which can be made available to them only through institutional facilities such as these.

24. Catering Establishments. A facility whose primary purpose is to provide food, generally in large quantities, for banquets or for special events which are held off the premises not including a carry-out restaurant or a sit-down restaurant.

25. Commercial Recreation Facilities. Physical recreation establishments such as tennis or racquet clubs or gymnasiums or fitness facilities.

26. Commercial School. A school which principally offers, for profit, specific courses of instruction in business, trade, industry or other trained skills, but does not offer academic instruction equivalent to the standards prescribed by the School Code of Illinois.

27. Community Center. A building for recreational, educational, or entertainment purposes.

28. Community Residence. A group home or specialized residential care home serving persons with disabilities which is licensed, certified, or accredited by appropriate local, state or national bodies. A Community Residence is deemed Large when the number of unrelated disabled persons living in the residence is between five and eight.

Community Residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason is substance abuse.

29. Conference Room/Meeting Hall. A facility with space available for lease by private parties primarily for meetings.

30. Construction Yard. An establishment with space used for bulk storage of landscape and building material, heavy construction equipment and machinery, and which may include the provision of services, the fabrication of building related products, the operating of machinery, and the construction yard's business office.

31. Contractor's Office. A room or group of rooms used for conducting administrative, clerical and general office affairs but not including design showrooms or any on-site storage of contractor's vehicles, equipment and materials.

32. Contractor's Design Showroom. A room or group of rooms used for conducting administrative, clerical and general office affairs, which includes a design showroom but does not include on-site storage of contractor's vehicles, equipment and materials.

33. Contractor's Shop. An establishment used for conducting administrative, clerical and general office (business) affairs, indoor repair, maintenance and/or storage of a contractor's vehicles, equipment and materials, and may include the contractor's business office and may include a design showroom.

34. Convenience Store. A small retail establishment solely for the purpose of selling food, tobacco, periodicals, beverages, and other household items, in limited size and produce choices with the intent of quick service. Reheating and/or selling of already prepared/prepackaged food for consumption off the premises does not make a Convenience ~~Food~~ Store a restaurant.

35. Court. An open area unobstructed from the ground to the sky. An Inner Court is bounded on more than three sides by the exterior walls of one or more buildings. An Outer Court is bounded on not more than three sides by the exterior walls of one or more buildings.

36. Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

37. Day Care Center. Any institution or place in which are received three or more children, apart from their parents or guardian, under the age of six years, for care during part or all of a day between 6:00 A.M. and 9:00 P.M. The term is further construed to include similar units operating under any other name whatsoever with or without stated educational purposes.

This definition does not include "Group Care Home", "Group Day Care Home", "Foster Family Home", "Centers for Mental Retarded", licensed by the State of Illinois, bona fide kindergartens or "Day Nursery Schools", established in connection with grade schools supervised or operated by a private or public Board of Education or approved by the State Department of Public Instruction.

38. Day Care Facility. Any facility operated for the purpose of providing care, protection and guidance to more than eight adults during only part of a 24-hour day. This term excludes public

and private educational facilities or any facility offering care to individuals for a full 24-hour period.

39. Day Care Home. A facility located in a single-family detached residence which receives no more than eight children for care during the day. The maximum of eight children includes the family's natural or adopted children under age 16 and those children who are in the home under full-time care.

40. Deck. A raised platform over 16" above grade directly attached to the principal building. The height of any deck shall not exceed the height of the first full story above grade.

41. Dormitory. A building or portion thereof, which contains living quarters for students, staff or members of an accredited college, university, boarding school, theological school, hospital, religious order or comparable organization; provided that the building is owned and managed by the organization and contains common cooking and eating areas.

42. Drive-Through Facility: A facility, establishment, or portion thereof, such as a bank or restaurant, that is designed, intended or used for transacting business with customers who remain in their vehicles.

43. Driveway. A private motor vehicle access way between the roadway and a parking area within a lot. A Shared Driveway is a private roadway providing access from a street to two or more dwellings on the same lot.

44. Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels or motels. Kitchens and bathrooms must be permanently installed. An Attached Dwelling is one which is joined to another dwelling or dwellings at one or more sides by a party wall or walls and designed exclusively for the occupancy by one family. A Detached Dwelling is one which is entirely surrounded by open space on the same lot designed exclusively for occupancy by one family. There may be One-Family Dwellings, Two Family Dwellings or Multiple-Family Dwellings. A Multiple Family Dwelling consists of a building or portion thereof designed or altered for occupancy by three or more families living in individual apartments with separate kitchen and bath facilities for each apartment.

45. Dwelling Unit. One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities. An Efficiency Dwelling Unit is one which consists of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

46. Drive-in Facility. A facility or establishment, which is designed, intended or used for transaction of business with customers in automobiles.

47. Earth Station. Any disc antenna with an essentially solid surface, whether flat, concave, or parabolic, which is designed for receiving television, radio, or data microwave signals from satellites. There are two kinds of Earth Stations:

- a. **Commercial Earth Station** is any earth station used in conjunction with communication facilities for use in commerce or industry.
- b. **Non-Commercial Earth Station** is any earth station used for private radio and television reception only.

48. Floor Area (For determining off-street parking and loading requirements). The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

49. Floor Area (For determining compliance with dwelling standards). The floor area shall be measured from the interior walls, excluding utility rooms, cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods of living, eating or sleeping purposes. Enclosed spaces intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area.

50. Floor Area Ratio (F.A.R.). The total floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or in the case of planned unit developments, by the net site area. F.A.R. is measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.

For determining floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

The “Floor Area” of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established; that floor area of attached and/or detached garage in excess of 400 square feet for a single family residential unit; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouses; attic or volume space having headroom of seven feet or more; interior balconies and mezzanines; and enclosed porches, and floor area devoted to accessory uses. However, any space, except a single-family attached or detached garage, that is devoted to off-street parking or loading shall not be included in “Floor Area.”

In determining the floor area ratio for lots having detached garages, 100% of the total floor area of the detached garage shall be excluded from the FAR calculation if there are no other garages on site, if the structure is architecturally compatible with the principal dwelling unit, and if 50% or more of the existing homes that both front on the same side of the street and are contained between two adjacent streets which intersect that street also have detached garages.

51. Food Store. A place of business where food such as meats, dairy products, frozen foods, produce, and dry goods are sold for retail trade.

52. Foot Massage. A place of business which provides any method of pressure on or friction

against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft parts of the foot, ankle and lower leg below the knee only, to be performed in an open space as opposed to individual rooms.

53. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.

54. Garage. A building or structure or part thereof used or intended to be used for the parking and storage of vehicles.

55. Garage, Private Customer and Employee. A structure (above or below ground) which is accessory to a commercial, institutional or manufacturing establishment, building or use utilized for the parking and storage of vehicles operated by the customers, visitors, and employees of such building.

56. Garden Center. A place of business where plants, nursery products, fertilizers, potting soil, tools, and garden utensils are sold to the customer.

57. Gazebo. An accessory building that is a detached, covered, freestanding, open air structure.

58. Geothermal Energy System. A renewable energy system using equipment that circulates relatively constant ground temperatures throughout buildings using an underground based piping system and a heat pump.

59. Grade. The degree of rise or descent of a sloping surface.

- a. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining street.
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the Village Engineer.

60. Health Clubs. A facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

61. Home Occupation. A use of a dwelling unit carried on by members of the immediate family residing on the premises.

62. Hospital/Health Care Facility. An institution providing primary health services and medical or surgical care to persons, primarily as in-patients suffering from illness, disease, injury, and other physical or mental conditions and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

63. Hotel. A building primarily designed for transient occupancy containing lodging rooms or suites accessible from a common hall or entrance, providing living, sleeping and bathroom facilities. A central kitchen, meeting rooms, dining rooms and recreation rooms may also be provided.

64. Impervious Surface Coverage. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, patios, paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g. basketball court, tennis court, swimming pool).

65. Incidental Use. A use which is associated with and subordinate to the principal permitted use.

66. Kennel. Any lot or premises or portion thereof on which more than four dogs, cats, and other household domestic animals, over four months of age, are kept, or on which more than two such animals are boarded for compensation or kept for sale.

67. Lodging Room. A room rented in a facility having three or more rented rooms as sleeping and living quarters, but without cooking facilities and which may have individual bathrooms. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one “lodging room” for the purposes of this Code.

68. Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit. The following are the different types of lots:

- a. **Corner Lot.** A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.
- b. **Reversed Corner Lot.** A corner lot, the rear of which abuts upon the side of another lot.
- c. **Double Frontage Lot.** A lot having frontage on two non-intersecting streets.
- d. **Flag Lot.** A substandard lot of record that does not have its full “frontage” abutting a street. The lot width shall be measured at the required setback line for the building.
- e. **Interior Lot.** A lot other than a corner or reversed corner lot.
- f. **Substandard Lot of Record.** Any lot lawfully existing at the time of adoption or amendment of this Zoning Code that is not in conformance with the dimensional and/or area provisions of this Zoning Code.

- g. **Through Lot.** A lot having frontage on two parallel or approximately parallel streets but which is not a corner lot.
- h. **Zoning Lot.** A tract of land which is designated or required as a tract to be used to attain compliance with the regulations of the zoning district in which it is located, or developed or built upon as a unit, under single ownership or control. A “zoning lot” may or may not coincide with a lot of record.

69. Lot Area. The area bounded by the lot lines, the right-of-way line of any street adjoining the lot, and the centerline of the right-of-way of any private access road adjoining the lot. For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private streets right-of-way and land dedicated for park or school purposes.

70. Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

71. Lot Frontage. The frontage of a lot shall be that boundary of a lot along a public street excluding lot access areas.

72. Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

73. Manufacturing. The mechanical or chemical transformation of materials or substances into new products including the assembling of components, parts, the manufacturing of products and the blending of materials.

74. Marquee or Canopy. A roof-like structure of a permanent nature that projects from the wall of a building and overhangs the public way.

75. Massage/Accu-Pressure Establishment. A place of business which provides any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstance that it is reasonably expected that the person to whom treatment is provided, or some third party on such person’s behalf, will pay money or give other consideration or any gratuity therefore.

76. Motel. A building or buildings designed for transient occupancy containing lodging rooms or suites accessible through a common hall or separate outside entrances, providing living, sleeping, and bathroom facilities. No room shall be equipped with kitchen facilities.

77. Motor Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

78. Nameplate. A sign indicating the name and/or address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

79. Non-Conforming Building. A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Code, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

80. Non-Conforming Use. A use which lawfully occupied a building or land at the time of adoption of this Code but which no longer conforms with the use regulations or the district in which it is located.

81. Nursing Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

82. Medical or Dental Laboratory. A place of business devoted to the testing and analysis for the medical profession or to the preparation of dentures and similar items for dental preparation.

83. Off-Street Loading Space. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers to avoid undue interference with the public use of streets and alleys.

84. Office, Medical or Dental. The office of a member of the medical or dental profession requiring licensing by the State and maintenance of professional standards applicable to the field for which services are provided on an out-patient basis.

85. Office, Non-Medical and Non-Dental. A use or structure other than a medical use where business or professional activities are conducted and/or business or professional services are made available to the public, including, but not limited to, tax preparation, accounting, architecture, legal services, real estate and securities brokering, and professional consulting services. "Office" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or special use.

86. Overlay Zoning District. An overlay-zoning district is a mapped area with restrictions beyond those in the underlying zoning. An overlay district is used to achieve planning objectives, which may not be achieved through the underlying zoning. Where conflicts arise between the overlay district and the underlying zoning, the overlay district restrictions apply.

87. Parcel Delivery and Pick-Up Service. An establishment where parcels, not exceeding 120 inches in length or girth and not exceeding 125 pounds, are being received for the shipment and delivery to other destinations or are available for pick-up after arriving from other locations.

88. Parking Area. An open or covered, hard-surfaced area, other than street, alley or public right-of-way, used for the parking of vehicles.

a. A Private Parking Area is for private vehicles only, of occupants of the building or

buildings for which the parking area is developed and is accessory.

- b. A Public Parking Area is for the storage of vehicles of occupants of the building or buildings for which the parking area is developed and is accessory.

89. Patio. A level landscaped and/or surfaced area.

90. Pawn Shop/Cash Converter Facility. A building or use, the principal purpose of which is the lending of money on deposit or pledge of personal property, or dealing in the purchase of personal property on condition of selling the same back at a stipulated price.

91. Personal Trainer. A physical fitness trainer who provides individual fitness counseling.

92. Pervious Surface. A surface that presents an opportunity for precipitation to infiltrate into the ground.

93. Pet Grooming Establishments. Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

94. Pet Shops and Supply Stores. A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats fish, birds, reptiles, and related pet supplies, but excluding exotic animals and farm animals such as horses, goats, sheep and poultry.

95. Physical Rehabilitation Center. A facility licensed by the State of Illinois providing treatment on an out-patient basis to remove or reduce the risk of injury, impairment, functional limitation or disability, including the promotion and maintenance of fitness, health and wellness through a rehabilitation plan of therapeutic intervention.

96. Pickup Camper. A structure designed for recreational use, designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling.

97. Playhouse. A freestanding structure, with a maximum height not to exceed 12 feet in a side yard and 15 feet in a rear yard.

98. Porch. A covered protection from a wall of a building that may or may not use columns or other ground supports for structural purposes and which is primarily used to provide an extension of the living area.

99. Portico. A roofed structure projecting from the building which has no enclosures of any kind and which has an entry surfaced area that does not exceed eight feet in width and does not extend more than four feet out from the building.

100. Principal Building. A building in which the residence or permitted primary use of the lot is conducted.

101. Principal Use. The main use of land or buildings, as distinguished from a subordinate or accessory use, to which premises are devoted comprising at least 80% of the floor area and the primary purpose for the premises.

102. Private Roadway. The paved area, exclusive of sidewalks, driveways or related uses, on private property, used or intended to be used for circulation, passage or travel of motor vehicles from a street to two or more adjacent parcels.

103. Public Utility. Any person, firm, corporation or municipal department duly authorized to furnish, under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, cable television, water, and other data transmission services.

104. Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

105. Research Laboratory. A place devoted to experimental study such as testing and analyzing but which does not include manufacturing, assembly or packaging of products.

106. Repair, Major. Includes any action which fixes, mends, or restores products other than motor vehicles:

- a. Major Repair is repair of products such as furniture, refrigerators, or similar products which generally require storage yards or storage area
- b. Minor Repair is repair of products such as shoes, watches, jewelry, and electronics

107. Restaurant. Any building or part thereof where food is cooked or prepared for compensation, for the general public and for immediate consumption on or off the premises.

108. Restaurant-Amusement Device Arcade. An establishment primarily devoted to the sale of food and beverage and partially devoted to the use of more than ten coin-operated amusement devices.

109. School. An institution conducting regular academic instruction at the kindergarten, elementary, middle school and high school levels.

- a. **Public School.** A public institution which offers general academic instruction equivalent to the standards prescribed by the School Code of Illinois.
- b. **Private School.** A non-public institution which offers programs accepted by the State of Illinois in lieu of public instruction.

110. Salon. Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

111. Seating Area. Areas used to consume food or beverages on the customer side and which

provide access to areas such as buffets, bars, or serving tables.

112. Sheltered Care. An establishment licensed to provide assistance, supervision or oversight to residents, usually short term. A sheltered care home may not provide skilled or intermediate nursing services nor care for those cases for which hospitalization is generally required.

113. Solar Energy System. A renewable energy system consisting of a collection of parts including any base, mounts, tower, solar collectors and accessory equipment such as utility interconnections and solar storage batteries in such a configuration as necessary to convert solar radiation into thermal or electrical energy. There are three types of Solar Energy Systems:

- a. **Roof Mounted.** A renewable energy system consisting of equipment installed on the roof of a principal or accessory building located between the eave and ridge used for the conversion of sunlight into a usable form of electrical energy or to heat water.
- b. **Wall Mounted.** A renewable energy system consisting of equipment installed on a wall of a principal or accessory building below the eave, or where there is a flat roof the space below the top of a parapet, used for the conversion of sunlight into a usable form of electrical energy or to heat water.
- c. **Ground Based.** A renewable energy system consisting of equipment used for the conversion of sunlight into a usable form of electrical energy placed on the ground of a zoning lot and which is not attached to any principal or accessory building.

114. Storage Facility. A place where goods, materials, or personal property is placed and kept for more than 24-consecutive hours.

115. Story. That portion of a building 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. Any portion of a story exceeding 14 in height shall be considered as an additional story for each 14 or fraction thereof.

116. Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-half feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this Code. In the case of multiple-family dwellings three or more stories in height, a half story shall be counted as a story.

117. Structure. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall, television antenna towers, earth stations, or other devices receiving electronic signals. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

118. Structural Alterations. Any change except those required by law or ordinance, which

would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

119. Travel Trailer. A rigid, non-collapsible structure designed to provide temporary living quarters primarily for recreational use, constructed with integral wheels to make it mobile land/or towable by a motor vehicle.

120. Tree House. An accessory structure which utilizes one or more trees for structural support and/or incorporates the tree into the design.

121. Used Car Lot. A zoning lot on which used cars are displayed for sale or trade.

122. Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

- a. **Commercial Vehicle.** Any type of vehicle used or maintained for commercial purposes, primarily to transport material or operate a power attachment or tool, such as a snowplow or any vehicle containing cargo for commercial purposes. For purposes of this Chapter, any vehicle with advertising or a business designation affixed to it shall be considered a commercial vehicle.
- b. **Recreational Vehicle (RV).** An RV shall include, but not be limited to, camper trailer (pop-up), motor home, off-road vehicle, open trailer, pickup camper, snowmobile, travel trailer and water craft.

123. Trailer. Any motorized or non-motorized vehicle intended to carry or store a recreational vehicle. An open trailer or a trailer not carrying or storing an RV shall be considered an RV for the purposes of this Code.

124. Window Wells. A space maintained between a below grade window and the surrounding soil. The window well provides drainage or air or light around the window and in some cases, an egress route from the structure.

125. Yard. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located. The following are the specific definitions for each type of yard:

- a. **Exterior Side Yard.** That part of the yard on a corner lot, lying between the exterior side lot line and the nearest line of the principal building and extending from the front yard (or from the front lot line, if there is no required front yard) to the rear yard (or from the rear lot line, if there is no required rear yard). On a corner lot, the larger of the two lot dimensions adjacent to the street shall be considered the exterior side yard.
- b. **Front Yard.** A yard extending across the full width of the zoning lot and lying between

the lot line which fronts on a street and the nearest line of the principal building. On a corner lot, the smaller of the two dimensions adjacent to a street shall be considered the front yard.

- c. **Rear Yard.** A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.
- d. **Side Yard.** That part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the front yard (or from the front lot line, if there is no front yard) to the required rear yard (or from the rear lot line, if there is no required rear yard).

1. **Delete current section 28-15 Occupancy Permits (move non-redundant provisions to Chapter 23, Building Regulations, where they belong)**
2. **Delete current section 28-16 Plats (also found in Chapter 23, Building Regulations, where it belongs)**
3. **Delete current section 28-17 Enforcement (move it to Section 3-304b, with the other duties of the Building Director, where it belongs).**
4. **Renumber current section 28-18 to 28-15 as set forth below:**

Section 28-15 Changes and Amendments.

15.1 Requirement for Public Hearing. The regulations imposed and the districts created by this Chapter may be amended from time to time, but no such amendments shall be made until a public hearing has been held. The Notification Requirements set forth below apply for all public hearings required by this Chapter.

15.2 Published Notice. A notice of the time and place of any public hearing shall be published in newspaper of general circulation in the Village. This Notice shall be published at least 15 days before the date of the public hearing.

15.3 Written Notice. A petitioner for any project requiring a public hearing pursuant to this Chapter shall serve written notice in person or by first-class mail to all property owners of record within 250 feet of the property lines of the subject property; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirement. If the project is a planned unit development, the 250 feet shall be measured from the outermost property line of the entire planned unit development. In addition to notifying property owners, if applicable, the homeowners' association or condominium association must also be notified. The notice must be sent no less than 15 days nor more than 30 days prior to the date set for the public hearing. A copy of the notice with a copy of the list of addresses shall be provided to the Planning Department at the time notice is given to the owners or taxpayers. If, after a bona fide effort to determine such by the petitioner, an owner cannot be found, the notice requirements of this section shall be deemed satisfied upon the petitioner filing an affidavit evidencing the inability to serve notice on that owner.

The required notices shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and the time and date on which the hearing shall be held.

15.4 Notice by Sign. Not less than 15 days prior to the date before the public hearing, the petitioner shall post a readable sign on all adjacent roadways. All signs must be removed no later than ten days after completion of the final hearing.

The required sign shall contain the current zoning action requested, date, time and place where the hearing shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the Village and the petitioner. The sign shall be approximately 30" high by 48" wide. The words

"NOTICE OF PUBLIC HEARING" must appear at the top of the sign(s) in letters no smaller than 1.5". The date and time of the hearing shall also be 1.5". The sign(s) shall meet all other requirements set forth by the Village. All costs associated with the sign(s) for any public hearings are to be borne by the petitioners. A sample sign is set forth below:

NOTICE OF PUBLIC HEARING

HEARING FOR: [Fill in current zoning and action requested]

HEARING LOCATION: **ARLINGTON HEIGHTS MUNICIPAL BUILDING**
 33 S. ARLINGTON HEIGHTS ROAD
 ARLINGTON HEIGHTS, IL 60005

DATE: [Fill in hearing date] **TIME:** [Fill in hearing time]

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

[Fill in petitioner's name
and phone number]

or Village of Arlington Heights
Department of Planning & Community Development
at 847-368-5200

15.5 Certification of Notice. In advance of the hearing date, the petitioner shall furnish an affidavit certifying that he has complied with the applicable notice requirements. Attached to the affidavit shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and a statement that the sign was erected according to Village requirements. Forms of the affidavit shall be made available by the Planning Department.

15.6 Protest Against Amendment. Owners of the frontage of property immediately adjoining or across an alley from or directly opposite frontage which is proposed to be altered as to regulations or districts may file a written protest against a proposed amendment. The protest must be signed by at least 20% of the owners as described above and each signature must be notarized. The written protest shall be filed with the Village Clerk. If the written protest meets the requirements of this Section, the amendment shall not be passed except by the favorable vote of two-thirds of all members of the Village Board

5. Delete current section 28-19, Violation and Penalty (covered by the General Penalty provision in Section 1-501 of the Code)

6. Delete current section 28-20, Validity (will be in adopting ordinance)

7. Delete current section 28-21, Repeal of Conflicting Ordinances (will be in adopting ordinance)

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(Ord. #03-067)

14.4 Enforcement of a Development Schedule. The Certificate of Approval shall be effective for no more than 12 months from the date it was issued. Unless a building permit has been issued and construction commenced within this time period, the certificate of appropriateness shall be void. An extension of up to 12 months can be obtained by submitting a detailed request to the Planning and Community Development Department.

(Ord. #05-037)

14.5. Amendments. Amendments to a certificate will be obtained through the same process as set forth above.

(Ord. # 04-078)

14.6 Appeal. For all petitioners appearing before the Design Commission who do not need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to appeal directly to the Village President and Board of Trustees. The written appeal must be made in writing, to the Village Manager, within 30 days of receipt of the notice of denial by the Design Commission. The Village Board, at a regular meeting, will then either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

For all petitioners appearing before the Design Commission who need to also appear before the Plan Commission or Zoning Board of Appeals, the petitioner has the right to file an appeal to the Village President and Board of Trustees. The written appeal must be made in writing and shall be forwarded to the Plan Commission or Zoning Board of Appeals along with the other documents submitted for their review. The appeal will be considered by the Village Board at a regular meeting concurrently with the Village Board's review of the recommendation from the Plan Commission or Zoning Board of Appeals. The Village Board will then either:

- a. agree with the Design Commission's decision; or
- b. overrule or modify the decision of the Design Commission and direct the issuance of a permit.

In all other cases, the Design Commission's decision will be sent to the Plan Commission or Zoning Board of Appeals, along with other documents for review and then forwarded to the Board.

Section 28-15 - Occupancy Permits.

15.1 Subsequent to the effective date of this ordinance no change in the use or occupancy of land, nor any change of use or occupancy in any existing building shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Building Commissioner. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance.

15.2 No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance.

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15.3 A record of all certificates of occupancy shall be kept in the office of the Building Commissioner and copies shall be furnished on request to any person having a proprietary or tenancy in land or in a building affected by such certificate of occupancy.

15.4 A certificate of occupancy shall be required of all non-conforming uses of land or buildings created by the passage of this ordinance. Application for such certificates of occupancy for non-conforming uses shall be filed with the Building Commissioner by the owner or lessee of the land or building occupied by such non-conforming use within three years from the effective date of this ordinance. It shall be the duty of the Building Commissioner to issue a certificate of occupancy for non-conforming use.

15.5 Any non-conforming use for which an occupancy permit has not been obtained on conformity with the requirements of sub-section 14.4 shall be presumed to be operating in violation of this Ordinance and such use shall thereupon be abated.

Section 28-16 – Plats. Each application for a building permit shall be accompanied by a plat, in duplicate, or duplicate prints thereof, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the size, shape and location of any existing buildings, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of applications and plats shall be kept in the office of the Building Commissioner.

Section 28-17 – Enforcement. It shall be the duty of the Building Commissioner to enforce this Ordinance. Appeal from the decision of the Building Commissioner may be made to the Zoning Board of Appeals, as provided in Section 12.

Section 28-18 - Changes And Amendments.

18.1 Requirement for Public Hearing. The regulations imposed and the districts created by this ordinance may be amended from time to time, but no such amendments shall be made until a public hearing has been held, and a report and recommendation has been made thereon by the Village of Arlington Heights.

18.2 Notification Requirements.

18.2-1 Published Notice. At least 15 days' notice of the time and place of such hearing shall be published in an official paper of general circulation in the Village of Arlington Heights.

(Ord. # 04-059)

18.2-2 Written Notice. In addition to the notice requirements otherwise provided by law, an applicant for any public hearing required by this Zoning Ordinance shall, not less than 15 days and not more than 30 days prior to the date set for the public hearing, serve written notice in person or by first-class mail to the last known taxpayer or property owner or owners of record reflected in the County records of all property within 250 feet in each direction of the property lines of the subject property for which the public hearing is requested; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 foot requirement; in the event of a planned unit development, 250 feet shall be measured from the outermost property line of the entire planned unit development; if any part of a condominium property is located within 250 feet of the property which is the subject of a

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hearing, written notification shall be sent to each taxpayer of record of the condominium as well as to the condominium association; if written notification is sent to a trust company or lending institution of record, the notice requirement of this section shall be deemed satisfied. A copy of the notice with a copy of the list of addresses shall be mailed to the Planning Department at the time notice is given to the owners or taxpayers.

The notices herein required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and time and date on which said hearing shall be held. If, after a bonafide effort to determine such by the applicant, the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve such notice.

(Ord. # 04-059)

18.2-3 Notice by Sign. An applicant for public hearing shall, not less than 15 days prior to the date before the public hearing post a readable sign(s) on the adjacent roadway(s). Sign(s) must be removed no later than ten days after completion of the final hearing.

SAMPLE SIGN

APPROXIMATE SIZE: 30" HIGH BY 48" WIDE

NOTICE OF PUBLIC HEARING*

HEARING FOR: [Fill in current zoning and action requested]+

HEARING LOCATION: ARLINGTON HEIGHTS MUNICIPAL BUILDING+
33 S. ARLINGTON HEIGHTS ROAD+

DATE: [Fill in hearing date] **TIME:** [Fill in hearing time]*

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL:

[Fill in petitioner's name
and phone number]

or Village of Arlington Heights
Department of
Planning & Community Development at
847-368-5200

- Sign must be posted on adjacent roadway(s) 15 days prior to hearing date.
- Sign must be removed by seven days after the first hearing.

+ MUST BE AT LEAST 1 ½" HIGH

+ MUST BE AT LEAST 1" HIGH

The sign (s) herein required shall contain the current zoning action requested, date, time and place where said hearing shall be held, a statement that further information can be obtained from the petitioner and the Planning Department of the Village of Arlington Heights, and the phone number of the Village of Arlington Heights and the petitioner. The words, "NOTICE OF PUBLIC HEARING" must appear at the top of the sign (s) in letters no smaller than 1.5". The

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date and time of the hearing shall also be 1.5". The sign (s) shall meet all other requirements set forth by the Village of Arlington Heights. All cost associated with hearing sign (s) are to be borne by the petitioners.

(Ord. #04-059)

18.2-4 Certification of Notice. The applicant shall furnish, at the time of hearing, a written statement certifying that he has complied with the requirements of this subsection. Attached to the written statement shall be a list of all property owners notified in accordance with the above, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and an affidavit, witnessed by a notary public that the sign was erected according to Village requirements. Forms of the affidavit shall be made available by the Planning Department.

18.3 Protest Against Amendment. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent of the frontage immediately adjoining or across an alley therefrom or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered as to such regulation or district, filed with the Village Clerk of the Village of Arlington Heights, such amendment shall not be passed except by the favorable vote of two-third of all members of the Board of Trustees of the Village of Arlington Heights.

Section 28-19 - Violation And Penalty. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of these provisions of this ordinance shall be fined not less than \$5.00 nor more than \$500.00 for each offense, and in addition, shall pay all costs and expenses involved in litigation. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 28-20 – Validity. If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree shall be rendered.

Section 28-21 – Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

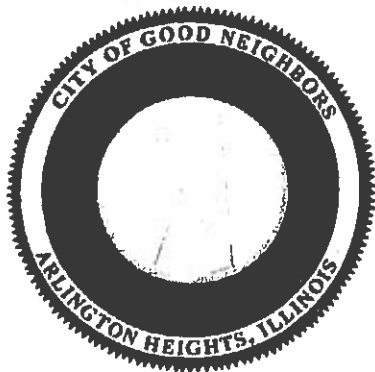
Special Use Waiver for Restaurant Application



March 2013

**Prepared by:
The Department of Planning and
Community Development
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005
(847) 368-5200
www.vah.com**





Department of Planning
and
Community Development
**Special Use Waiver for Restaurant
Application Form**

PETITIONER'S APPLICATION	
Petition #: SUW: _____	Site Location: _____
Petitioner's Name: _____	Site Gross Area: _____
Petitioner's Address: _____	PIN: _____
Property Owner: _____	
Contact Person: _____	
Address: _____	Petitioner's Signature _____ Date _____
Phone #: _____	
Fax #: _____	Owner (Beneficial) _____ Date _____
Email: _____	

The petitioner must fill out the top section of this page. The petitioner and owner must sign this page on the signature line provided above prior to submitting the completed application. In addition the following shall be required:

REQUIRED APPLICATION MATERIAL

1. **Ownership Information** – Fully Executed Lease, or fully Executed Contract to Purchase
2. **Detailed Business Narrative**-overview of the restaurant concept/theme, the hours of operation, number of employees during the largest work shift, the anticipated delivery and trash collection times, and a menu.
3. **Current Plat of Survey**
4. **Application form.**
5. **Written justification to the Special Use criteria**
6. **Plans, Studies, and Support Documentation** – Not to exceed 24" x 36" sheet size.
 - a) Fully dimensioned and to scale floor plan
 - b) A site plan showing location of grease trap and refuse area
 - c) A fully dimensioned detail of the trash enclosure.
 - d) A parking survey over a three day period, including Saturday, that demonstrates that the site has sufficient parking to meet code.
 - e) A written statement indicating that all new roof mounted mechanical equipment will be screened in a manner that is architecturally compatible with the design of the building.
 - f) List of existing tenants and the amount of floor area they each occupy.

Village of Arlington Heights Department of Planning and Community Development
33 S. Arlington Heights Road
Arlington Heights, Illinois 60005
847-368-5200
847-368-5988 (FAX)

PETITIONER ACKNOWLEDGEMENT

I, _____, being the Petitioner for the proposed Special Use Waiver for a Restaurant request, acknowledge that the Village reserves the right to add other restrictions if there are impacts to surrounding property owners and/or require public hearing review by the Plan Commission and approval by the Village Board.

Signature



Y, 001
Downtown not include outdoor seating
As liquor licenses OK

**Department of Planning
 and
 Community Development**

Special Use Waiver for Restaurant-Criteria

Petitioner: _____

Project: _____

Location: _____

The use of the checklist below is to be used to ensure a complete submittal and to be filled out by staff to determine compliance with the Special Use Waiver process.

CRITERIA	YES	NO
The Petitioner has provided proof of ownership or fully executed Lease for the proposed location.		
The proposed request is consistent with current zoning and/or any other enabling ordinance governing the property.		
Under ordinary circumstances, the proposed request would otherwise require a Special Use Permit per existing zoning and Chapter 28, Section 5.5-1, <i>Permitted Uses</i> .		
The Petitioner has provided, to the satisfaction of the Village a written justification to the Special Use criteria (Chapter 28, Section 8.5-1 through 8.5-3).		
The proposed restaurant does not have a drive-through and/or does it involve any new building construction or building addition.		
The proposal meets one or more of the following. <ul style="list-style-type: none"> ▪ A carry out only restaurant or ▪ A sit-down restaurant that is no larger than 1,500 square feet in size ▪ An outdoor café in conjunction with a legally established restaurant 		
The Petitioner has provided written confirmation that the proposed restaurant will not serve alcohol.		
The Petitioner has provided evidence that the proposed restaurant is not within one mile of the same restaurant franchise.		
The Petitioner has provided, to the satisfaction of the Village a detailed business summary (including but not limited to; an overview of the restaurant concept/theme, the hours of operation, the maximum number of employees during the largest work shift, the anticipated delivery and trash collection times, and a menu).		
The Petitioner has provided a code compliant floor plan that is to scale and shows the size and layout of the interior dining room and kitchen.		
The Petitioner proposed request complies with all applicable accessibility, building, health, and life safety Code requirements.		
The Petitioner has provided written confirmation that any new roof mounted mechanical equipment required in conjunction with the restaurant will be screened from the public view in a manner that is architecturally compatible with the building.		
The Petitioner provided written confirmation acknowledging that it is unlawful to cause or to knowingly permit the emission of objectionable odors in quantities so as to be readily detectable by an observer at any point on the boundary line of any premises or beyond and that if the Village determines that the proposed use does not comply with the aforementioned requirement, an understanding that additional measures and/or improvements will be incorporated to address the odor issue.		

The Petitioner provided written confirmation acknowledging that the Special Use Waiver approval shall be subject to the submittal and issuance of a building permit.		
The Petitioner provided, to the satisfaction of the Village, a plat of survey or a contextual site plan showing existing and proposed conditions (i.e. building and parking lot configuration, grease trap, loading, and refuse collection areas).		
The Petitioner provided to the satisfaction of the Village, a parking survey over a three day period, including Saturday, that demonstrates that the site has sufficient parking.		
For outdoor cafes located outside the Downtown, the Petitioner provided written confirmation indicating that the restaurant has been legally established either through the Special Use or Special Use Waiver process?		
For outdoor cafes located in the B-5 Downtown District, the Petitioner provided written confirmation that the outdoor eating area shall comply with the Village's administrative review process and the standards established in Chapter 28, Section 5.1-14.2.		
The Petitioner has provided to the satisfaction of the Village a fully dimensioned and to scale plan showing the location and configuration of the outdoor dining area.		
The Petitioner has provided, to the satisfaction of the Village, details of the outdoor furniture, which is designed to withstand a wind pressure of not less than 30-pounds per square inch.		
The Petitioner has provided written confirmation that the proposed restaurant is not a 24 hour operation.		
The Petitioner provided, to the satisfaction of the Village, certification/documentation from the architect/owner verifying the total square footage.		

Additional Remarks

Provide any additional information that you would like the Planning & Community Development Department to know about that would assist in the evaluation of this project.

The Village of Arlington Heights
 Department of Planning and Community Development
 33 S. Arlington Heights Road
 Arlington Heights, Illinois 60004
 (847) 368-5200
 (847) 368-5988 FAX
 Village Website www.vah.com
 Department email: Planningmail@vah.com

Restaurant Characteristic Analysis

A summary of 61 restaurants that have been approved since 2006

Seating and Total Area Counts are shown as:

Indoor (Indoor with Outdoor Patio)

PC #	Name	Address	Total Area (SF)	Total Seating Area (SF)	% of Floor Area allocated to seating (SF)	Total Seating Capacity (Seats)	Parking Required (Spaces)	Serves Alcohol	Received Parking Variation	Notes
2010-006	Roundy's Café	802 E. NW Highway	1,273	1,273		61	28	N	N	Café in Grocery Store
2009-019	Around the World Café	4204 N AH Road, D	1,447	NA	NA	NA	5	N	N	Carry out only
2009-011	Cool LeBerry	4204 N AH Road, D	1,414	693	49%	44	15	N	N	
2009-008	Subway	2960 W. Euclid	1,130	386	34%	20	9	N	N	
2009-005	Mario's	6 S. Dunton	2,000	739	37%	62	4	Y	N	Downtown
2009-001	2nd Wind	3400 W. Euclid	2,362	2,362	--	126	52	Y		Resturant in Hotel
2008-017	Harry's		5,621	1,910	34%	180	10	Y	N	Downtown - Expansion that was a 37% increase
2008-016	Tuscana	1859 W. Central	2,613	1,158	44%	85	26	Y	N	
2008-008	LaZingara	2300 E Rand, E	3,042 (3,806)	850 (1,610)	28% (42%)	70 (106)	19 (36)	Y	2 Req: 152, Pro: 11	(includes outdoor seating). Increased the previously approved parking variation by 2 stalls.
2008-004	BBQ Chicken	31 W. Golf	1,810	694	38%	50	15	Y	N	
2008-003	Jimmy D's	1718 W. NW Highway	4,750	2,150	45%	113	48	Y	10 Req: 62, Pro: 52	
2007-032	Armand's	70 N. Vail	5,462	3,159	58%	162	16	Y	N	Downtown - expansion that doubled seating area
2007-026	Javier's	202 N. Dunton	6,150	2,400	39%	184	12	Y	N	Downtown
2007-025	Brama Bread	6 S. Dunton	2,000	1,000	50%	49	5	N	N	Downtown
2007-024	Grand Station	101 W. Campbell	4,978	2,241	45%	148	11	Y	N	Downtown
2007-019	Homemade Pizza	17 S. Dunton	1,500	NA	NA	NA	3	N	N	Downtown - carry out only
2007-008	Potbelly's	NEC Euclid/Rohlwing	2,400	1,355	56%	72	30	N	N	
2007-007	Café RomanZa	2324 E. Rand Road	1,040 (1,610)	315 (885)	30% (55%)	16 (38)	7 (20)	Y	N	(includes outdoor seating)
2007-006	Jimmy Johns	19 S. Dunton Avenue	1,500	798	53%	38	4	N	N	Downtown
2006-036	Big Shots	2 S. Vail	3,240	1,776	55%	95	9	Y	N	Downtown
2006-030	Five Star Deli	4204 N Ah Rd-D/E	2,894	1,000	35%	51	22	N		
2006-028	Essence of Europe	1601 W. Campbell	351	351	--	32	8	N	N	Small deli in grocery store
2006-025	Chong Ga House	628 E. Golf Road	1,500	648	43%	52	12	Y	N	
2006-018	My Pie Pizzeria	1401 E. Palatine-E	900	NA	NA	NA	3	N	N	Carry out only
2006-016	Beaner's Coffee	21 S. Dunton	1,500	400	27%	23	2	N	N	Downtown
2006-011	Penang	1720 W. Algonquin	3,231	1,485	46%	99	33	Y	N	
2006-007	Dunkin Donuts	4204 N. AH Rd-A	1,823	248	14%	10	6	N	N	
2006-001	Paprikash	602 W. NW Highway	3,065	1,482	48%	135	33	Y	-8 Req: 33, Pro:25	

Size	Prior to 2013	Percentage*	After 2013	Percentage*	2006-2016	Percentage
Less than 1500 SF	13	29% (21%)	4	25% (7%)	17	28%
1501-1999 SF	6	13% (10%)	2	13% (4%)	8	13%
2000-2499 SF	9	20% (15%)	2	13% (4%)	11	18%
2500- 2999 SF	6	13% (10%)	1	6% (1%)	7	11%
3000- 3499 SF	3	7% (5%)	1	6% (1%)	4	7%
3500- 3999 SF	1	2% (1%)	0	0% (0%)	1	2%
4000 + SF	7	16% (11%)	6	37% (10%)	13	21%
Total:	45	100% (73%)	16	100% (27%)	61	100%

*Percentages shown as: Percentage for date range, (Percentage of all restaurants in study)

Restaurant Characteristic Analysis

A summary of 61 restaurants that have been approved since 2006

Seating and Total Area Counts are shown as:

Indoor (Indoor with Outdoor Patio)

PC #	Name	Address	Total Area (SF)	Total Seating Area (SF)	% of Floor Area allocated to seating (SF)	Total Seating Capacity (Seats)	Parking Required (Spaces)	Serves Alcohol	Received Parking Variation	Notes
2016-006	Egg Harbor Café	140 E. Wing St.	4796	2370	49%	151	53	N	N	Parking Study Still Required
2015-008	Chuck E. Cheese's	41 W. Rand Rd.	13263	3770	28%	256	84	Y	N	
2015-003	TNT's Snack Shop	1706 W. Campbell St.	1000	380	38%	27	8	N	N	USED WAIVER
2015-002	Porky's BBQ	41 S. Dunton Ave.	1200	176	15%	10	1	N	N	USED WAIVER
2015-001	Hanshipocha	1918 S. Arlington Hts. Rd.	1196 (1436)	626 (866)	52% (60%)	N/A	19	Y	N	USED WAIVER
2014-021	Aurelio's Pizza	2944 W. Euclid Ave.	5075 (5475)	1954 (2354)	39% (43%)	208	52	Y	N	
2014-017	Savory Salads	2932 W. Euclid Ave.	1756 (2036)	490 (770)	28% (38%)	68	17	N	N	
2014-007	Starbucks	1808 S. Arlington Heights Rd.	2647	569 (850)	21%	70	19	N	N	Includes drive-thru
2014-006	5th Avenue Sushi Restaurant	138 E. Rand Rd.	2100	902	43%	66	20	Y	N	
2014-004	Toscana Restaurant	1859 W. Central Rd.	2937 (3253)	1279 (1595)	44% (49%)	157	35	Y	N	Ord. retates to expansion in seating capacity
2014-001	Honeyberry Café	306 E. Rand Rd.	6779	X	X	X	X	N	N	USED WAIVER, For Outdoor Seating Only
2013-022	McDonalds	15 E. Dundee Rd.	4387	1600	36%	N/A	36	N	N	Includes drive-thru
2013-021	Dunkin Donuts	1818 W. Northwest Highway	1498	192 (452)	13% (26%)	22	11	N	N	(135 Indoor seats, 22 Outdoor) Includes drive-thru/outdoor seating
2013-013	Japanese Restaurant	932 W. Algonquin Road	1750	872	50%	49	19	Y	Y	Parking variation for entire development (709 to 685 spaces)
2013-009	Circa 57	10 S. Vail Avenue	4189	2953	70%	144	15	Y	N	
2013-004	Jimmy's Place	640 W. Northwest Highway	1551	783	50%	48	17	N	Y	Parking variation (17 to 9 spaces)
2013-001	SPECIAL USE WAIVER									
2012-026	Star Cinema Grill	53 S. Evergreen Avenue	22354	N/A	N/A	707	88 (202 HNTB)	Y	N	Restaurant to serve theater patrons - not stand-alone
2012-022	Manpasand Restaurant	648 E. Golf Road	2800	1108	40%	68	30	N	N	Carry-Out with Dining
2012-020	Subway Restaurant	333 S. Arlington Hts. Rd.	2493	1450	58%	44	32	N	Y	Parking variation for entire building (47 to 27 spaces)
2012-014	Pure Juice Café	24 S. Evergreen	1265	409	32%	20-26	2	N	N	Sit-down/Carry Out Juice Bar
2012-008	Dolce Bakery and Café	4204 N. AH Rd, Unit E	1447	286	20%	16	6	N	N	Italian bakery with small seating area
2012-006	Popolicious	10 S. Evergreen	2,030	NA	NA	NA	3	N	N	Downtown - CO only
2012-004	Qdoba	1015 W. Dundee	2,532 (2,732)	1,232 (1,432)	49% (52%)	66 (82)	27 (32)	Y	N	(includes outdoor café)
2012-003	Caribou	1015 W. Dundee	1,752 (2,082)	768 (1,098)	44% (53%)	38 (54)	17 (24)	N	N	Drive-thru (includes outdoor café)
2012-001	Berry Yo	50 N. Vail	1,800	810	45%	50	4	N	N	Downtown - Ice Cream
2011-019	Jets Pizza	59 W. Golf	1,800	NA	NA	NA	6	N		Carry out only
2011-004	Nathans	1766 W. Algonquin	2,715	540	20%	50	12	N		
2011-003	Caribou	115 W. Rand	2,089 (2,279)	542 (732)	26% (32%)	44 (60)	12 (16)	N	N	Drive-thru (includes outdoor café)
2011-002	Smashburger	115 W. Rand	2,201 (2,407)	614 (820)	28% (34%)	51 (75)	14 (18)	Y	N	(includes outdoor café)
2011-001	Jersey Mikes	115 W. Rand	1,490 (1,640)	348 (498)	23% (30%)	38 (46)	8 (11)	N	N	(includes outdoor café)
2010-013	Culvers	2020 E. NW Highway	3,950 (4,530)	1,300 (1,880)	33% (41%)	91 (127)	29 (42)	N	N	Drive-thru (includes outdoor café)
2010-011	Subway	4204 N AH Road, D	1,414	448	32%	37	10	N	N	