
The Village of **Itasca, Illinois**

Zoning Ordinance

Back of Cover Page

TABLE OF CONTENTS

TABLE OF CONTENTS

SECTION		PAGE
1.00	TITLE	1 - 1
2.00	INTENT AND PURPOSE	2 - 1
3.00	RULES AND DEFINITIONS	
3.01	Rules	3 - 1
3.02	Definitions	3 - 1
4.00	GENERAL PROVISIONS	
4.01	Interpretation	4 - 1
4.02	Separability	4 - 1
4.03	Amendment	4 - 1
4.04	Scope of Regulations	4 - 2
4.05	Use and Bulk Regulations	4 - 3
4.06	Lot Coverage – Permitted Accessory Building, Structure and Uses Chart	4 - 3
4.07	Home Occupations	4 - 6
4.08	Lot Area and Dimension	4 - 6
4.09	Access to Public Streets	4 - 7
4.10	Number of Buildings on a Zoning Lot	4 - 7
4.11	Two Uses on a Zoning Lot	4 - 7
4.12	Rezoning of Public and Semi-Public Areas	4 - 7
4.13	Accessory Buildings, Structures and Uses	4 - 8
4.14	Temporary Buildings	4 - 9
4.15	Performance Standards	4 - 9
4.16	Existing Special Uses	4 - 9
4.17	Uses No Specifically Permitted in District	4 - 9
4.18	Temporary Model Home Regulations	4 - 10
4.19	Landscaping	4 - 10
4.20	Fences	4 - 14
4.21	Public Water and Sanitary Sewers	4 - 19
4.22	Boats, Snowmobiles on or off Trailers; Recreational Vehicles	4 - 19
4.23	Public Utility and/or Services Uses	4 - 20
4.24	Required Water and Sewer and Other Public Improvements	4 - 20
4.25	Required Recording of Plats	4 - 20
4.26	Child Care Centers	4 - 20
4.27	Adult Use Provisions	4 - 20

TABLE OF CONTENTS

5.00	NON-CONFORMING BUILDINGS, STRUCTURES, AND USES	
5.01	Statement of Purpose	5 - 1
5.02	Authority to Continue Non-Conforming Buildings, Structures, and Uses	5 - 1
5.03	Exempted Buildings, Structures, and Uses	5 - 1
5.04	Restrictions of Non-Conforming Buildings, Structures and Uses Thereof	5 - 2
5.05	Condemnation of Non-Conforming Buildings and Structures	5 - 4
5.06	Non-Conforming Use of Buildings or Structures	5 - 5
5.07	Non-Conforming Use of Land	5 - 6
6.00	ZONING DISTRICTS	
6.01	Districts	6 - 1
6.02	Maps	6 - 1
6.03	District Boundaries	6 - 2
6.04	Annexed Territory	6 - 2
6.05	Zoning of Public Ways	6 - 3
7.00	RESIDENCE DISTRICTS	
7.01	Purpose and Intent	7 - 1
7.02	Residence District Provision	7 - 1
7.03	Deleted per Ordinance 1131-02	7 - 2
7.04	R-1 Single-Family Residence District	7 - 2
7.05	R-2 Single-Family Residence District	7 - 5
7.06	R-3 General Residence District	7 - 8
8.00	BUSINESS DISTRICTS	
8.01	Purpose and Intent	8 - 1
8.02	Business District Provisions – All Business Districts	8 - 1
8.03	B-1 Local Business District	8 - 1
8.04	B-2 Community Business District	8 - 4
8.05	B-3 Service Business District	8 - 11
8.06	B-4 Traditional Downtown North Business District	8 - 15
8.07	B-5 Traditional Downtown South Business District	8 - 18
8.08	B-6 Irving Park Road Business District	8 - 20
9.00	O-R OFFICE RESEARCH DISTRICT	
9.01	Purpose and Intent	9 - 1
9.02	Permitted Uses	9 - 1
9.03	Special Uses	9 - 2
9.04	Required Conditions	9 - 3
9.05	Floor Area Ratio	9 - 4
9.06	Minimum Lot Size	9 - 5
9.07	Yard Requirements	9 - 5

TABLE OF CONTENTS

9.08	Maximum Lot Coverage	9 - 5
9.09	Building Height	9 - 5
9.10	Signs	9 - 5
9.11	Off-Street Parking and Loading	9 - 5
10.00	ROC REGIONAL OFFICE CENTER DISTRICT	
10.01	Purpose and Intent	10 - 1
10.02	Permitted Uses	10 - 1
10.03	Primary Uses	10 - 2
10.04	Secondary Uses	10 - 2
10.05	Special Uses	10 - 3
10.06	Required Conditions	10 - 4
10.07	Area and Bulk Regulations	10 - 5
10.08	Concept and Site Plan Review Procedures	10 - 7
11.00	MANUFACTURING DISTRICT	
11.01	Purpose and Intent	11 - 1
11.02	Manufacturing District Provisions	11 - 1
11.03	M – Limited Manufacturing District Uses	11 - 6
11.04	Yard Requirements	11 - 13
11.05	Maximum Lot Coverage	11 - 14
11.06	Building Height	11 - 14
11.07	Floor Area Ratio	11 - 14
11.08	Signs	11 - 14
11.09	Off-Street Parking and Loading	11 - 14
12.00	OFF-STREET PARKING AND LOADING	
12.01	Purpose and Intent	12 - 1
12.02	General Provisions	12 - 1
12.03	Additional Regulations – Parking	12 - 3
12.04	Location of Accessory Off-Street Parking	12 - 9
12.05	Schedule of Parking Requirements	12 - 10
12.06	Off-Street Parking Chart	12 - 15
12.07	Additional Regulations – Off Street Loading	12 - 16
12.08	Schedule of Loading Requirements	12 - 17
12.09	Bicycle Parking	12 - 18
13.00	SIGNS	
13.01	General Requirements	13 - 1
13.02	Definitions	13 - 5
13.03	Sign Provisions	13 - 5
14.00	ADMINISTRATION	
14.01	General Provisions	14 - 1
14.02	Zoning Administrator	14 - 1

TABLE OF CONTENTS

14.03	Zoning Certificates	14 - 2
14.04	Certificate of Occupancy	14 - 2
14.05	Certificate for Continued Occupancy of Non-Conforming Uses	14 - 3
14.06	Zoning Board of Appeals	14 - 3
14.07	Plan Commission	14 - 5
14.08	Appeals	14 - 6
14.09	Variations	14 - 7
14.10	Amendments	14 - 11
14.11	Special Uses	14 - 14
14.12	Planned Development	14 - 17
14.13	Site Plan Review	14 - 36
14.14	Fees	14 - 48
14.15	Violation, Penalty Enforcement	14 - 48

15.00 WIRELESS COMMUNICATION TOWERS AND ANTENNAS

15.01	Applicability	15 - 1
15.02	General Rules	15 - 1
15.03	Permitted Uses	15 - 7
15.04	Special Uses	15 - 8
15.05	Non-Conforming Users	15 - 16
15.06	Annual Reporting of Information	15 - 17

ILLUSTRATIONS

Examples of Residential Lot Definitions	16 - 1
R-1 Single Family Resident District	16 - 2
R-2 Single Family Resident District	16 - 3
R-3 General Residence District	16 - 4
Vision Clearance	16 - 5
Fence Location	16 - 6
Illustration of Lot Definitions (Lot Width, etc.)	16 - 7
Building Height	16 - 8

1.00 TITLE

This Ordinance shall be known and referred to as the "Itasca Zoning Ordinance."
The official date for adoption and effective date of this Ordinance for the purposes of amortization, discontinuation of uses, and for any section which references date of adoptions, or effective date shall be the date of the original adoption of Ordinance 594-85 of August 6, 1985, and such date shall not be modified due to subsequent amendments of this Ordinance.

2.00 INTENT AND PURPOSE

This Ordinance is adopted for the following purposes:

1. To promote and protect public health, safety, morals, comfort, and general welfare of the people.
2. To divide the Village of Itasca into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence business, manufacturing and other specified uses.
3. To protect the character and the stability of the residential, business, and manufacturing areas with the Village of Itasca and to promote the orderly and beneficial development of such areas.
4. To provide adequate light, air, privacy and convenience of access to property.
5. To prevent additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
6. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for off-street parking of motor vehicles and the loading and unloading of commercial vehicles.
7. To protect against fire, explosion, noxious fumes and other hazards in the interest of public health, safety, comfort, and general welfare.
8. To prevent the overcrowding of land and undue concentration of structures as far as is possible and appropriate in each district, by regulating the use and bulk buildings in relations to the land surrounding them.
9. To conserve the taxable value of land and buildings throughout the Village of Itasca.
10. To provide for the gradual elimination of those uses, buildings, and structures which are incompatible with the character of the districts in which they are made or located, including without being limited thereto:
 - a. Elimination of such uses of unimproved lands or lot areas when the existing rights of the persons in possession thereof are terminated, or when the uses to which they are devoted are discontinued; and
 - b. Elimination of uses to which such buildings and structures are devoted if they are adaptable for permitted uses; and

- c. Elimination of such buildings and structures when they are destroyed or damaged in major part or when they have reached the age fixed by the corporate authorities or the municipality as the normal useful life of such buildings or structures.
-
- 11. To define and limit the powers and duties of the administrative officers and bodies as provided herein.
 - 12. To prescribe the penalties for the violation of the provisions of this Ordinance or any amendments thereto.
 - 13. To protect the air, water, and land resources of the Village from the hazards of pollution.
 - 14. To protect land and buildings and the lawful uses of land and buildings from natural hazards including flooding and erosion.
 - 15. To encourage development of the zoning districts so that there is compliance with the General Development Plan, as amended.

3.00 RULES & DEFINITIONS**3.01 RULES**

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

1. Words used in the present tense shall include the future.
2. Words used in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
4. The word “shall” is mandatory.
5. The word “may” is permissive.
6. All measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one half (1/2) foot or more, the integral foot next above shall be taken.
7. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as here defined.

3.02 DEFINITIONS**ACCESSORY
BUILDING,
STRUCTURE OR USE**

An accessory building, structure, or use is one which:

1. Is subordinate to and serves a principal building or principal use; and
2. Is subordinate in building area, intensity of use, or purpose to the principal use served; and
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
4. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere on the same zoning lot with the building or use served.

ADULT USES

Any commercial or recreational use which purveys, sells, offers for sale, exhibits or displays sexually orientated materials or entertainment, including, but not limited to, adult book stores, adult motion pictures theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, massage schools or services, adult escort services, adult modeling studios, adult art studios or galleries and eating and/or drinking establishments having sexual oriented performances.

Adult Bookstore: Adult bookstore means an establishment having more than twenty five (25) percent of its stock and trade in books, films, video cassettes (whether for viewing off premises or on premises), or magazines 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 as defined herein.

Adult Cabaret: Adult cabaret means a cabaret, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Adult Entertainment: Adult entertainment means any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical area, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered to customers.

Adult Mini-Motion Picture Theater: Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities specified anatomical areas, as defined herein, for observation by patrons thereof.

Adult Motion Picture Theater: Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished

or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined therein, for observation by patrons therein.

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, or similar manipulation of the human body is offered as an incidental or accessory service.

Sexual Encounter Establishment: An establishment other than a hotel, motel, or similar establishment offering accommodations, which for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in sexual therapy.

Sexual Oriented Business: Sexually oriented business shall mean any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or where an entertainer provides adult entertainment to a member of the public, a patron or member when such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult studio, sensitivity, modeling studio or any other term of like import.

Specified Anatomical Areas:

1. Less than complete and opaquely covered:
 - a. Human genitals, pubic region
 - b. Buttocks and anus
 - c. Female breasts below a point immediately above the top of the aureole.
2. Human male genitals in a discernibly turgid state even if completely or opaquely.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

ALLEY

An alley is a dedicated minor public right-of-way, not more than twenty-four (24) feet in width, affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

Alteration shall mean any change in size, shape, character, occupancy, or use of a building or structure.

**ALTERNATIVE
TOWER STRUCTURE**

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and telecommunications towers.

**AMUSEMENT
MACHINES**

Amusement machines are any mechanical, electronic, and/or coin operated games and/or devised for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical kiddy rides, or coin operated television.

ANIMAL HOSPITAL

An animal hospital is any building or portion thereof designed or used for the care, observation or treatment or domestic animals.

ANTENNA

Antenna is any structure or device used to receive or radiate electromagnetic waves as defined by the FCC or any successor agency.

**ANTENNA
STRUCTURES**

Antenna structures are those structures which include the radiating and/or receive system, its supporting structures (see Telecommunications Towers), and any appurtenance mounted thereon as defined by the FCC or any successor agency.

APARTMENT

(See “Dwelling”)

**APARTMENT
HOTEL**

(See “Dwelling”)

ARCADE

An arcade is a continuous area at ground level, open to a street or plaza, which is open and unobstructed to a height of not less than twelve (12) feet, and which is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, or pools shall be considered to be a part of an arcade for the purpose of computing a floor area premium credit. The term “arcade” shall not include off-street loading areas, driveways, off-street parking areas, or pedestrian ways accessory thereto.

Arcade, Enclosed: An enclosed arcade is one with less than twenty-five (25) percent of its perimeter abutting a street or plaza.

Arcade, Entrance to: An entrance to an arcade is an opening in a building wall, or between building walls, side lot lines, or rear lot lines, at around level, unobstructed by any solid matter, but this shall not be construed to prohibit air curtains.

Arcade, Unenclosed: An unenclosed arcade is one with twenty-five (25) percent or more of its perimeter abutting a street or plaza.

AREA, GROSS

The gross area of a parcel or development is the total area, which excludes right-of-way already dedicated but includes other land uses and private streets.

AREA, NET

The net area of a parcel or development is the area of the actual tract of land upon which the buildings are proposed to be located. This area shall include the site for all principal and accessory building(s) and associated parking area, but does not include common open space or recreational facilities, or the vehicular circulation system,

either private or public.

ATRIUM

An atrium is covered space which extends vertically two (2) or more stories through the building.

ATTIC

The space between the ceiling beams of the top habitable story and the roof rafters.

AUDITORIUM

Auditorium is a room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

**AUTOMOBILE
LAUNDRY
(CAR WASH)**

An automobile laundry is a building, or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods and may have a chain conveyor, blower, steam cleaning device, or other mechanical devices.

**AUTOMOBILE
SERVICE STATION
(GAS STATION)**

Any building or premises used for dispensing or offering for sale of automotive fuels or oils having pumps and fuel storage tanks; also, where battery, tire and other similar services are rendered, but only if rendered wholly within the building. When dispensing, selling, or offering for sale, of any fuels or oils incidental to the conduct of a public garage, the premises shall be classified as a public garage. Auto service stations shall not include the sales or storage (new or used) of automobiles, trailers, or other vehicles.

**AUTOMOBILE
WRECKING YARD**

An automobile wrecking yard is any place where three (3) or more motor vehicles, not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

AWNING

An awning shall include any structure made of cloth, metal or other materials with a rigid frame attached to a building and projecting over a thoroughfare when the same is so erected as to permit its being raised to a position flat against the building when not in use.

**BACK HAUL
NETWORK**

Back haul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance

providers, or the public switched telephone network.

BANQUET HALL

Banquet hall is a building, or portion thereof, primarily intended to accommodate large groups of diners or patrons.

BASEMENT

A portion of a building located that is partly or completely below grade. If the floor of any basement is less than two feet, six inches (2'6") below such grade, or if the ceiling of such basement is more than five feet, zero inches (5'0") above such grade, the basement shall be counted as a "story" for the purpose of height regulations.

BLOCK

A block is a tract of land bounded by street rights-of-way, or by a combination of street rights-of-way and public parks, cemeteries, railroad and utility rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines.

BOARDING HOUSE

(See "Lodging House")

BUILDABLE AREA

Buildable area is that area remaining on a lot after all yard requirements have been complied with.

BUILDING

A building is any structure, with a permanent roof, separated on all sides from adjacent open space by exterior or party walls, built for support, shelter, or enclosure of persons, animals chattels or moveable property or any kind, and which is permanently affixed to the land acting as a subordinate station for the distribution of electric current of other utilities.

Building Accessory: (See "Accessory Building, Structure or Use")

Building, Completely Enclosed: A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and party wall, and by exterior walls pierced by only windows and normal entrance or exit doors.

Building, Detached: A detached building is one surrounded by open space on the same zoning lot.

BUILDING HEIGHT

Building height shall be measured as the vertical distance from established grade to the highest point of the building. In determining height limits, penthouses, roof tanks,

bulkheads, chimneys, and similar roof structures shall not be included unless the aggregate of such structures exceed one-third (1/3) of the area of the roof or the building and provided the height of such structures is not more than fifteen (15) feet above the roof level. If a penthouse or any other structure provides for residential accommodations or commercial use in part or total, then such area providing for such use shall be included in the building height measurement.

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. (See Setback Line).

**BUILDING,
STRUCTURE OR
PRINCIPAL USE**

A principal building, structure or use is the primary structure or building housing the use (permitted or special) permitted within the district, in contradiction to Accessory Building, Structure or Use.

**BUILDING,
TEMPORARY**

A temporary building is a structure designed, built, erected, or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purpose of this definition, “roof” shall include an awning or other similar covering whether or not it is permanent in nature.

BULK

Bulk is the term used to determine the size and placement of buildings or structures; and the location of same with respect to one another, and includes the following:

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area and lot width provided per dwelling

	unit.
BUSINESS OR SERVICE	A business or service is any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.
CANOPY	A canopy shall include any structure, other than an awning, made of cloth, metal, or other materials, with frames attached to a building, projected over a thoroughfare, and carried by a frame supported by the ground, sidewalk or building and not capable of being raised to a position flat against the building when not in use.
CARPORT	A carport is a roofed automobile shelter with two (2) or more open sides.
CAR WASH	(See "Automobile Laundry").
CELLAR	(See "Basement").
CEMETERY	A cemetery is a parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human remains. A cemetery may include crematories, mausoleums, and columbariums.
CHILD CARE CENTER (DAY CARE CENTER)	Childcare center is a day care center which receives preschool or school-aged children, or both, for short term or extended hours of care, or out of school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served. (See "Nursery Schools").
CLINIC	(See "Health Care Facilities").
CLUB OR LODGE (PRIVATE)	Club or lodge, private, is a group or association of persons who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members or owners. It shall be permissible to serve food and meals on such premises, to members and their guests, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and

their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such a sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

CLUSTERING (OF RESIDENCES)

A clustering is a grouping of residential structures around courts, cul-de-sacs, or short streets more closely than in conventional residential plans, in order to preserve natural site amenities and open space.

COMMON CARRIER

Individual or organization holding itself out to the general public to provide motor vehicle or rail transportation of persons or property over regular routes and without right of refusal if the approved fare or charge is paid.

COMMUNITY CENTER

A community center is a building, together with lawful accessory buildings and uses, used for recreational or cultural activities and not operated for profit. Membership shall be restricted to persons living in a specific geographical area but shall not be based upon any other criteria.

Community Center, Theatrical: A theatrical community center is a building or portion thereof, used for a not-for-profit organization chartered by the State of Illinois, or local political jurisdiction, which has its purpose(s) the promotion, instruction, study, and production of theater art forms.

Community Recreational Facility: Community recreational facilities include swimming and/or other sport facilities, not operated for profit. Membership shall be restricted to persons living in a specific geographical area and shall not be based upon any other criteria.

COMPLETELY ENCLOSED STRUCTURE

A completely enclosed structure is a building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

COMPREHENSIVE PLAN

A comprehensive plan is a plan for the Village, including graphic and written proposals, indicating the general locations recommended for the streets, parks, schools, public buildings, land use areas, and all physical developments of the Village including any unit or part of such plan separately adopted, and any amendment to such

plan and parts thereof, recommended by the Village Plan Commission (See Section 4.04.5) and adopted by the Village Board of Trustees.

CONDOMINIUM

A condominium is a form of real estate ownership in which designated units, including volumes of space, are owned by individual owners who, by virtue of their unit ownership, have joint use of, interest in, and ownership of halls, entrance ways, service facilities, lands and such other improvements as may be included in the Condominium Declaration required by the Condominium Property Act of the State of Illinois.

CONTIGUOUS

Contiguous means in contact, adjoining, or touching another structure, property, or boundary as distinguished from being adjacent.

**CONTRACTOR'S AND
CONSTRUCTION
OFFICES**

A contractor's or construction office is any office or other place of business that is occupied by a person or entity engaged in the business of contracting with an owner of land to build, improve, alter, repair or ornament the land, or a structure thereon, through the furnishing of materials, fixtures, apparatus, machinery, labor or services.

COOPERATIVE

Cooperative is a mutual ownership of property by shareholders in which title to the land and building is held by a corporation.

CURB LEVEL

Curb level is 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 (1) 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 level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the enter line of such front.

DENSITY

The number of facilities, individuals, dwelling units, or housing buildings per unit of land.

DENSITY, GROSS

Gross density is the numerical value used as measurement for the general intensity of a residential development. Gross density is obtained by dividing the total number of dwelling units in a development by the gross area (in acres) within the development, the result being the number of swelling units per gross acre of land (See "Floor Area

Ratio – F.A.R.” also).

DENSITY, NET

Net density is the numerical value used as a measurement for the specific intensity of that portion of a development upon which buildings are placed. Net density is obtained by dividing the total number of dwelling units in a development by the net area (in acres) within the development, the result being the number of dwelling units per net acre of land. (See “Floor Area Ratio – F.A.R.” also).

DETENTION BASIN

The detention basin is a covered or uncovered reservoir designed to temporarily hold an excessive accumulation of stormwater so as to reduce peak flow in a stormwater drainage system.

DEVELOPMENT

Development means any man-made change to real estate, including but not limited to land, buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**DEVELOPMENT- ALLY
DISABLED PERSON**

A developmentally disabled person is a person suffering from a developmentally disabling disease, including, but not limited to, mental retardation, epilepsy, autism, cerebral palsy, or dyslexia.

DISTRIBUTION

Distribution is the process by which commodities get to the consumer. Distribution shall not be interpreted as warehousing.

DISTRICT

A district is an area within (incorporated and/or unincorporated areas) which certain uniform regulations and requirements or various combinations thereof apply under the provision of this Ordinance.

DORMER

A projection from a sloping roof that contains a window.

**DOWNTOWN DESIGN
GUIDELINES**

Detailed guidelines and specifications governing building architecture and improvements to public streetscapes within the “Traditional Downtown” area.

**DRIVE-IN
ESTABLISHMENT**

A drive-in establishment is a place of business being operated for the sale and purchase, at retail, of food and other goods, services, or entertainment, which is designed and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

DRIVEWAY

A driveway is an accessway for motor vehicles from a street to an off-street building, facility, or a parking area.

DWELLING

A dwelling is a building, or portion thereof, designed or used exclusively for residential occupancy including single-family dwellings, two family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, rooming, boarding, or lodging houses.

Dwelling, Apartment: An apartment is a room, or suite of rooms, in a multiple-family building which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete bath (water closet, tub and/or shower and sink) and kitchen facilities (sink, stove, refrigerator, and storage facilities) permanently installed, must always be included for each separate apartment.

Dwelling, Apartment – Elderly: An apartment for the elderly is a room or suite of rooms in a multiple-family building which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen and bath facilities may or may not be included for each separate apartment.

Dwelling, Apartment – Hotel: An apartment hotel in which at least ninety (90) percent of the hotel accommodations are for occupancy by the permanent guest. An apartment hotel having not less than fifty (50) guestrooms, may have a dining room open to the public which is accessible only from an inner lobby or corridor.

DWELLING UNIT

A dwelling unit consists of one (1) or more rooms, which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included in each dwelling unit.

Dwelling Unit, Efficiency: An efficiency dwelling unit consists of one (1) principal room for living, sleeping, and eating plus facilities for cooking and complete bath and toilet facilities.

Dwelling Unit, Modular: A modular dwelling unit is a factory-fabricated transportable building designed to be

used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a Single Family Dwelling and shall not be deemed a Mobile Home.

Dwelling Unit, Multiple-Family: A multiple-family dwelling unit is a building or portion thereof, consisting of three (3) or more dwelling units which may have a common entrance. The definition of multiple-family dwelling unit may include, but shall not be limited to, the following terms: apartment, condominium, cooperative, quadrominium, three-flat, and triplex.

Dwelling Unit, Single-Family – Detached: A single-family detached dwelling unit is building containing a single dwelling unit only, which is separated from all other dwelling units by open space on all sides.

Dwelling Unit, Single-Family – Attached (Group, Rowhouse, or Townhouse): An attached single-family dwelling is a building attached by common vertical side walls, without openings and two outside wall adjoining open space, consisting of not more than five (5) dwelling units with each dwelling unit having two (2) separate entrances at grade level. An attached single-family unit shall include the terms “townhouse” and “rowhouse”.

Dwelling, Semi-Detached: A two-family which is joined to one (1) other dwelling by a party wall.

Dwelling Unit, Two-Family: A two-family dwelling unit is a building consisting of two (2) dwelling units which may be either attached, side-by-side, or one (1) above the other, with each dwelling unit having a separate or combined entrance or entrances.

EASEMENT

An easement is an authorization or grant by a property owner for the use by another and for a specific purpose, or any designated part of this property.

**EDUCATIONAL
INSTITUTION,
PRIVATE**

A private educational institution is every private school or educational institution, however, designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten, or any combination thereof; but such term does not include:

- a. Any institution which is under the supervisory jurisdiction of an established Illinois Public School District, or
- b. Any activity offering instruction which is carried on by a single teacher, tutor, or instructor having a total enrollment of not more than eight (8) students, or
- c. Any day care of foster home care having eight (8) children or less, under twelve (12) years of age, including all children of the operator's or owner's family, living on premises.

No private educational institution shall be deemed a home occupation.

**EXCAVATING –
FILLING**

Excavating – filling, shall mean any substantial changing of the grade or sub-grade of a tract of land by cutting, scraping, grading, trenching, digging, filling-in, or otherwise reshaping the natural contour of the ground. The following shall not be construed as excavating – filling:

- a. Any cutting, grading, trenching, digging, or backfilling or any foundation of a building approved for construction.
- b. Top dressing in area of existing homes, which top dressing does not change the drainage patterns.

FAA

FAA means the Federal Aviation Administration.

FCC

FCC means the Federal Communications Commission.

FAMILY

A family is one (1) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons not so related maintaining a common household in a dwelling unit.

SECTION 3

RULES & DEFINITIONS

FAMILY CARE HOME FOR THE DEVELOPMENTALLY DISABLED

Is a dwelling for five (5) or fewer developmentally disabled person, in which the program's size and content are structured to meet the individual, social, habilitative, and respite needs of the persons residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall comply with applicable licensing standards of the appropriate Federal, State, or local agencies, and may, in addition, house such minimum staff persons as may be required to meet the standards of the licensing agencies.

FENCE

A structure or natural growth, used as a boundary, screen, separation, means of privacy, protection or confinement: (See Section 4.20)

Fence, Natural: A natural fence is a fence of natural growth, such as trees, deciduous shrubs, evergreens, etc.

Fence, Open: A fence, including gates, where more than fifty percent (50%) of the face area of the fence consists of openings when viewed at right angles.

Fence, Semi-Solid: A fence, including gates, where less than fifty percent (50%) of the face area of the fence consists of openings when viewed at right angles.

Fence, Solid: A fence, including gates, which conceals from view of adjoining properties, open storage of materials, and/or operations conducted behind the fenced area. A solid fence shall have no openings of the face area when viewed at right angles.

FESTIVAL

A festival is any fair, festival, or similar activity where patrons watch or participate in entertainment, including, but not limited to, music, shows, concerts, and revivals. For the purpose of this ordinance, a Carnival or Circus shall be deemed a festival.

FLASHPOINT

Flashpoint is the lowest temperature at which the vapor of a volatile liquid will ignite with a flash.

FLOOR AREA – BUILDING/ STRUCTURES

For the purpose of determining the floor area ratio, maximum allowable floor area, conversions of existing structures and maximum size of business establishments. Floor area shall be defined as the sum of the horizontal area of floor space contained in all floors, including a

basement floor only when having exposed exterior walls that extend more than an average of four (4) feet above grade, or as specified below; of a building or buildings on a zoning lot, measured in square feet from the exterior faces of the exterior walls of each building, or from the center line of party walls separating two buildings or areas.

Such floor area shall also include:

1. space devoted to elevator shafts and stairwells at each floor;
2. floor space used for mechanical equipment when the structural headroom exceeds seven feet, zero inches (7'0") in height, except equipment such as bulkheads, water tanks and cooling towers when located on the roof, whether or not such equipment is in the open or enclosed;
3. where any building consists of, or is devoted entirely to, the housing of mechanical or electrical equipment (commonly referred to as a public or private utility substation), the sum of the gross horizontal area of said building shall be its floor area;
4. interior space above any great room or open multi-story element as measured on the plane of the floor of each full story;
5. floor space devoted to interior balconies, mezzanines and enclosed porches;
6. floor space devoted to accessory uses in the principal building and in any accessory building or buildings; and
7. floor space devoted to enclosed off-street parking and off-street loading.

**FLOOR AREA – OFF
STREET PARKING
AND LOADING**

For the purpose of determining off-street and off-street loading requirements only: the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use requiring off-street parking and off-street loading. However, such floor area shall not include atriums, elevator shafts; floor area devoted to off-street parking or loading facilities, including aisles, ramps

and maneuvering space; or basement floor area unless used for human occupancy or such area is devoted to retailing activities, to the production or processing of goods or business or professional offices, or uses, or for uses incidental to the principal use of the building, except as provided herein.

FLOOR AREA RATIO

The numerical value obtained through dividing the total floor area of a building or buildings by the gross lot area on which such building or buildings are located.

FRONTAGE

Frontage is all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE

A private garage is an accessory building or an accessory portion of the principal building, or both, which is situated on the same lot as the principal building, intended and used to store motor vehicles designated to carry not more than ten (10) passengers. Such a garage may be used for the storage of not more than one (1) truck having a load capacity of greater than one (1) ton and shall not include facilities for service or repair of commercial or public vehicles. All temporary outdoor storage of motor vehicles, in other than residential districts, waiting to be repaired shall be screened by a solid wall or fence not less than six (6) feet in height.

**GARAGE, PUBLIC -
MAJOR REPAIR**

First Division Motor Vehicles: A public garage – major repair shall include the repair of the complete line of First Division Motor Vehicles including the rebuilding of engines or major reconditioning or reconstruction of worn or damaged motor vehicles of parts thereof; body, frame or fender straightening or reconstruction and painting of vehicles or parts thereof. All temporary outdoor storage of motor vehicles waiting to be repaired shall be screened by a solid wall or fence not less than six (6) feet in height.

**GARAGE, PUBLIC -
MINOR REPAIR**

First Division Motor Vehicles: A public garage – minor repair shall include incidental or minor repair, replacement of worn or damaged parts and minor motor or tune-up services, but not including any operation included within the definition of public garage, major repair (First Division Motor Vehicles). All temporary outdoor storage of motor

vehicles waiting to be repaired shall be screened by a solid wall or fence not less than six (6) feet in height.

First and Second Division Motor Vehicles: A public garage – major repair – general; shall include all automotive services permitted under Public Garage – Major Repair, and shall include all classes of motor vehicles, trailers and recreational vehicles.

**GARAGE, PUBLIC
PARKING**

A public parking garage is any structure intended to be used for the temporary, daily, or off-street parking of passenger vehicles and commercial vehicles under one and one-half (1-1/2) tons rated capacity and availability to the public, whether for compensation, free, or an accommodation to clients or customers.

GARAGE, STORAGE

A storage garage is any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where not equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

GOLF COURSE

Public, semi-public or private golf courses are grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least sixty (60) acres for each standard nine-hole course and thirty (30) acres for nine-hole, par-3" course.

**GRADE (FOR
DETERMINATION OF
BUILDING OR
STRUCTURE HEIGHT)**

Grade is defined as follows:

1. As applied to a building ten feet, zero inches (10'0") or less from a street property line, grade shall be the established sidewalk elevation at the centerline of the street surface shall be used.
2. As applied to a building more than ten feet, zero inches (10'0") from a street property line, grade shall be the average finished ground elevations at the building walls.
3. As applied to a building facing two (2) streets having different elevations, grade shall be determined by the sidewalk elevation of where no sidewalk is established, the elevation at the center line at the street surface at the lower level street

4. Buildings in the Business, Office Research, Regional Office Center and Manufacturing Districts, when adjacent to a residence district, the building height is to be measured from the average of the grade elevation at the property line adjoining the residence district.

GRADING

(See Excavating-Filling)

GUEST, PERMANENT

A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his/her domicile and place of permanent residence

HEALTH CLUB

Any establishment where members or nonmembers use equipment or space for the purpose of physical exercise.

HEALTHCARE FACILITIES (HEALTH CENTERS)

Clinic: A clinic is a building containing an association or group of physicians, dentists, clinical psychologists, and similar professional healthcare practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The healthcare facility may include apothecary, dental and medical laboratories, and/or x-ray facilities, but shall not include in-patient care and/or operating rooms for major surgery.

Hospital: A hospital is any institution, place, building, or agency, public or private, whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical care, including obstetric, psychiatric, and nursing or care of illness, disease, injury, infirmity, or deformity.

The term “hospital”, without regard to length of stay, shall also include:

1. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more unrelated persons suffering from emotional or nervous disease; and
2. All places where pregnant women are received, cared for, or treated during delivery irrespective of the number of patients received.

The term “hospital” includes general and specialized hospitals, tuberculosis sanitaria, mental or physical hospitals and sanitaria, and includes maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery.

HEIGHT

Height means when referring to a Telecommunications Tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the Telecommunications Tower or other structure, including the base pad and Antenna Structures.

HOME OCCUPATION

Home occupation is any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling, where such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes. (See Section 4.07)

HOTEL

A hotel is a building which is used as a temporary abiding place, by transient guests, for remuneration, with or without meals, containing five (5) or more guests rooms or suites where no provision for cooking is made in any individual guest room or suite, and which may provide maid, butler and linen service.

HOTEL – EXTENDED STAY

An extended stay hotel is a building which is used as a temporary abiding place for transient guests, for remuneration, with or without meals, containing five (5) or more guest or suites where provisions for cooking may be made in any individual guest room or suite, and which may provide maid, butler and linen service for a non-permanent guest when recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board as a special use where the time limit for a transient guest is extended to no more than 120 days through such special use (see definition – “transient guest”).

JUNK YARD

An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an auto-wrecking yard, but does not include such uses as are conducted entirely within enclosed buildings.

SECTION 3

RULES & DEFINITIONS

KENNEL

A kennel is any premises, or portion thereof, in which three (3) or more dogs, cats, or other household domestic animals over four (4) months of age, or any combination thereof, are kept or where more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

LAUNDERETTE

A launderette is a business that provides coin-operated, self-service type washing, drying, dry-cleaning, and ironing facilities, provided that:

1. Not more than four (4) persons, including owners, are employed on the premises; and
2. No pick-up or delivery service is maintained.

LODGING HOUSE

A lodging house is a residential building, or portion thereof, other (including boarding than a motel or hotel, containing lodging rooms which & rooming house) accommodate persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

LODGING ROOM

A lodging room is a room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall count as one (1) lodging room.

LOT

Lot is a parcel of land, which is either a "Lot of Record" or a "Zoning Lot".

Lot of Record: Lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Deeds of the County; or a parcel of land, the deed to which was recorded in the Office of said Recorder of Deeds pursuant to the Illinois Compiled Statutes (revised) Chapter 109 (Plats Act), paragraph I(b).

Lot, Corner: A corner lot is one (1) situated at the intersection of two (2) or more streets, where the interior angle of such intersection coterminous with the right-of-way lines of such streets does not exceed one hundred thirty-five (135) degrees (See illustrations).

Lot, Interior: An interior lot is any lot other than a corner lot.

Lot, Reversed Corner: A reversed corner lot, the rear of which abuts upon either side of another lot, whether across an alley or not.

Lot, Through: A through lot is any interior lot, which has a pair of opposite lot lines along two (2) substantially parallel streets. (See illustrations).

Lot, Zoning: A zoning lot is a single tract of land, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control, and meets the requirements of a buildable lot as specified herein, therefore, a zoning lot or lots may or may not coincide with a lot of record. A parcel of land may not be declared to be a zoning lot where such zoning lot crosses zoning district boundary lines.

LOT AREA

Lot area, except as hereinafter provided within specific zoning districts, the area of a lot shall be the area of a horizontal plane bounded by the lot lines.

LOT COVERAGE

Lot coverage is that portion or percentage of a lot permitted to be covered by buildings or structures.

LOT DEPTH

Lot depth is the mean horizontal distance between the front lot line and the rear lot line, measured within the boundaries (See Illustrations).

LOT LINE

A 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 right-of-way lines.

LOT LINE, FRONT

That boundary line of a lot which is along an existing or dedicated street lot line and which is established by the owner as a front lot line. On corner lots, the owner may select either street lot line as the front line.

LOT LINE, REAR

That boundary of a lot which is most distant from, and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms to a point at the rear, the rear lot line shall be

deemed to be line ten (10) feet in length with the lot, parallel to and at the maximum distance from the lot line. (See Illustrations).

LOT, RESERVE (FLAG LOT)

A buildable lot where access is obtained by way of a narrow strip of land (reserve strip) from a dedicated street only, where each lot shall contain a minimum of one (1) acre exclusive of the portion of the lot used as the reserve strip, except where a specific zoning district requires more than one (1) acre of land. The minimum width of the reserve strip shall be not less than thirty-four (34) feet.

LOT LINE, SIDE

Any boundary of a lot which is not a front or rear lot line.

LOT WIDTH

The minimum horizontal distance measured anywhere within the buildable area. (See illustration and Section 3.02 Definition of buildable area).

MARQUEE

A marquee shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and/or extending over a thoroughfare.

MINI-WAREHOUSE

A building containing separate storage areas of varying sizes which are leased or rented on an individual basis.

MOTEL

A motel is a series of attached, semi-attached or detached guest rooms or suites for the accommodation primarily of automobile transient guests which does not include individual cooking or kitchen facilities and which provides the unit with convenient access to off-street parking spaces for the exclusive use of the guests or occupants of the premises.

MOTOR FREIGHT TERMINAL

A building and premise in which freight, brought by motor truck or railroad, is received, sorted, and/or stored for routing for local, intrastate and/or interstate shipment by common carrier. Stored freight shall not be interpreted as operating a warehouse. (See Section 3.02, Common Carrier).

MOTOR VEHICLE

A motor vehicle is every vehicle which is self-propelled and which vehicle is capable of being licensed for operation upon the streets and highways of the State of Illinois. For this Ordinance, motor vehicles are divided into two (2) divisions.

First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons and all vehicles having gross vehicle weight rating (GVW) of 6,000 pounds or less.

Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

Vehicle Abandoned: Abandoned vehicles are all vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any other vehicle that has not been moved or used for seven (7) consecutive days or more, and is apparently deserted or a vehicle which is not properly displaying license plates and/or a vehicle sticker.

Vehicle Antique: An antique vehicle is a motor vehicle that is more than twenty-five (25) years of age which is driven on the highways only going to and returning from an antique auto show or exhibition, for servicing or demonstration, or a fire-fighting vehicle more than twenty (20) years old which is not used a fire-fighting equipment but is used only for the purpose of exhibition or demonstration.

Vehicle, Commercial: A commercial vehicle is any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, and all vehicles displaying commercial advertising or commercial name.

Vehicle, Motorcycle: A motorcycle is every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Vehicle, Motor Driven Cycle: A motor driven cycle is every motorcycle and every motor scooter with less than one hundred fifty (150) cubic centimeter piston displacement including motorized pedal cycles.

Vehicle, Motorized Pedal Cycle: A motorized pedal cycle is a bicycle type vehicle which has tires with an overall

inflated diameter of nineteen (19) inches or more, with fully operative pedals for propulsion by human power equipped with a power drive system that functions directly or automatically only and not requiring clutching or shifting by the operator after the drive system is engaged, and a helper motor with a cylinder capacity not exceeding fifty (50) cubic centimeter displacement, which produces no more than two point zero (2.0) brake horsepower, and is capable of propelling the vehicle at a maximum speed of no more than thirty (30) m.p.h. on level ground.

Vehicle, Recreational: (See Recreational Vehicle).

**MOVING AND
STORAGE BUILDING**

A building in which household goods and similar materials brought by motor truck are received and stored for future recall. Stored freight and household goods shall not be interpreted as operating a warehouse.

**NO-IMPACT
ANTENNAS**

No-Impact Antennas means Antennas that are placed on a building or other existing structure and meet any one of the following conditions: (1) are screened, placed behind louvers or in a steeple, or otherwise made virtually invisible to a casual observer from the ground level; (2) are painted or otherwise camouflaged so as to be no more obtrusive than the building or structure on which they are placed when viewed by a casual observer from the ground level; or (3) are whip-shaped, stick, shaped, or cylindrically-shaped and are no more than five (5) feet in Height (such Height shall not include the Height of the building or any penthouse on which the Antennas may be placed, and if the Antenna Structure is partially obscured by a parapet, the Antennas will be considered No-Impact so long as they do not extend more than five (5) feet above the parapet).

NO-IMPACT TOWER

No-Impact Tower means a Telecommunications Tower that meets any one of the following conditions: (1) is a replacement of an existing structure, such as an athletic field light standard; (2) is so camouflaged that a casual observer would not recognize the telecommunications purpose of the No-Impact Tower; or (3) is disguised as a bell tower, steeple, or similar architectural element designed to blend or coordinate with surrounding structures.

NON-CONFORMING BUILDING OR STRUCTURE

Non-conforming building or structure is any building or structure or portion thereof where the use of which is not permitted in the zoning district in which the building or structure is located, but which conformed with all codes, ordinances, and other legal requirements applicable at the time such building or structure was established.

NON-CONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning District.

NON-CONFORMING USE

Non-conforming use is any use of land, buildings, or structures or portion thereof where the use of which is not permitted in the zoning district in which the use is located, but which use conformed with all of the codes, ordinances, and other legal requirements applicable at the time such use was established.

NOT-FOR-PROFIT or NOT-FOR-PROFIT CORP.

Not-for-profit, or not-for-profit corporation is any corporation chartered as such by the State of Illinois; no part of its income of which is distributable to its members, directors, or officers; provided, however, that the payment of reasonable compensation for services rendered and the making of distributions upon dissolution or final liquidation, as permitted by the Corporation Act of the Illinois Compiled Statutes, shall not be deemed a distribution of income.

NOTICE, LEGAL PUBLICATION

Notice, legal publication, shall be in compliance with Chapter 100 NOTICES, of the Illinois Compiled Statutes.

NOXIOUS MATTER

Material which is capable of causing injury or malaise to living organisms or property by biological or chemical activity and is capable of causing detrimental effects upon the health or the psychological, social, or economic well-being of human beings.

NURSERY SCHOOLS

Nursery schools mean day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the development needs of the children served. (See Child Care

Center).

NURSING HOME

An establishment for the care of children or the aged or infirm. Such a home does not contain equipment for medical and surgical care or for the treatment of disease or injury nor does it provide care for maternity or mental illness.

OCTAVE BAND

A term denoting all frequencies between any given frequency and double that frequency.

**OCTAVE BAND
FILTER**

An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals. (American Standard or Sound-Level Meters, A.S.S. No. 224-3-1944) or as required under subsequent amended regulation.

OFFICE

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

**OFFICE,
PROFESSIONAL**

Professional office is an office of recognized profession such as but not limited to architects, attorneys, engineers, doctors, etc., maintained for the conduct of that profession but not including clinics or hospitals.

**OFF-STREET
LOADING & UN-
LOADING SPACE OR
BERTH**

Off-street loading and unloading space or berth is a hard-surfaced area of land other than a street, the principal use of which is for loading and unloading of goods or materials from motor vehicles and trailers, to avoid undue interference with streets, alleys, and access drives. Such space shall comply with Section 12.00 of this Ordinance.

**OFF-STREET PARKING
SPACE**

Off-street parking space is a space within a public or private parking area in compliance with the requirements set forth in Section 12.00 in this Ordinance.

OPEN SALES LOT

Open sales lot is a lot or parcel of land used or occupied for the purpose of buying, selling, rental, or trading of all goods and commodities and including the storage of same prior to rental, sale, or exchange.

OPEN SPACE

1. Public Open Space: Public open spaces are areas permanently reserved for open space purposes which are owned, operated, and maintained by a local

political jurisdiction with no limitations on access or use.

2. Private Open Space: Private open spaces are areas reserved by the owners' choice, which are under private ownership and management and which have some limitations on access or use and are not controlled by public entities.
3. Planned Residential Open Space
 - a. Private Open Space: Private open space is a parcel of land located immediately adjacent to an individual dwelling unit, owned and maintained by its resident(s), and reserved exclusively for their use.
 - b. Common Open Space: Common open space is a parcel or parcels of land exclusively of permanent buildings or structures, reserved primarily for the leisure and active recreational use of a planned residential development, residents and owners, operated, and maintained by such residents/owners as an undivided portion of such land, or where such land is in common ownership, generally through a homeowners association.

**PARKING AREA,
PRIVATE**

Parking area, private, is an open, hard-surfaced area, other than a street, designed, arranged, and made available for the storage of private passenger automobiles or other vehicles as specifically provided for in this Ordinance for occupants of the building or buildings for which the parking area is accessory thereto. Parking area, private, shall comply with requirements of Section 12.00 of this Ordinance.

**PARKING AREA,
PUBLIC**

Parking area, public, is an open, hard-surfaced area, other than a street, intended to be used for the temporary, daily, off-street parking of passenger automobiles and commercial vehicles and available to the public whether for compensation, free, or as an accommodation to clients or customers. Commercial vehicles shall be limited to those vehicles rated at one (1) ton or less, and shall not include any combination of a trailer or a semi-trailer.

SECTION 3

RULES & DEFINITIONS

PARKING AREA, TRUCK

A truck parking area is any land used or intended to be used for the storage and parking of trucks, trailers, or tractors, and which includes commercial vehicles, loading or unloading.

PARKWAY

That part of the public street right-of-way not occupied by the street pavement and located between the back of the curb or edge of street pavement and the sidewalk or property line as well as the dividing strip of a roadway.

PARTICULATE MATTER

Matter which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid at atmospheric temperature and pressure.

PARTY WALL

A wall starting from the foundation and extending continuously through all stories to or above the roof without openings which separate one (1) building or tenant from another, and is in joint use by each building or tenant.

PERFORMANCE STANDARD

A criteria to control noise, odor, smoke, toxic, or noxious matter, vibration, fire, and explosive hazards, glare, or heat generated by or inherent in uses of land or buildings.

PERSON

Person means any individual, partnership, corporation, association, proprietorship, or other legal entity.

PERSONAL WATERCRAFT

A vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller drive motor.

PERSONAL WIRELESS FACILITY

Personal Wireless Facility is any facility for the provision of Personal Wireless Services as defined by the FCC or any successor agency.

PERSONAL WIRELESS SERVICES

Personal Wireless Services are commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by the FCC or any successor agency.

PLANNED DEVELOPMENT

Planned development means a parcel of land or contiguous parcels of land of a size sufficient to create its own character, controlled by a single landowner or by a group

of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an over all quality of development, including any specific feature which will be of exceptional benefit to the Village as a whole and which would not otherwise be required by the Zoning Ordinance. The area of a planned development shall remain under one (1) ownership or unified control unless safeguards are provided that, in the opinion of the Plan Commission (See Section 4.04.5) and Board of Trustees of the Village of Itasca, will provide for the continuation of the original planned development concept.

PLAZA

A plaza is an open area at a level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools, and open recreation facilities shall be considered to be a part of the plaza for the purpose of computing a floor area premium credit. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas, or pedestrian ways accessory thereto.

Plaza Enclosed: An enclosed plaza is one with less than twenty-five (25) percent of its perimeter abutting a street or plaza.

Plaza, Unenclosed: An unenclosed plaza is one with twenty-five (25) percent or more of its perimeter abutting a street or plaza.

PORCH

A roofed open area, which may be screened, attached to a part of and with direct access to or from a building.

**PORTABLE STORAGE
CONTAINERS**

A transportable, fully enclosed, box-like receptacle or container that is designed and used for the temporary storage or shipment of household goods, wares, materials, and/or equipment. Such containers are uniquely designed for their ease of loading to and from a transport vehicle.

**RECREATIONAL
CENTER**

A recreational center is a building, buildings, or use of land operated on a profit basis, with or without membership

requirements for the provision of entertainment, sport, or health activities delivered directly to the consumer; including but not limited to a skating rink, bowling alley, pool hall, racquet club, swim club, health club, indoor golf center, or indoor archery, pistol, or rifle range. Accessory sales of related sporting goods may occupy not more than ten (10) percent of the total floor area. Recreational areas shall not include Teen Recreational and Dance Centers.

**RECREATIONAL
VEHICLE**

A recreational vehicle is every vehicle originally designed or permanently converted and used for living quarters or for human habitation and not used as a commercial vehicle, including but not limited to any camper, house car, house trailer, or private living coach.

RECYCLING CENTER

A lot or parcel of land, with or without buildings, upon which used materials are separated and/or processed for shipment for eventual reuse or conversion into new products.

RECYCLING PLANT

A facility in which recyclables such as newspapers, magazines, books, and other paper products; glass, metal, cans; plastics, and other products are recycled, reprocessed and/or treated to return such products to a condition in which they may again be used in new products.

REFUSE

Refuse is all waste products resulting from human habitation, except sewage.

**RELIGIOUS
INSTITUTION**

Religious institution means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

**RESEARCH
LABORATORY**

A building, or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities principally for the manufacture or sale of products.

**RESIDENTIAL
VEHICLE**

(See definition of Motor Vehicle – First Division)

RESTAURANT

A restaurant is a retail establishment engaged primarily in the sale of prepared food and/or drinks of any kind for consumption therein; provided, however, that a drive-in restaurant shall not be considered a restaurant within the

concept of this definition.

**RESTAURANT DRIVE-
IN**

A drive-in restaurant is a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a portion of the consumption takes place or is designed to take place outside of the confines of the building.

RETAIL

Retail refers to the sale of commodities directly to customers when such commodities are used or consumed by the customer and not purchased primarily for the purpose of resale.

RETENTION

A wet bottom stormwater storage area that is designed to be maintained with free water surface or pond.

RIGHT-OF-WAY

Right-of-way is a strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The use of the term "right-of-way" for land platting purposes in the Village of Itasca shall mean every right-of-way hereinafter established and shown on a Final Plat which is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included with the dimensions or areas of such lots or parcels. Rights-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the make of the Plat on which such right-of-way is established.

RINGLEMANN CHART

A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.

**RINGLEMANN
NUMBER**

The number of the area on the Ringlemann Chart that coincides most nearly with the light-obscuring capacity of smoke.

SANITARY LANDFILL

A sanitary landfill shall mean any site used for the disposal of refuse from (a) more than one (1) residential premises, or (b) one (1) or more commercial, industrial manufacturing or municipal operations, where refuse is disposed of without creating nuisances or hazards to the

public health or safety by confining refuse to the smallest practical area by employing approved power equipment, and covering with a layer of compacted earth or suitable cover material at the conclusion of each day's operation.

SCHOOL, TECHNICAL

A specialized instruction establishment providing on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

SETBACK

The minimum horizontal distance between a right-of-way line and the nearest wall in a building or side of a structure facing such street line or edge of the area of operation of a principal use when no building or structure is involved.

SIDEWALK

A paved surface or leveled areas generally paralleling and usually separated from the street used as a pedestrian walkway.

SIDEWALK LEVEL

Sidewalk level is the level of the established sidewalk in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the sidewalk level shall be the average of the levels of the sidewalk at the center of the front of each street. Where no sidewalk level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.

SIGN

A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include the following:

1. any display of an official court or official public notices;
2. the flag emblem or insignia of a nation, political unit or school;
3. a sign located completely within an enclosed building, unless the context is intended to be viewed from a street.

Banner: A banner is a flag, pennant, ribbon, streamers, bunting, valance of similar items and any emblem, insignia, coat of arms, logo of a corporation, company, or religious group made of fabric or flexible material, including plain or blank fabric, with or without enclosing framework. Such banner shall be classified as a sign for the purpose of this Ordinance, except as provided in (b) above.

Street, Banner: All banner signs which are placed over or across any street or public way shall be hung to withstand a horizontal wind pressure of thirty-five (35) pounds per square foot. No such banner sign shall be erected over or across any street or public way without the permission of the Village Board and shall meet the requirements specified for temporary signs.

SIGN, BUSINESS

A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, DYNAMIC DISPLAY

Any sign that appears to have movement or appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a sign that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any sign that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

SIGN, ENTRANCE

A sign whose copy is limited to the name, logo, trademark or other identifying symbol and address of a building, business, development or establishment or any combination when located on the premises and located immediately above or adjacent to such entrances where such sign is not above the first floor and does not exceed twelve (12) square feet in area.

SIGN, FLASHING

Any illuminated sign on which any artificial light is not maintained stationary or constant in intensity and color, at all times, when such is in use. For the purpose of this Ordinance, any moving sign shall be considered a flashing sign.

**SIGN, GROSS
SURFACE AREA OF**

The entire area within a single continuous perimeter, enclosing the extreme limits of a sign. 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. If a sign has two faces that are parallel, not more than two feet apart, and supported by the same pole[s] or structure[s], the gross surface area of the sign is one-half the area of the two faces.

**SIGN,
GROUND(MONUMENT)**

A sign other than a pole sign, placed upon or supported by the ground independent of any other structure, where the entire bottom of the sign is in contact with, or in close proximity to, the ground.

**SIGN, INFLATABLE
(INFLATABLE
ADVERTISING
DEVICE)**

A portable advertising device that is supported primarily by compressed air or other gases. Such devices may be sealed from escaping or may be maintained in an inflatable condition by means of a fan or blower, which is designed to maintain air pressure inside the device which is greater than the atmospheric pressure outside the device.

**SIGN, LANTERN -
POST**

A lantern post sign is a pole type sign including an electric lantern light on which a nameplate may be attached.

**SIGN, OFF-PREMISES
ADVERTISING**

A sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is visible from a street and which advertises the products or services not sold or offered on the land or in the structure upon which the sign is attached.

SIGN, POLE

A pole sign is a sign mounted on a free standing pole or other support so that the bottom edge of the sign face is not less than eight (8) feet above grade.

**SIGNS, POLITICAL OR
CAMPAIGN**

A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

SIGN, PORTABLE	A freestanding sign that is not permanently anchored or secured to either a building or the ground.
SIGN, PROJECTING	A projecting sign shall include any sign which is attached to a building or other structure and extends more than eighteen (18) inches beyond the building.
SIGN, PYLON	A pylon sign is a sign mounted on a tower-like structure or free standing pole.
SIGN, TEMPORARY	A temporary sign shall include any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time.
SIGN, WALL	A wall sign shall include all flat signs of solid face construction which are affixed flush against a building or other structure and attached to the exterior front, rear, or side wall of any building or structure.
SIGN, WINDOW (WINDOW DISPLAY)	A window sign or display shall include any sign or advertising display, attached to the inside or outside of a window. All signs similar in nature to the aforementioned signs, shall be classified as signs for the purpose of this Ordinance and subject to all provisions contained therein.
SIGN, ZONING DISTRICT	<p>Signs denoting or identifying an entire manufacturing district, planned development, subdivision or office park may be permitted, notwithstanding any other contrary provision of this Ordinance provided:</p> <ol style="list-style-type: none">1. The sign denotes or identifies an entire zoning district or contiguous area.2. The sign shall be a ground sign only and shall not exceed fifty (50) square feet of surface area.3. Plans and specification shall be submitted with the application for sign permit, showing distances from all streets, sidewalks, residences, sign design, landscaping (if any), intended lighting (if any) and any other necessary information.4. The Board of Trustees shall approve same, and

authorize the Building Department to issue sign permit.

SNOWMOBILE

A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

SPECIALTY PROP-CRAFT

A vessel that is similar in appearance and operation to a personal watercraft but that is powered by an outboard or propeller driven motor.

STABLE, PRIVATE

A private stable is any accessory structure which provides shelter for equine, for the exclusive use of the occupants of the premises, but in no event is rented to the public.

STORAGE

Storage is a space or area in the same building as the principal use for the storing of goods or merchandise which are distributed or utilized on the premises.

STORY

Story is that portion of a building included between the surface of any floor and surface of the floor next above it, or if there is not a floor above, the space between and the ceiling next above it and in the case of a split level story, the surface of the floors at different elevations and the ceilings next above such floors, provided that there is more than four (4) feet difference in elevation between the levels of the floors of such a story. A basement shall be counted as a story for the purposes of this Ordinance as provided under the definition of "basement."

STORY, HALF

Half-story is that portion of a building or structure under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half (4-1/2) feet above the finished floor of each story.

STREET

A street is a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, except driveways to buildings, whether in public or private ownership.

1. Arterial Street: An arterial street is a major or minor street of greater continuity which is intended to serve as a large volume traffic-way for both immediate area and regions beyond, and may be

designated on the Village's Comprehensive Plan, as amended, as a principal or minor arterial, parkway, tollway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.

2. Collector Street: A collector street is a secondary street used primarily to carry traffic from minor streets to arterial streets.
3. Minor Street: A minor street is a street of limited continuity used primarily for access to abutting residential properties.
4. Frontage Road: A frontage road is a minor street paralleling, adjacent and often within the right-of-way of an arterial street which provides access to local street systems and protection from through traffic.
5. Other Streets:
 - a. Cul-de-Sac Street is a minor street of short length, having one (1) end open to traffic and being permanently terminated at the other end by vehicular turnaround.
 - b. Private Street is an undedicated street which is privately owned and maintained, or an easement of access benefiting a dominant tenant.

STRUCTURAL ALTERATION

Structural alteration is any change to supporting members of a building such as the addition, removal or alteration of bearing walls, columns, beams, girders, or foundations, or any substantial change in the roof or exterior walls except such repairs or replacement of existing members as may be necessary for the safety of the building.

STRUCTURE

Structure is anything constructed or erected which required location on the ground or is attached to something having location on the ground, including a fence or free-standing wall. A tower, pole, equipment, antenna and a sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Detached: A detached structure is any structure having no party wall or common wall with other structure. Bridges, tunnels, breezeways, and other similar means of connecting one (1) structure to another shall not, for the purposes of this Ordinance, be considered to constitute a party wall or a common wall.

Structure, Temporary: Except as hereinafter provided, a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot. A sign, billboard or other advertising device detached or projecting shall not be constructed to be a temporary structure.

**SWIMMING POOL,
PERMANENT**

A permanent swimming pool is built above or below grade which may have a foundation and cannot be readily disassembled.

**SWIMMING POOL,
PORTABLE**

A portable swimming pool is maintained above grade which can readily be disassembled and stored and which has a capacity of one thousand (1,000) gallons of water or greater. For the purpose of this Ordinance, a portable swimming pool is presumed to require re-erection each year.

**SWIMMING POOL,
PRIVATE (SINGLE-
USE)**

A private swimming pool, single-use, is a swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of a family and guests, without charge for admission, and not for the purpose of profit in connection with any business operated for profit, located on a lot as an accessory use to a residence.

**SWIMMING POOL,
PUBLIC**

A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other unit of government for the general public, whether or not an admission fee is charged.

**SWIMMING POOL,
QUASI PUBLIC**

A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a hotel or motel for the exclusive use by the room occupants and their guests.

TAVERN OR LOUNGE

A tavern or lounge is a building, or portion thereof, where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

**TEENAGE
RECREATION AND
DANCE CENTER**

A building designed and equipped for the conduct for teenage activities such as but not limited to dancing, sports and other customary and usual recreational activities where no alcoholic beverages are sold or dispensed on premises.

**TELECOMMUNI-
CATIONS TOWERS**

Telecommunications Towers means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-support lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, Alternative Tower Structures, and the like. This includes the structure and support thereto.

**TELECOMMUNI-
CATIONS TOWERS OR
ANTENNAS, PRE-
EXISTING**

Pre-Existing Telecommunications Tower or Antennas means any Telecommunications Tower or Antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this Ordinance, including permitted Telecommunications Towers and Antennas that have not yet been constructed so long as such approval is current and not expired.

**TELECOMMUNI-
CATIONS TOWER AND
ANTENNA
ORDINANCE**

Telecommunications Tower and Antenna Ordinance shall refer to Section 15.00 et seq. of this ordinance.

THEATER

A theater is any building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theater shall be deemed a restaurant. A drive-in movie picture theater, adult amusement, or entertainment theaters and drive-in theaters are deemed separate and distinct uses.

TOWER

A structure which may be attached to a building or may be detached and affixed to the ground and is used in the generation of electrical power or to support a windmill or other equipment.

**TRADITIONAL
DOWNTOWN**

The Traditional Downtown encompasses the B-4 Traditional Downtown North, B-5 Traditional Downtown South, and B-6 Irving Park Road Corridor zoning districts, in their entirety.

TRANSIENT GUEST

A non-permanent guest who occupies, or has the right to occupy a hotel or motel room for a period of no longer than thirty (30) days.

**UNLICENSED
WIRELESS SERVICE**

Unlicensed Wireless Service is that service which offers telecommunications services using duly authorized devices which do not require individual licenses by the FCC, but does not mean the provision of direct-to-home satellite services as defined by the FCC or any successor agency.

USE

Use is any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in or on a structure or on a tract of land, and shall comply with all performance standards contained in this Ordinance.

Use, Principal: Principal use is the main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a Permitted or a Special Use.

Use, Special: Special use is a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a Permitted Use in a particular district or districts.

Use, Lawful: The use of any building, structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the structure or land that is being considered.

Use, Permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Ordinance for the district in which such use is located.

VARIATION

A variation is a relaxation of the terms of the Zoning Ordinance where such variations will be in harmony with the general purpose and intent and not contrary to the public interest, and where, due to conditions, peculiar to

the property and not the direct result of the actions of the owner, a literal enforcement of the Ordinance would result in practical difficulties or unnecessary hardship. Variation may be granted in the use, construction, or alteration of a building or structure, or in the use of land.

VETERINARY CLINIC

Veterinary clinic is a facility rendering surgical and medical treatment to animals (household pets), and providing for overnight accommodations for animals under treatment or observation. For the purpose of this ordinance, animals shall be deemed to be ordinary household pets, excluding equines or other such animals not normally housed or cared for entirely within the confines of a residence.

VETERINARY HOSPITAL

A veterinary hospital is a facility rendering surgical and medical treatment to animals, and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital unless approved by the Illinois Environmental Protection Agency and the Village Board. For the purpose of this Ordinance, where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

WAREHOUSE

A warehouse is a building, structure, or part thereof used principally for the storage of any goods or merchandise, and not for retail sale of such goods.

WATERCRAFT

Every description of watercraft used or capable of being used as a means of transportation on water. Watercraft includes, but is not limited to, personal watercrafts, specialty prop-crafts, and other boats.

WHOLESALE ESTABLISHMENT

Wholesale establishment is any building wherein the primary occupation is the sale of merchandise in gross for resale and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial, and industrial consumers and not for retail sale of such goods and merchandise.

YARD

A yard is an open space on the same zoning lot with a use, building or structure unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 4.06.8. A yard extends along a lot line, and to such a depth or width specified in the yard requirements, for the zoning district in which such zoning is located.

(See illustrations)

Yard, Front: A front yard is a yard extending along the full length of the front lot line between the side lot lines to a depth specified in the yard requirements for the zoning district.

Yard, Rear: A rear yard is a yard extending along the full length of the rear lot line between the side lot lines to a depth specified in the yard requirements for the zoning district.

Yard, Side: A side yard is a yard extending along a side lot line between the front and rear yards to width specified in the yard requirements for the zoning district.

Yard, Corner: A corner yard is a side yard which adjoins any street to a width specified in the yard requirements for the zoning district.

ZERO LOT LINE

Zero lot line is a development approach in which a building is sited on one (1) or more lot lines with no yard.

**ZONING
ADMINISTRATOR**

The Zoning Administrator is that person designated as Zoning Administrator by ordinance or resolution of the Village Board and such deputies as may be appointed by the Village Board. The Zoning Administrator is hereby authorized to administer and enforce the provisions of the Zoning Ordinance, making such determinations, interpretations and orders as are necessary therefore, and requiring such plats, plan and other descriptive material in connection with applications/permits as are necessary to comply with this Ordinance.

ZONING BOARD

The Zoning Board is the Village of Itasca Zoning Board of Appeals (see Section 14.06 and Section 4.04.5).

ZONING CERTIFICATE

A zoning certificate is a certificate issued by the Zoning Administrator with approval of the Village Board, certifying that any proposed use, building or structure to be located on a zoning lot is in accordance with all of the regulations of this Ordinance.

ZONING DISTRICT

A zoning district is a section or sections of territory for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

SECTION 3

RULES & DEFINITIONS

ZONING LOT

(See Lot, Zoning)

ZONING MAP

A zoning map is the map incorporated herein, as part hereof, designating a zoning district.

4.00 GENERAL PROVISIONS**4.01 INTERPRETATION**

1. **Minimum Requirement:** The provisions herein shall be held to be the minimum requirements for the promotion of public health, morals and welfare.
2. **Relationship with Other Laws:** Where the conditions imposed by any provision herein upon the use of land or buildings, or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein, or any other law, ordinance, resolution rule or regulations of any kind the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
3. **Effect of Existing Agreement:** The Ordinance is not intended to abrogate any easement, covenant or another private agreement, provided that where the regulations of the Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements herein shall govern.

4.02 SEPARABILITY

It is hereby declared to be the intention of the Village of Itasca that several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge invalid the application of any provisions not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structures such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

4.03 AMENDMENT

Ordinance No. 800-94, relating to the zoning of land is hereby amended and all other ordinance of parts of ordinance of the Village of Itasca unconstitutional or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby superseded.

4.04 SCOPE OF REGULATIONS

1. **Change in Building, Structures or Uses:** Except as may otherwise be provided, all buildings or structures erected hereafter, all uses of land or buildings established hereafter, all structural alternations, reconstruction, or relocations, or existing buildings or structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.
2. **Non-Conforming Buildings, Structures and Uses:** Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions in Section 5.00.
3. **Building or Structure:** Where the word “building” is used in this Ordinance, it shall also include structure. (See Section 3.02, Definitions)
4. **Building Permits:** Where a building permit for construction of a building or structure or part thereof has been issued in accordance with law prior to the effective date of the Ordinance, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may, upon completion, be occupied under a Certificate of Occupancy by the use of which originally designated subject thereafter to the provisions of Section 5.00.
5. **Consultants:** The Plan Commission/Zoning Board of Appeals, and the Village Board, may utilize the services of professional consultants for research, investigation, and professional opinion, for assistance in arriving at recommendations or decisions. The applicant whose request to the Plan Commission/Zoning Board of Appeals, or Village Board, requires the use of such professional services, shall reimburse the Village the reasonable cost it incurred for the services rendered by its consultants, within ten (10) days after the submission of the bill by the Village. The consultants shall bill for their services at the same hourly rate which they normally charge municipal clients. The Village consultants shall include but not be limited to the persons who provide the Village with advice in the field of engineering, law, planning, traffic, design, and finance.

4.05 USE AND BULK REGULATIONS

1. **Control Over Use:** No building structure or land shall hereafter be used or occupied and no building or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided by law, as authorized by a pre-existing section of this Ordinance.
2. **Control Over Bulk:** All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with the applicable provisions of this Ordinance and all other ordinances of the Village of Itasca.

4.06 LOT COVERAGE

1. **Maintenance of Yards, Courts and other Open Spaces:** The maintenance of yards courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property in which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open spaces of minimum lot area allocated to any building, shall by virtue of change of ownership or for any reason be used to satisfy yard, court, or other open space, or minimum lot area requirements for any other building.
2. **Division of Zoning Lots:** No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each subdivision shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
3. **Access Across Residential Property:** No land which is located in a residential district shall be used for vehicular access purposes to any lot which is located in a building or manufacturing district, or used for any purpose not permitted in a residence district except in the case of an approved special use or planned development.
4. **Location of Required Open Space:** All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group, or as otherwise provided herein.
5. **Required Yards for Existing Buildings:** No yards, nor or hereafter provided, for a building existing on the effective date of the zoning ordinance shall subsequently be reduced below or further reduced below if already less

than the minimum yard requirements of the Ordinance for the equivalent new construction.

6. **Front Yard Setback and Corner Side Yard:** On streets in business districts only where a front yard and/or corner side yard setback has been maintained for buildings existing on lots or tracts having a frontage of fifty (50) percent or more of the total frontage on one (1) side of that portion of any street lying between two (2) intersection street, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings or twenty-five (25) feet, and a corner side yard not less than the average of the aforementioned existing buildings or twenty-five (25) feet, when recommended by the Plan Commission and approved by the Village Board.

Any changes in the front yard setback and/or corner side yard requirement shall be submitted to the Plan Commission (see Section 4.04.5) for its review and recommendation, and for the consideration for approval by the Village Board.

7. **Vision Clearance – Corner Lots:** All corner lots where deemed necessary shall proved for a clear sight distance (traffic view obstruction triangle), not less than three (3) feet in height above the elevation at the center line of the traveled way, free from all buildings, structures, plant materials, play equipment, or parking, loading, or storage uses which would interfere with or obstruct vision in accordance with the following specifications (see illustrations).

All Zoning Districts, a sight distance of not less than twenty-five (25) feet measured along the intersection street right-of-way line bordering corner lots.

Exceptions to the above requirement may be granted by authority of the Village Board where intersections are protected by existing stop signs or traffic control signals and, in the opinion of the Village Board, reduced sight distances do not create an unsafe condition.

8. **Permitted Accessory Buildings, Structures, and Uses:** The following accessory buildings, structures, and uses (see table below) may be obstructions in required yards as follows, but in no case shall any accessory building or structure be located in any required easement or interfere with drainage runoff. Any accessory building or structure shall not be located closer than ten (10) feet to another building.

SECTION 4

GENERAL PROVISIONS

PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

Item	Yard				Max. Allowable Projection into Required Setback/Yard	Minimum Distance to Property Line	Allowed in Front of Building?
	Front	Side	Corner Side	Rear			
a) accessory buildings & structures	No	No	No	Yes	Varies	5'	No
b) awnings or canopies up to 8' wide for residential buildings	Yes	Yes	Yes	Yes	6'	3'	Yes
c) awnings or canopies up to 10' wide for commercial buildings	Yes	Yes	Yes	Yes	10'	Board appr. req. when over ROW	Yes
d) arbors & trellises	Yes	No	Yes	Yes	3' side & corner side	5' rear	Yes
e) window A/C units	Yes	Yes	Yes	Yes	2'	4'	Yes
f) central A/C & heat pumps	No	No	No	Yes	4'	-	No
g) architectural entrance structures to lots of 1 acre or more to subdivisions having 25 or more lots or dwelling units	Yes	Yes	Yes	Yes	-	6'	Yes
h) balconies, unenclosed	Yes	Yes	Yes	Yes	10' rear & 3' side/front	3'	Yes
i) bay windows	Yes	Yes	Yes	Yes	2'	4'	Yes
j) attached chimneys	Yes	Yes	Yes	Yes	2'	4'	Yes
k) eaves & gutters on principal buildings or attached accessory buildings	Yes	Yes	Yes	Yes	2,	4'	Yes
l) flagpoles	Yes	Yes	Yes	Yes	10' front	6'	Yes
m) garages, detached	No	No	No	Yes	-	5'	Yes
n) garages, attached	No	No	No	Yes	20'	6'	Yes
o) open entrances, entrance porches & stoops	Yes	Yes	Yes	Yes	6'	3'	Yes
p) open off-street loading spaces accessory to non-residential uses	No	Yes	No	Yes	0'	6'	Yes
q) entrance porches and stoops, unenclosed	No	Yes	No	Yes	0'	5'	Yes
r) ornamental light standard							
s) playground & laundry drying equipment	No	No	No	Yes	20'	5'	No
t) signs & nameplates	<i>See Section 13</i>						yes
u) sills, belt courses, cornices & ornamental features of a principal building	Yes	Yes	Yes	Yes	18 inches	4-1/2 ft.	Yes
v) steps, four feet (4') or less above grade which are necessary for access	Yes	Yes	Yes	Yes	6' side 10' rear 3' front	3'	Yes
w) swimming pools, private when conforming with other Village Codes & Ordinances	No	No	No	Yes	25'	15'	No
x) tennis courts, private	No	No	No	Yes	25'	15'	No
y) terraces, patios, decks, & outdoor fireplaces	No	Yes	No	Yes	6' side 25' rear	3' side 15' rear	No
z) towers	No	No	No	Yes	0'	10'	no

9. No private, permanent improvements of any kind or description are allowed at any time between the property line, curb and/or edge of pavement line, or in, or across any sidewalk, parkway, or other public way except for an approved mail box, buried water and sewer services and other facilities specifically permitted by the Village Board, or otherwise permitted under a valid franchise agreement. (Also see Section 4.19.5(m) and Section 12.03.9).

4.07 HOME OCCUPATIONS

In all Residential Districts, a home occupation shall be permitted without requiring a Special Use Permit and Public Hearing provided that:

1. It is conducted entirely within the dwelling and not in any accessory building by a person residing in the dwelling and only when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.
2. The entrance to the space devoted to such occupation is from within the dwelling unit and the portion of the dwelling unit devoted to such occupation shall not exceed thirty (30) percent of the gross floor area of the dwelling.
3. There is no display, activity, or storage of equipment and/or materials that will indicate from the exterior of the dwelling that it is a being used in whole, or in part, for any use other than a dwelling.
4. No product assembled or made on premises shall be offered for sale in any dwelling unit.
5. There is no manufacturing, repair, or storage of major or heavy equipment.
6. Teaching of musical instruments, arts and crafts, and dancing shall be conducted only in a single family detached dwelling and then to not more than four (4) pupils at one time.

Home occupations not meeting the above criteria shall be permitted by Special Use only.

4.08 LOT AREA AND DIMENSION

1. **Lots or Parcels of Land of Record:** Any single lot or parcel of land which was of record at the time of adoption of the Ordinance that does not meet the requirements for minimum lot width or area may be utilized for a permitted use subject to the provisions set forth in Section 3 below, lots in combination. This provision shall apply even though such lots fail to meet the requirements

for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

2. **Lot Area Greater than Fifteen (15) Acres:** A lot, or contiguous area of lots, as defined in Section 3.02 when fifteen (15) acres or larger shall be developed as a planned development special use. (See Section 14.12).
3. **Lots in Combination:** If two or more lots or a combination of lots with contiguous frontage in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots do not meet at least one-half (1/2) of the required minimum lot area, two-thirds (2/3) of the requirement minimum lot width, or both required under this Ordinance, the lots involved shall be considered to be a single zoning lot for the purposes of this Ordinance; and no portion of said zoning shall be used, sold or developed in a manner which diminishes compliance with the lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the minimum requirements stated in this Ordinance.

4.09 ACCESS TO PUBLIC STREET

Except as otherwise provided for herein, every building shall be constructed or erected upon a lot or parcel of land, which abuts upon a public street, unless a permanent easement of access to a public street was of record prior to the adoption of the Ordinance.

4.10 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of a planned development, not more than one (1) principal detached building shall be located on a zoning lot, nor shall a principal detached building be located on the same zoning lot with any other principal building.

4.11 TWO USES ON A ZONING LOT

Where two (2) or more Permitted or Special Uses, each requiring a minimum lot area, are provided on the same zoning lot, the required lot area for such uses shall be the sum of the areas required for each individual use.

4.12 REZONING OF PUBLIC AND SEMI-PUBLIC AREA

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that which it is zoned and planned for, and when the use of the area is discontinued, it shall be rezoned to the most restrictive adjoining district until

appropriate zoning is authorized by the Village Board of Trustees within three (3) months after the day of application filed for rezoning.

4.13 ACCESSORY BUILDINGS, STRUCTURES AND USES

1. Accessory Uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation, or culture of pigeons, poultry, or livestock, whether or not for profit. Private swimming pools shall be a permitted accessory use in any Residence District, provided it conforms with the regulations of this Ordinance and other applicable ordinances of the Village of Itasca.
2. No accessory building, unless it is structurally a part of the principal building and unless it conforms with requirements of accessory building for Special Uses, shall be erected or altered, or moved to a location within ten (10) feet of the nearest wall of the principal building, or within the required area for front or side yard of the lot. An accessory building in a rear yard shall be not less than five (5) feet from any property line.
3. No accessory building shall encroach upon the side yard of a corner lot which is adjacent to the street, nor upon that side yard of a reversed corner lot which is adjacent to the street, nor upon the rear yard of a through lot.
4. No accessory building shall have more than one (1) story, nor exceed eighteen (18) feet in height, unless otherwise permitted and approved as accessory to business and manufacturing uses, or to authorize Special Uses. The maximum square footage shown as follows, applies to the aggregate of all accessory buildings and/or structures including garages, the lesser of ten (10) percent of the area of the Zoning Lot or

R-1 Single-Family Residence District 864 square feet

R-2 Single-Family Residence District 792 square feet

R-3 General Residence District 720 square feet

In all other Zoning Districts, the aggregate areas of accessory buildings and/or structures shall not exceed ten (10) percent of the principal building or structure unless otherwise recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board. (See Sections 3.02, Definitions)

5. Towers and/or antennas as accessory structures if the following criteria are met:
 - a. That no part of any tower and/or antenna shall project more than fifteen (15) feet above actual building height, or fifteen (15) feet above the

maximum building height for the Zoning District in which it is located, whichever is lower.

- b. The setback for the base of any tower and/or antenna shall be a minimum of ten (10) feet from all property lines and any public easements, for towers and/or antennas up to thirty (30) feet in height. For towers and/or antenna over thirty (30) feet in height, required setback shall be increased two (2) feet for every one (1) foot of increased tower and/or antenna height. All elements of the tower and/or antenna shall be setback a minimum of ten (10) feet from any public easements.
 - c. All towers and/or antennas shall be in compliance with all adopted codes and ordinance of the Village as well as any current applicable rules and regulations of the FCC and/or FAA and the Electronic Industries Association Manual on Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, document RS-222C (Revision of RS-222B) dated March, 1976, or as amended and any and all building codes and ordinances of the Village of Itasca and other applicable regulatory agencies.
6. Portable storage containers may be permitted as accessory structures to a residential use if the following criteria are met, and subject to the following limitations:
- a. Portable storage containers shall be permitted only on lots containing single-family detached dwellings or townhomes.
 - b. A maximum of one (1) portable storage container shall be permitted on any one (1) zoning lot.
 - c. No portable storage container shall exceed eight (8) feet in height, eight (8) feet in width, or sixteen (16) feet in length, and the total volume shall not exceed 1,024 cubic feet.
 - d. Portable storage containers shall be located on hard surfaces and outside of required yard setbacks where it is possible to do so.
 - e. Portable storage containers shall be in good condition, and free of rust and other visible deterioration.
 - f. The location of any permitted portable storage container shall not exceed thirty (30) days within any one- (1) year period on any one (1) zoning lot.

7. Attached and unattached garages located in residential districts are subject to the following limitations:
 - a. The garage door height shall be no more than nine (9) feet in height.
 - b. In residential districts, garage doors shall not be of a roll-up type of design.

4.14 TEMPORARY BUILDINGS

1. A temporary real estate office may be allowed when recommended by the Plan Commission (See Section 4.05.5) and approved by the Village Board in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one (1) year following completion of construction of said housing development, unless approval is obtained from the Village Board of an extension of said time period.
2. Temporary buildings for construction purposes may be allowed in any zoning district for a period not to exceed two (2) years or until the designated time period, activity, or use for which the temporary structure was erected has ceased or unless approval to extend the time period is obtained from the Village Board.

4.15 PERFORMANCE STANDARDS

The performance standards identified in the M-Limited Manufacturing District shall also apply to all Zoning Districts.

4.16 EXISTING SPECIAL USES

Where a use is classified as a Special Use and exists as a permitted use at the date of the adoption of this Ordinance, it shall be considered a legal special use, without further action by the Village Board of Trustees, the Zoning Administrator or the Plan Commission, except as herein provided.

4.17 USES NOT SPECIFICALLY PERMITTED IN DISTRICT

When a use is not specifically listed in the sections devoted to Permitted Uses, it shall be assumed that such uses are hereby expressly prohibited unless by a written recommendation of the Plan Commission after public hearing and subsequent approval by the Village Board, it is determined that said use is similar to and not more objectionable than other uses listed, then such uses may be permitted.

4.18 TEMPORARY MODEL HOME REGULATIONS

Temporary model homes may be used to offer for sale or rental dwelling units located within the same subdivision or planned development in which the model home is located when recommended by the Plan Commission (See Section 4.05.5) and approved by the Village Board. The following regulations shall govern the operations of a model home.

1. Upon request by the Village the owners of the property shall provide information relating to the use of the model home, including but not limited to, a record of sales for rentals made from the model home.
2. Building materials may be stored within the model home but not upon the lot on which a model home is situated.
3. Sales offices, rental offices and construction offices may be contained in a model home; provide that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned development and as provided in Section 4.14.
4. A temporary off-street parking lot may be permitted if recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board. Exterior floodlights may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights.
5. Signs. (Allowable). (See Section 13.00)

4.19 LANDSCAPING

1. A Landscape Plan where any landscaping and/or Plan is required under this Zoning Ordinance, shall be submitted and shall include the following:
 - a. A title block, including the name of the plan, designer's name, scale of the plan, north point and date of the plan.
 - b. List of botanical and common names of all types and varieties of plant material to be installed.
 - c. The number (quantity) of each type of plant material to be installed.
 - d. Key numbers on the landscape plan to identify where each type of plant material is to be installed.
 - e. Contouring, shaping and preparation of landscape area.

- f. Use and placement of non-plant elements within the area to be landscaped.
 - g. The landscape plan shall also incorporate existing significant trees, three (3) inches in caliper or larger, and other existing natural vegetation which is to be preserved on the site.
- 2. The landscape requirements may include natural fences.
- 3. Landscape materials shall be selected and sited to produce a hardy drought-resistant landscape area. Selection shall include: consideration of soil type and depth; spacing for opacity; exposure to sun, wind and water; slope and contours of the site; building walls, overhangs and compatibility with existing native vegetation preserved on site.
- 4. Screening and Buffering:
 - a. Screening shall be used to reduce or eliminate the visual impacts of the following:
 - (1) Service areas and facilities, including trash containers and loading areas.
 - (2) Storage areas.
 - (3) Off-street parking.
 - (4) At and above grade electrical and mechanical equipment, such as transformers, heat pumps and air conditions.
 - (5) Other areas or uses as required by this Ordinance.

Screening may be accomplished by sight, obscuring plant materials (generally evergreens), earth berms, walls, fences or other design techniques. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution and provide compatibility between dissimilar adjoining uses. Special consideration will be given to buffering and screening between residence and business and/or industrial uses in usually sensitive areas.

- 5. Planting and Maintenance:
 - a. No sight obscuring plant material exceeding three (3) feet in height, at maturity above street grade, shall be located within a triangular area measured twenty-five (25) feet from the intersections of any two (2) street right-of-way lines in compliance with Section 4.06.8 of this ordinance. Existing trees located within the twenty-five (25) foot triangular area of

any such intersections shall be maintained to allow eight (8) feet of vision clearance below the lowest hanging branches in areas facilitating vehicular traffic.

- b. Plant materials, including deciduous and evergreen trees, shall not cause a hazard. Landscape plant material overhanging walks pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet, and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- c. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground level at maturity.
- d. Landscape plant materials shall be installed in accordance with current standards of the American Association of Nurserymen.
- e. Landscape plant materials shall be properly guyed and staked in accordance with current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- f. Plant materials shall be hardy and have vigorous root systems, and be free from defects, diseases and infections.
- g. Deciduous trees shall be fully branched, have a minimum caliper of three (3) inches (measured six (6) inches above ground level) and a minimum height of fourteen (14) feet at the time of planting.
- h. Evergreen trees shall be a minimum of five (5) feet in height, fully branched.
- i. Shrubs shall be supplied in a minimum eight (8) inch burlap balls or one (1) gallon containers with a minimum height spread of twelve (12) to eighteen (18) inches.
- j. Ground cover plants shall be planted so that an effective covering is obtained within three (3) growing seasons.
- k. Appropriate methods of care and maintenance of landscape plant materials shall be provided by the owner of the property.
- l. Landscape plant materials, other than grass and approved parkway trees, shall not be planted or allowed on public property or in parkways.

4.20 FENCES**1. General Requirements**

- a. Fences, walls or shrubbery shall not be erected, constructed, or maintained in conflict with the corner lot vision clearance requirements established in Section 4.06.8 of this Ordinance.
- b. No fence of shrubbery may be erected, constructed or maintained to impede natural stormwater run off on any portion of a lot or any adjoining lot or land.
- c. Where there is a change in grade between adjoining lots, the height of fences shall be measured from the average grade within six (6) feet on either side of the line where the fence is to be erected. If the grade change is greater than one (1) foot within this twelve (12) foot area, it will be necessary to provide a detail showing the cross section of the terrain at the fence line. This detail shall be reviewed by the Building Commissioner to determine the average grade height.
- d. Fences shall be permitted within the rear yard and interior side yard only of reversed corner lots.

2. Required Fences: The following fences are required and shall be constructed as follows:

- a. A minimum five (5) foot solid fence is required along the lot line of lots in districts zone business and manufacturing where such lot line abuts a lot in the Residence District when the residential use predates the business or manufacturing use. Fences up to eight (8) foot in height or landscaping in lieu of fences may be allowed if recommended and/or required by the Plan commission and approved by the Village Board.
- b. A minimum five (5) foot high solid fence shall be erected along the lot line of lots in R-3 Residence Districts which are being developed with multi-family dwelling units as described under Section 3.01 where such lot lines abut a lot in R-1 or R-2 Single-Family Residence Districts. Fences up to eight (8) feet in height or landscaping in lieu of fences may be allowed and/or required if recommended by the Plan Commission and approved by the Village Board. The purpose of the fence is to effectively screen the activities of the multi-family dwelling units in the R-3 General Residence District from the R-1 and R-2 Single-Family Residence District.

3. **Swimming Pools:** Swimming pools shall be completely enclosed with a minimum four (4) feet high fence and gate. Fences shall be constructed of chain link or other materials equivalent to the following chain link specifications:
- a. Fence fabric shall have a maximum two (2) inch opening and shall be made of galvanized or plastic coated eleven (11) gauge steel wire or equivalent aluminized steel wire grid. Line posts, terminal posts, swing gate posts and braces shall be of galvanized steel pipe of H column construction. Post heights shall be sufficient to accommodate the fabric and shall extend a minimum of two (2) feet into concrete footings. The bottom on the wire mesh fabric shall not be installed more than three (3) inches above grade. The spacing of posts shall not be greater than ten (10) feet on center. Swing gates shall employ positive self-closing devices with suitable latches and padlocks. The latch shall be located a minimum of thirty-six (36) inches above grade.
 - b. An equivalent fence shall be defined as one which provides equal or better protection against the possibility of a person accidentally falling into the swimming pool. The Building Commissioner shall determine such equivalency.
 - c. If the swimming pool is so located on the lot that a fence, with gate, on the lot or elsewhere meets the above requirements, a separate fence around the swimming pool is not required. If said fence terminates within three (3) inches of a dwelling, garage or any structure on the premises and is otherwise arranged so that the only access to the pool necessitates that a person pass through two or more lockable doorways or the gate in the fence, the fence need not be continuous, but may be interrupted by said structures.
 - d. When the pool is not in use under the supervision of the owner, and/or agent, tenant or other responsible person, all access gates or doors leading directly to the pool area shall be securely locked.
 - e. All portable swimming pools shall be completely enclosed as if they were permanent swimming pools. Fences around raised decks or patios will be permitted as long as they satisfy the above requirements.
 - f. The swimming pools shall be kept in full view from inside the dwelling unit. No shrub, bush, tree, structure, equipment or anything else which would impair visions except an open fence and gate shall be placed so as to impair the visibility of the entire area of the pool surface form the dwelling on the premises.

- g. Comply with all Codes and Ordinances of the Village of Itasca governing the installation and use of swimming pools.

4. **Prohibited Fences and Gates:** The following fences are hereby prohibited:

- a. Barbed wire, chicken wire (unless used to enclose a rear or side yard garden), pig wire, rope, cable and electrically charged wire, and other similar materials except that barbed wire may be used on top of permitted for exceptional cases when clear hazards are present in a Zoning District and on fences enclosing property owned by a tax levying body when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
- b. Snow fences, except those erected for the sole purpose of controlling drifting snow between November 1 and March 31, installed only on that portion of a lot which faces or abuts a road, street or highway.
- c. Chain link fences with barbed ends up.
- d. No gate or fence is permitted across a driveway in the front yard setback in any Residence District.
- e. Any fence on a corner lot which extends closer to the adjoining street than the front yard or side yard setback lines (see Illustration Item “B”), except for open decorative fences and landscaping under three (3) feet high is allowed.
- f. Any fence that would be closer to any street or roadway than the front setback lines established by the building setbacks as actually located on the lots (see Illustration Item “B”), except that a required fence or decorative open fence or landscape fence under three (3) feet high is allowed.

5. **Development Fence**

If a development fence is to be provided, a plan shall be provided showing the location of the fence, type of fence to be used and an estimate of life of the fence. All of these items shall be reviewed by the Building Department prior to issuing a permit for said fence.

When a replacement of the development fence is required, the Building Department shall approve the replacement fence as to its compatibility with abutting fence located along the public right-of-way prior to the issuance of a fence permit.

6. Fence Construction

- a. Fence permits: a fence permit is required for the construction of all fences. Provide the Building Department with a copy of the Plat of Survey showing the proposed location of the fence. Complete a fence permit application answering all necessary questions and pay the appropriate permit fee.

7. Location

- a. All fences shall be properly constructed on the fence owner's property.
- b. All fences shall be permanent and not temporary except for garden fences enclosing a garden in a rear yard or side yard not exceeding three (3) feet in height.
- c. Except as follows, all permitted fences shall be constructed within one (1) foot of the fence owner's side or rear lot lines:
 - (1) Except where the permitted fence returns to the existing building or structure to enclose a yard;
 - (2) Except for patio privacy fences (screens) not exceeding six (6) feet in height within the buildable area of the lot;
 - (3) Dog enclosures or runs not exceeding five (5) feet in height or enclosing greater than twenty (20) percent of the rear yard, constructed in the rear yard or buildable lot area and set back not less than five (5) feet from all property lines.

8. **Fence Installation:** All fences shall be installed so that the finished side faces out. All structural supports, if exposed, shall be located in such a manner so as to face the principal building on the lot on which the fence is located.

9. Fence Heights

- a. Residence Districts
 - (1) Solid fences four (4) feet high plus one (1) foot high open fence top for a five (5) foot high fence.
 - (2) Solid fences which served to screen or hide business or manufacturing activities over four (4) feet in height when recommended by the Plan Commission and approved by the Village Board.

- (3) Shrubs or hedges which do not overhang the property line and which are kept neat and trimmed may be eight (8) feet high if recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
- (4) Open fences abutting approved regulation size tennis court ten (10) feet high.
- (5) Open fences – six (6) feet high.
- (6) Open fences at public baseball fields.
- (7) A solid patio screening fence may be erected to a height measured from grade not to exceed six (6) feet and a total length not to exceed thirty-six (36) lineal feet provided that in no case shall any portion of the screen be placed in a required front or corner side yard so or so to impair the visibility of the entire area of a swimming pool from the principal dwelling on the premises.
- b. Business Districts: Open fence, maximum eight (8) feet high. A semi-solid or solid fence may be allowed when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board. (See Section 4.20.2a.)
- c. O-R Office Research District: Open, semi-solid, or solid fence, maximum eight (8) feet high when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
- d. ROC – Regional Office Center District: Open, semi-solid, or solid fence, maximum eight (8) feet high when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
- e. M-Limited Manufacturing District: Open, semi-solid, or solid fence maximum eight (8) feet high, or open fence up to twelve (12) feet high may be allowed when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
- 10. **Non-Conforming Fences**: A fence which does not comply with this ordinance but which is in place on or before the effective date of this ordinance, and which is destroyed by fire or other casualty or act of God, or deteriorates to the extent that the cost of restoration to the condition which it was before the occurrence will exceed fifty (50) percent of the cost of restoration of the entire row of fence now, shall not be restored unless said fence shall conform to all regulations of this Ordinance. In the event that such damage or destruction is less than fifty (50) percent of the cost of restoration of the fence now, no repairs or reconstruction shall be made unless such

restoration is started within one hundred eighty (180) days from the date of partial destruction and is diligently prosecuted to completion.

4.21 PUBLIC WATER AND SANITARY SEWERS

All new developments and new construction within the Village shall be served by public sanitary and water facilities unless otherwise recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.

4.22 BOATS, SNOWMOBILES, ON OR OFF TRAILERS, RECREATIONAL VEHICLES

1. **Applicability:** These regulations shall apply to all boats on or off trailers, snowmobiles, on or off trailers, and recreational vehicles as defined in the Illinois Motor Vehicle Code.
2. **Off Season Storage for Boats, Snowmobiles and Recreational Vehicles:** Storage for boats, snowmobiles and recreational vehicles shall be regulated as follows: Only one (1) boat, on or off trailer, two (2) snowmobiles, on or off a trailer, and/or one (1) recreational vehicle, may be stored on any lot or parcel of land by the occupant of the subject lot or parcel of land, provided they are stored only in a completely enclosed garage, or approved accessory building, during off seasons as described herein, or shall be stored off-site.
3. **Parking for Boats, Snowmobiles and Recreational Vehicles:** Recreational vehicles, boats, and snowmobiles may be parked on a hard surfaced existing driveway unscreened and only within the required front yard or corner side yard setback, only during the normal use season from May 1 to October 1 for boats, from April 1 to October 31 recreational vehicles and only from November 1 to May 1 for snowmobiles, provided:
 - a. There shall be only one (1) driveway used for such purpose (see Section 3.02 Definitions) for each dwelling unit in a single family district except when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
 - b. The recreational vehicle, snowmobile(s), boat and/or transport trailer shall not be parked in required interior side yards, on lawns or within five (5) feet of a property line or within ten (10) feet of an adjoining residence building.
 - c. The length of the boat, with trailer or without, or recreational vehicle shall not exceed thirty (30) feet or the depth of the required front yard or corner side yard setback, whichever is less and shall not extend beyond the property line or encroach upon a sidewalk, parkway, or public way.

- d. The owner of the boat, snowmobile(s) or recreational vehicle shall obtain a parking permit from the Village and only when the above conditions shall be satisfied.

4.23 PUBLIC UTILITY AND/OR SERVICE USES

All equipment and facilities used in supplying gas, sewer, water, electric, communication or governmental services of any kind shall be permitted in accordance with the applicable district regulations.

4.24 REQUIRED WATER AND SEWER AND OTHER PUBLIC IMPROVEMENTS

Any required water and sewer mains are to be extended across the entire property frontages and shall be in compliance with the Village Development Standards and Specifications (Ordinance 771-93) and as subsequently amended.

4.25 REQUIRED RECORDING OF PLAT

All plats and other documentation, including Planned Development Site Plans, shall be recorded with the DuPage County Recorder of Deeds upon approval by the Village Board prior to the issuance of any permit.

4.26 CHILD CARE CENTERS

When included as a secondary use in the principal building and licensed by the State of Illinois under the Illinois Child Care Act of 1969 (IL Compiled Statutes Chapter 23, Section 2221, et seq.) or other applicable statute. The premises on which such center is to be located shall include an outdoor play area of seventy (70) square feet for each child in the play area at any one time and such play area shall be fenced from adjoining properties. (See Section 3.02, Definitions)

4.27 ADULT USE PROVISIONS**1. Declaration of Policy**

In the development and execution of these Sections regulating and limiting the location of adult business uses, it is recognized that adult business uses, by virtue of their nature, have serious, objectionable characteristics which can have a deleterious effect upon areas adjacent to them. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting, or downgrading of the surrounding neighborhood. The primary purpose of these regulations is to control the concentration or location of these uses to the fullest extent allowable by law in order to eliminate such adverse effects. It is not the intent of these Sections to deny adults access to

sexually oriented materials and services or the providers of such materials and services they market in a manner that is consistent with the law.

2. **Restriction on Location of Adult Business Uses**

Adult business uses shall only be allowed in the M-Limited Manufacturing Zoning District and under the following conditions:

- a. No person shall operate, or cause to be operated, an adult business use, either as a permitted use or as a special use within one thousand (1,000) feet of the property line of another adult business use; within one thousand (1,000) feet of any Zoning District which is zoned or has a residential use; within one thousand (1,000) feet of a church or religious institution, school, park, cemetery, day operated recreational facility, and within five hundred (500) feet of any Zoning District other than M (Limited Manufacturing) or residential.
- b. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “specified anatomical areas” or “specified sexual activities” from any public way. This shall apply to any display, decoration, sign, show window or other opening, and no advertising or display regarding such use shall be located in other than and M zoned district, or within one thousand (1,000) feet of a zoning which is zoned for or has a residential use, or within one thousand (1,000) feet of a church or a religious institution, school, park, cemetery, or day operated recreational facility.
- c. The distances provided for in this Section shall be measured by following a straight line without regard to intervening structures from a point on the property or the (zoning) district boundary line from which the proposed use is to be separated.

3. **Exemption from Local Restrictions**

Any person desiring to locate an adult business use at a location prohibited under the aforementioned Paragraph A and B, or any other provision thereof, shall be required to see a variation of use in accordance with the provisions of the Itasca Zoning Ordinance. In addition to the general criteria that shall be established for a variation use, the person seeking the variation shall also establish the following to be eligible for the variation of use:

- a. That the location of the proposed adult business use shall not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;

- b. That the location of the proposed adult business use will not downgrade the property values or quality of life in the adjacent areas of encourage the development of urban blight; and
- c. That the location of an adult business use in the area will not be contrary to any program of neighborhood conservation.

SECTION 5

NON-CONFORMING BUILDINGS STRUCTURES AND USES

5.00 NON-CONFORMING BUILDINGS, STRUCTURES AND USES

5.01 STATEMENT OF PURPOSE

The purpose of this Section is to provide for the regulation of non-conforming buildings, structures and use and to specify those circumstances and conditions under which those non-conforming buildings, structures and uses shall be gradually accordance with the authority granted by Illinois Compiled Statutes, Chapter 24, Section 11-13.1.

5.02 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES

Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure or use which shall become non-conforming upon the adoption of this Ordinance or any subsequent amendment thereto, may be continued – some indefinitely, others for specified and respective periods of time – subject to the regulations which follow.

5.03 EXEMPTED BUILDINGS, STRUCTURES, AND USES

No building, structure or use lawfully established on the effective date of this Ordinance shall be subject to the amortization provision of this Section solely by reason of being non-conforming with respect to the standards prescribed in this Ordinance for any of the following:

1. Floor area ratio
2. Yards – front, side, rear or transitional
3. Lot area per dwelling unit
4. Lot width
5. Ground floor area per dwelling
6. Gross floor area
7. Building height
8. Off-street parking or off-street loading spaces

No building, structure or use lawfully established on the effective date of this Ordinance and located in the M-Manufacturing District shall be subject to the amortization provision of this Section. No building, structure or use located in a

Business District shall be subject to the amortization provisions of this Ordinance if it is a permitted building, structure or use in any Business District, except as provided for elsewhere in this Ordinance.

No dwelling lawfully existing on the effective date of this Ordinance shall be subject to the amortization provisions of this Section.

For the purpose of this section, a building or structure lawfully constructed or established on the effective date of this Ordinance shall be deemed to include any building or structure for which a building permit has been lawfully issued prior to such date, and on which construction is begun within the required period of time as set forth in this Ordinance, and was in compliance with the provisions of the Village Zoning Ordinance then in effect.

5.04 RESTRICTIONS OF NON-CONFORMING BUILDINGS, STRUCTURES AND USES THEREOF

1. **Repairs and Alterations:** Ordinary repairs and alterations may be made to a non-conforming building or structure provided that no structural alterations shall be made in or to such building or structure, all, or substantially all, of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. For the purpose of this section, ordinary repairs shall include the replacement of storage tanks where the safety or operation of the installation requires such replacement.
2. **Additions and Enlargements:** A non-conforming building or structure which is non-conforming as to bulk may be added to or enlarged provided such addition or enlargement shall not create either an additional nonconformity or increase the existing nonconformity of all or any part of the building or structure, except for second-story additions as provided below.

For the purposes of this Ordinance, second-story additions that are non-conforming as to bulk, that have an interior side yard less than six (6) feet in width and greater than or equal to three (3) feet in width, and that do not exceed beyond the existing building footprint, shall be permitted if and only if the interior side yard of the property adjoining the subject site is a least six (6) feet in width and the subject' property's front yard is a minimum of twenty-five (25) feet in length, as measured from the front lot line.

3. **Moving:** No building or structure which does not conform to all of the regulation of the district in which it is located shall be moved, in whole or in part, to any other location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.

4. **Restoration of Damaged Non-Conforming Building:** A building or structure, all, or substantially all, of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty (50) percent restored unless said building or structure new, shall not be restored unless said building or structure and the use thereof shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty (50) percent of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.
5. **Discontinuance of Use of Non-Conforming Building or Structure:** A building or structure, or portion thereof, all, or substantially all, of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant on the effective date of this Ordinance or thereafter, becomes vacant and remains unoccupied, or is not used for a continuous period of six (6) months, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.
6. **Expansion of Use in Non-Conforming Building or Structure:** The non-conforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations and the use thereof conforms to all the regulations of the district in which the building or structure is located.
7. **Change of Use in Non-Conforming Building or Structure:** The non-conforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located, or to a use permitted in a more restrictive district; but no change shall extend or otherwise modify any provision made in this Ordinance for elimination of such non-conforming building or structure and the use thereof. For the purpose of this subsection only, the R-1 Single-Family Residence District shall be considered the most restrictive and the Limited Manufacturing district the least restrictive district.
8. **Elimination of Non-Conforming Building or Structure:** In Residence Districts, any building or structure, all or substantially all of which is designed or intended for a use permitted only in a Business or Manufacturing District, shall be removed, or it shall be altered, remodeled or converted to a building or structure designed for a use permitted in the district in which it is located within six (6) months after the expiration of the respective periods of time set

SECTION 5

NON-CONFORMING BUILDINGS STRUCTURES AND USES

forth hereafter which are fixed as the normal useful life of said building and structure.

In B-1 and B-2 Business districts, any building or structure, all or substantially all of which is designed or intended for use permitted only in a B-3 Service Business or Manufacturing District, shall be removed, or it shall be altered, remodeled or converted to a building or structure designed for a use permitted in the district in which it is located within six (6) months after the determination of the respective periods of time set forth hereafter which are fixed as the normal useful life of said building and structure.

- a. Assesses Valuation more than \$15,000: In accordance with the types of construction classifications set forth in the Itasca Building Code:
 - (1) Type 1: Fireproof Construction and Type 2: Non-Combustible Construction: Forty (40) years from date of building permit or twenty-five (25) years from effective date of this Ordinance whichever last occurs.
 - (2) Type 3: Exterior Masonry Wall Construction: Thirty (30) years from date of building permit or twenty (20) years from effective date of this Ordinance, whichever last occurs.
 - (3) Type 4: Frame Construction: Twenty (20) years from date of building permit or ten (10) years from effective date of this Ordinance whichever last occurs.
- b. Assessed Valuation at least \$7,500, but not more than \$15,000: Eight (8) years from date of building permit or four (4) years from the effective date of this Ordinance whichever last occurs.
- c. Assessed Valuation under \$7,500: Four (4) years from date of building permit or two (2) years from the effective date of this Ordinance whichever last occurs.

The non-conforming use of a building or structure shall be terminated at the end of the amortization period for said building or structure, as set forth in this paragraph 8, and shall not thereafter be operated on the premises.

5.05 CONDEMNATION OF NON-CONFORMING BUILDINGS OR STRUCTURES

1. The Village of Itasca, at any time, and from time to time, by Ordinance duly enacted and in accordance with the authority vested in it by Illinois Compiled Statutes, Chapter 24, Section 11-13-1:

SECTION 5

NON-CONFORMING BUILDINGS STRUCTURES AND USES

- a. May acquire, by purchase, condemnation, or otherwise, any buildings or structures which do not conform to the standards fixed by the corporate authorities of the Village of Itasca pursuant to Illinois Compiled Statutes, Chapter 24, Section 11-13-1, and all land which is necessary or appropriate for the rehabilitation or redevelopment of any area blight by substandard buildings or structures;
 - b. May remove or demolish in such substandard buildings and structures so acquired;
 - c. May hold and use any remaining property for public purposes, and
 - d. May sell, lease, or exchange such property as is not required for public purposes, subject to the provision of this Ordinance or any amendment thereto.
2. No such acquisition by condemnation shall be made until such time as the Plan Commission, at the request of the President and the Board of Trustees, or upon its own initiative, shall have made a study of the area within which such non-conforming building or structure is located and shall have filed a written report on such study with the President and Board of Trustees.

5.06 NON-CONFORMING USE OF BUILDINGS OR STRUCTURES

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued, subject to the following provisions:

1. **Expansion of Non-Conforming Use:** The non-conforming use of a part of a building or structure, all, or substantially all, of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.
2. **Discontinuance:** If a non-conforming use is discontinued for a continuous period of six (6) months (one hundred eighty (180) days), it shall not be reestablished; and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
3. **Change of a Non-Conforming Use:** No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all, or substantially all, of which building or structure is designed or intended for a permitted use.

4. **Elimination of Non-Conforming Uses:** In all Residence Districts any use which lawfully exists on the effective date of this Ordinance, but is permitted only in a Business or Manufacturing Districts and which is located in a building, all, or substantially all of which is designed and intended for a residential purpose, shall be entirely discontinued, and shall thereafter cease operation within five (5) years from the effective date of this Ordinance.

5.07 NON-CONFORMING USE OF LAND

1. **Expansion:** A non-conforming use of land shall not be expanded or extended beyond the area it occupies.
2. **Discontinuance:** If a non-conforming use of land is discontinued for a period of thirty (30) consecutive days, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
3. **Change of Use:** A non-conforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.
4. **Elimination of Non-Conforming Use of Land:** The non-conforming use of land shall be discontinued and cease in accordance with the following, except that in R-1 and R-2 Single-Family Residence Districts, the allowable terms shall be reduced by fifty (50) percent.
 - a. Where no buildings or structures are employed in connection with use - discontinued within one (1) year.
 - b. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation of not more than \$7,500 - discontinued within two (2) years.
 - c. Where the improvements, underground, or substantially at ground level, which comprise all, or substantially all, of the improvements employed in a non-conforming use of land, and which have an assessed valuation of more than \$7,500 - discontinued within five (5) years.
 - d. Where a non-conforming use of land is accessory to the non-conforming use of a building or structure - discontinued on the same date on which the non-conforming use of the building or structure is discontinued.

6.00 NON-CONFORMING BUILDINGS, STRUCTURES AND USES**6.01 DISTRICTS**

For the purpose and provisions of this Ordinance, the Village of Itasca is hereby divided into the following districts:

Residence Districts

- R-1 Single-Family Residence District
- R-2 Single-Family Residence District
- R-3 General Residence District

Business Districts

- B-1 Local Business District
- B-2 Community Business District
- B-3 Service Business District
- B-4 Traditional Downtown North Business District
- B-5 Traditional Downtown South Business District
- B-6 Irving Park Road Business District

Office-Research District

- O-R Office-Research District

Region Office District

- ROC Regional Office Center District

Manufacturing District

- M Limited Manufacturing District

6.02 MAP

The location and boundaries of the districts established by this Ordinance are set forth on the “Official Zoning District Map of Itasca” which is incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein. The said map shall be filed with the office of the Village Clerk and certified copies thereof at the office of the Building Commissioner and shall be open to the public reference at all times during which these offices are open.

6.03 DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts, as shown on the Itasca Zoning Map, the following rules shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys, easements, or tract or lot lines, or such lines extended unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to a paralleling a street, highway or railroad, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of a street, highway or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from center lines of streets, highways or railroad rights-of-way, unless otherwise indicated.
3. Where a lot is held in one (1) ownership and of record on the effective date of the Ordinance is divided by a district boundary line, the entire lot may be constructed to be within the less restricted district. If it increases the less restricted frontage of the lot by less than twenty-five (25) feet, it shall be constructed in the more restrictive zoning district.

6.04 ANNEXED TERRITORY

Whenever any parcel of land is hereafter annexed to the Village, in any manner whatsoever, such territory, upon annexation, shall be classified or zoned under this Ordinance as an R-1 Single-Family Residence District, except as may be provided for by a pre-annexation agreement, or an annexation agreement after public hearing by the Plan Commission in accordance with the provisions of Section 14.10 of this Ordinance.

When a lot or parcel of land is being considered for annexation to the Village of Itasca and currently has a private well and/or private septic system or both, it shall be understood that the annexed property will follow all procedures and requirements to tie into the Village of Itasca water and sewer systems unless otherwise recommended by the Plan Commission and approved by the Village Board.

Required Conditions

When a lot or parcel of land including a private well and/or private septic sanitary facility is being considered for annexation, the following shall be submitted exclusive of other required documentation:

1. A plot plan drawn to scale on which the location of the closest public facility shall be shown.

2. Proposed connection plans for both sewer and water to a public facility shall be provided.
3. Time sequence as to when these connections can be completed.

6.05 ZONING OF PUBLIC WAYS

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the immediately abutting on such streets, alleys, public ways, waterways and railroad rights-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

7.00 RESIDENCE DISTRICTS**7.01 PURPOSE AND INTENT**

The Residence Districts provide for the development of various types of dwelling units within the framework of the Amendatory Comprehensive Plan adopted on February 28, 1995 or as amended, designed to:

1. Provide housing of various types and price levels which will serve different age and income groups and appropriately located in the Village to accommodate current and future Itasca residents.
2. Provide areas well suited as to location and topography.
3. Maintain existing residential densities in established residential areas.
4. Provide for new residential land uses only in areas where such a land use is compatible, does not disrupt established neighborhoods, and where the necessary community facilities and services exist or can be easily provided.
5. Use higher density housing which has some flexibility in site design as a buffer-transitional use between lower density residential uses and other more intensive land uses.
6. Encourage modern trends in residential planning such as the planned development concept as a means to the conservation of land, the reduction of development and housing costs, the reduction of the cost of providing public services and facilities and as a means of providing higher density usage without serious intrusion or disruption of existing or future single family dwelling unit or neighborhood character.
7. Provide higher density residential opportunities in or near the central business area in order to create housing opportunities for the elderly and handicapped as well as provide a walk-in market to further the Town Center concept.
8. Consider redevelopment and/or conversion of housing units situated on land areas better suited to other types of land uses.

7.02 RESIDENCE DISTRICT PROVISIONS

Unless otherwise provided in the regulation of this Ordinance, the following provision shall apply only in the R-3 General Residence District.

Conversion: In all R-3 General Residence Districts, conversion of existing residential buildings shall be governed by the following:

1. The quotient secured by dividing the floor area of all dwelling units on a zoning lot by the number of dwelling units on such lot shall not be less than five hundred (500) square feet.
2. No existing residential use shall be so converted as to conflict with, or further conflict, with the requirements in “1” above.
3. Where applicable, an efficiency dwelling unit or a lodging room may be considered as 0.75 of a dwelling unit in determining compliance with “1” above.

7.03 THIS SECTION WAS DELETED PER ORDINANCE 1131-02.

7.04 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

1. **Permitted Uses:** The following uses are permitted:
 - a. Single-family detached dwellings.
 - b. Park and forest preserves when publicly owned and operated.
 - c. Accessory uses in accordance with the provisions of Sections 3.02, 4.06, and 12.00.
 - d. Signs (Allowable). (See Section 13.00.)
 - e. Temporary buildings. (See Section 4.14.)
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administrative Section 14.00.
 - a. Cemeteries.
 - b. Churches, chapels, temples, and synagogues, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other necessary uses required for operation.
 - c. Growing of farm crops in the open, including truck gardens and nurseries, provided that no livestock or poultry are kept, and no offensive odors or dusts are created, and further provided that no retail sales are conducted from a store and stand erected or maintained on the premises.
 - d. Golf courses; but not including commercially-operated driving ranges or miniature golf courses.
 - e. Home occupations. (See Section 4.07.)

- f. Library, public.
- g. Municipal recreational buildings and community centers.
- h. Non-commercial and television towers and antennas.
 - (1) All radio and television towers or antennas, including the structure(s) therefore, shall be permitted under the following conditions
 - (a) All radio or television towers or antennas, as covered by this section, or any part thereof, shall comply with applicable Federal Communications Commission (F.C.C.) height restrictions.
 - (b) Radio or television towers or antennas shall not be permitted within the required front or side yard (setback) requirements. (See Sections 3.02, 4.06.2, and 4.13)
- i. Parks, playgrounds, and recreational areas; publicly or privately-owned and operated, not for profit.
- j. Planned developments, under single ownership or control, may include incidental, business, or recreational facilities for the convenience of the occupants. For such developments, the Village Board may vary the regulations herein, provided such variations of the Ordinance and will result in better site planning and thus, be of greater benefit to both the occupants of the development and to the communities.
- k. Schools, private or parochial – elementary, junior high, or high (non-boarding).
- l. Schools, public – elementary, junior high, and high (non-boarding).
- m. Public utility and/or service uses.
 - (1) Essential services including fully automated gas regulating stations and telephone exchanges. Private or public utility substations or transmission corridors with a capacity not greater than 34 kilovolts.
 - (2) Railroad passenger stations when not located on railroad property.
 - (3) Sewage treatment plants.
 - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.

- (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
 - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants, public.
 - (7) Other public or private utility service uses.
 - n. Swimming pool, public.
 - o. Accessory uses to the above allowable Special uses, including, but not limited to, off-street parking and off-street loading.
3. **Off-Street Parking and Loading:** Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.
4. **Minimum Lot Size:**
- a. Every single-family detached dwelling hereafter erected shall be located on a zoning lot having an area of not less than sixteen thousand (16,000) square feet, and a width of not less than ninety (90) feet. (See Section 3.02, Definition of Buildable Area, and Section 4.06.7, Minimum Distance between Principal Buildings).
 - b. The widths of lots fronting on a cul-de-sac shall not be less than ninety (90) feet at the setback line in the R-1 Zoning District. (See Section 3.02, Definition of Buildable Area, and Section 4.06.7, Minimum Distance).
 - c. All non-residential permitted and nonresidential special uses shall have a floor area ratio not to exceed zero point five (0.5).
5. **Yard Requirements:** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:
- a. **Front Yard:** A front yard of not less than thirty (30) feet in depth.
 - b. **Side Yards:** There shall be provided two (2) side yards having a combined width of twenty (20) feet, and neither side yard shall be less than eight (8) feet in width, except on corner lots a side yard adjoining a street shall be not less than thirty (30) feet wide. However, if a corner lot, subdivided and duly recorded on the effective date of this Ordinance, has insufficient width to provide such yard of thirty (30) feet width and still maintain a buildable width of twenty-nine (29) feet, excluding the opposite side yard, then the side yard adjoining the street may be reduced in width by the distance necessary to maintain a buildable width of

twenty-nine (29) feet, provided the side yard adjoining a street is not reduced in width to less than thirty (30) percent of the width of the lot.

- c. **Rear Yard:** A rear yard of not less than forty (40) feet in depth.
- 6. **Yards, General:** For permitted uses and special uses, each front, side and rear yard as heretofore required shall be increased in depth or width by two (2) feet for each additional one (1) foot of building height over thirty-four (34) feet.
- 7. **Ground Floor Area Per Dwelling.** One (1) story dwellings shall have a ground floor area of not less than one thousand five hundred (1,500) square feet, and dwellings having more than one (1) story shall have not less than one thousand two hundred fifty (1,250) square feet of ground floor area.
- 8. **Building Height.** No building shall exceed a height of thirty-four (34) feet or two and one-half (2-1/2) stories, whichever is lower. (See Definitions – Section 3.02).
- 9. **Maximum Lot Coverage.** No more than forty (40) percent of the lot area may be occupied by buildings and structures, including accessory buildings, or covered by walks, driveways or patios. The balance of the remaining portion of the zoning lot shall be suitably landscaped.

7.05 R-2 SINGLE-FAMILY RESIDENCE DISTRICT

- 1. **Permitted Uses:** The following uses are permitted:
 - a. Any use in the R-1 Single-Family Residence District.
- 2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administrative Section 14.00.
 - a. Any use allowed as a Special Use in the R-1 Single-Family Residence District, subject to the provisions of Section 14.00.
- 3. **Off-Street Parking and Loading:** Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.
- 4. **Minimum Lot Size:**
 - a. Every single-family detached dwelling hereafter erected shall be located on a lot having an area of not less than nine thousand one hundred (9,100) square feet, and a width of not less than sixty-five (65) feet. (See Section 3.02, Definition of Buildable Area, and Section 4.06.7)

The widths of lots fronting on a cul-de-sac shall not be less than sixty-five (65) feet at the setback line in the R-2 Zoning District. (See Section 3.02, Definition of Buildable Area, and Section 4.06.7).

- b. All non-residential permitted and nonresidential special uses shall have a floor area ratio not to exceed zero point five (0.5).

5. Yard Requirements: No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- a. **Front Yard:** A front yard of not less than thirty (30) feet.

- b. **Side Yards:**

- (1) There shall be provided two (2) side yards having a combined width of sixteen (16) feet and neither side yard shall be less than six (6) feet in width. However, side yards that adjoin a street on corner lots shall be not less than thirty (30) feet wide.

- (2) Lots of Record. Any single lot or parcel of land which was of record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width or area and which has a detached garage may have provided two (2) side yards having a combined width of fourteen (14) feet and neither side yard shall be less than six (6) feet in width. Additionally, on a corner lot, subdivided and duly recorded on the effective date of this Ordinance, the minimum width of a corner side yard abutting a street may be reduced from thirty (30) feet by the distance necessary to maintain a buildable width of twenty-nine (29) feet and an interior side yard of no less than six (6) feet. However, in no instance shall a corner side yard adjoining a street be reduced in width to measure less than thirty (30) percent of the width of the lot.

- c. **Rear Yard:**

- (1) There shall be provided a rear yard of not less than forty (40) feet for interior lots and thirty-five (35) feet for corner lots.
 - (2) Lots of Record. Any single lot or parcel of land which was of record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width or area may have a rear yard of not less than thirty-five (35) feet for interior lots and thirty (30) feet for corner lots.

6. **Building Height:** No building shall exceed a height of thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is lower. (See Definitions – Section 3.02).

7. **Maximum Lot Coverage:**

- a. Maximum Lot Coverage shall not exceed thirty-five percent (35%) of the Lot Area. No more than fifty percent (50%) of the Lot Area of any parcel may be occupied by impervious surfaces, which include but are not limited to the primary structure, accessory buildings or structures, walks, driveways, and patios.
- b. Lots of Record. Maximum Lot Coverage on any single lot or parcel of land which was on record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width or area shall not exceed forty percent (40%) of the Lot Area.

8. **Maximum Allowable Floor Area:**

- a. The maximum allowable floor area for residential parcels of land in the R-2 Zoning District shall be calculated as follows:

$$3,658 + [(\text{Lot Area} - 6,650) \times 0.25] = \text{Maximum Floor Area}$$

- b. Lots of Record. On any single lot or parcel of land which was of record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width or area, the maximum allowable floor area shall be calculated as follows:

For lots of record measuring 6,650 square feet or less in area:

$$\text{Lot Area} \times 0.55 = \text{Maximum Floor Area}$$

For lots of record measuring more than 6,650 square feet in area:

$$3,658 + [(\text{Lot Area} - 6,650) \times 0.25] = \text{Maximum Floor Area}$$

9. **Porch Bonus:**

- a. The first two hundred (200) square feet of any porch located in the front or corner side yard that maintains all required minimum setbacks shall not be counted towards the calculation of maximum Lot Coverage or maximum allowable floor area under this section.
- b. Lots of Record. On any single lot or parcel of land which was of record at the time of adoption of this Ordinance that does not meet the requirements

for minimum lot width or area, the first one hundred seventy-five (175) square feet of any porch located in the front or corner side yard that maintains all requirement minimum setbacks shall not be counted towards the calculation of maximum Lot Coverage or maximum allowable floor area under this section.

10. Detached Garage Bonus:

- a. The first two hundred fifty (250) square feet of any detached garage that maintains all required minimum setbacks shall not be counted towards the calculation of maximum Lot Coverage or maximum allowable floor area under this section.
- b. Lots of Record. On any single lot or parcel of land which was of record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width or area, the first two hundred (200) square feet of any detached garage that maintains all requirement minimum setbacks shall not be counted towards the calculation of maximum Lot Coverage or maximum allowable floor area under this section.

11. Dormer Bonus: The floor area under any dormer that is not more than six (6) feet wide and is set in at least three and one-half (3-1/2) feet from the gable end walls; provided the total width of all dormers does not exceed twenty-five percent (25%) of the length of the roof shall not be counted towards the calculation of the maximum allowable Floor Area under this section.

7.06 R-3 GENERAL RESIDENCE DISTRICT

1. **Purpose:** The R-3 General Residence District is established to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with open space for family living; and to provide for a transition between non-residential areas and single-family area of lower density.
2. **Permitted Uses:** The following uses are permitted:
 - a. Any of the uses permitted in the R-1 and R-2 Single-Family Residence Districts.
 - b. Two-family dwellings.
 - c. Semi-detached dwellings. (Two-family).
 - d. Multiple-family dwellings with not more than six (6) dwelling units per building.

- e. Single-family attached (row dwellings or townhomes), single-family row dwellings (party-wall) with not more than five (5) dwellings in a row or a building, or not more than six (6) dwellings in a building if in combination with two-family dwellings or multi-family dwellings.
 - f. Libraries, public.
 - g. Signs. (Allowable). (See Section 13.00).
 - h. Accessory uses as permitted and regulated in R-1 Family Residence District.
3. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provision of Administrative Section 14.00.
- a. The Special Uses allowed in R-1 and R-2 Single-Family Resident Districts, except libraries.
 - b. Hospitals and clinics.
 - c. Institutions for the aged and for children.
 - d. Municipality-operated health centers.
 - e. Multiple Family Dwellings with more than six (6) dwelling units in a building, or single family attached with more than five (5) dwellings in a row or building.
 - f. Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience and that no appropriate site is available in nearby business or manufacturing district.
 - g. Planned developments under single ownership or control may include incidental business or recreational facilities for the convenience of the occupants. For such developments, the Village Board may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the Ordinance and will result in better site planning and thus, be of greater benefit to both the occupants of the development and to the community.
 - h. Private clubs or lodges, except those the chief activity of which is a service normally carried on as a business.
 - i. Sanitariums and nursing homes, but not for the care of feeble-minded or insane.

- j. Schools, non-boarding, elementary, junior high and high.
 - k. Schools, nursery schools, day nurseries and child care centers.
 - l. Schools, public, denominational, or private, elementary and high, including playgrounds and athletic fields auxiliary thereto.
 - m. Swimming pools, public.
 - n. Undertaking establishments, funeral parlors.
 - o. Public utility and/or service uses.
 - (1) Essential services including fully automated gas regulating stations and telephone exchanges. Private or public utility substations or transmission corridors with a capacity of not greater than 34 kilovolts.
 - (2) Railroad passenger stations when not located on railroad property.
 - (3) Sewage treatment plants.
 - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
 - (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
 - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants – public.
 - (7) Other public or private utility service uses.
 - p. Accessory uses to the above allowable Special Uses, including, but not limited to, off-street parking and off-street loading.
4. **Off-Street Parking and Loading:** Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.
5. **Minimum Lot Size:**
- a. There shall be provided a lot area for each single-family detached dwelling of not less than eight thousand one hundred (8,100) square feet; for each two-family semi-detached dwelling, or attached dwelling, the following minimum lot areas shall be provided:

<u>Type of Single-Family Dwelling</u>	<u>Minimum Lot Area per Dwelling in Square Feet</u>	
	Semi-Detached or 2 Family	Attached
4 bedroom	5,000	3,500
3 bedroom	4,500	3,100
2 & 1 bedroom	4,000	2,700

- b. There shall be provided a minimum lot area for multiple-family dwellings as follows:

<u>Type of Multi-Family Dwelling</u>	<u>Minimum Lot Area per Dwelling in Square Feet</u>
4 bedroom	4,060
3 bedroom	3,930
2 bedroom	3,630
1 bedroom & efficiency	3,630

- c. The dwelling unit density in the R-3 General Residence District shall not be greater than twelve (12) dwelling units per gross acre. Existing residential buildings in the R-3 District may be altered to provide for not more than four (4) dwelling units, providing that no existing residential building is altered in such a way as to conflict with or further conflict with the foregoing requirements.
- d. **Lot Width:** There shall be provided a lot width not less than sixty-five (65) feet. (See Section 3.02, Definition of Buildable Area and Section 4.06.7 Minimum Distance between Principal Buildings).
- e. The widths of lots fronting on a cul-de-sac shall not be less than sixty-five (65) feet at the setback line in the R-3 Zoning District. (See Sections 3.02 and 4.06.7).
6. **Yard Requirements:** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
- a. **Front Yard:** A front yard of not less than twenty-five (25) feet in depth, except for single-family attached, detached, semi-detached, or two (2) family dwellings a front yard of not less than thirty (30) feet shall be required.
- b. **Side Yards:** There shall be provided two (2) side yards having a combined width of sixteen (16) feet and neither side yard shall be less than six (6) feet in width, except on a corner lot, a side yard adjoining a street shall be not less than twenty-five (25) feet wide. However, if a corner lot, subdivided and duly recorded prior to the effective date of this Ordinance,

has insufficient width to provide such yard of twenty-five (25) feet width and still maintain a buildable width of twenty-seven (27) feet, provided such side yard adjoining the street is not reduced to less than thirty percent (30%) of the width of the lot.

- c. **Rear Yard:** A rear yard of not less than thirty (30) feet in depth.
 - d. **Coinciding Lot Line:** When a front, corner, side and/or rear lot line coincides with a front, corner, side, and/or rear lot line in an adjacent single-family residence district, the required size of the front, corner, side and/or rear yard provided along such lot line shall be equal to the more restrictive yard requirement under this Ordinance for the applicable Residence District.
7. **Yards, General:** For permitted uses and special uses, each front, side and rear yard as heretofore required shall be increased in depth or width by two (2) feet for each additional one (1) foot or building height over thirty (30) feet.
8. **Floor Area Ratio:** Non-residential Permitted and Special Uses shall not exceed zero point six (0.6).
9. **Building Height:** Residential: No building shall exceed a height of thirty (30) feet or two in one half (2-1/2) stories, whichever is lower except as follows: a building not to exceed thirty-four (34) feet, or three (3) stories in height may be permitted when recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board and only in cases where the building is compatible with adjacent buildings. (See Definitions, Section 3.02).
10. **Maximum Lot Coverage:** Not more than sixty-seven percent (67%) of the lot area may be occupied by buildings and structures including accessory buildings or covered by walks, driveways, or patios. The balance of the remaining portion of the zoning lot shall be suitably landscaped.

8.00 BUSINESS DISTRICTS**8.01 PURPOSE AND INTENT**

The Business Districts, as they have been historically named in the Zoning Ordinance, will continue to be so named in this Ordinance. The Business Districts, as shown on the Zoning Ordinance Map which is part of this Ordinance, include the various named commercial areas as delineated in the Amendatory Comprehensive Plan, as amended.

As the Village of Itasca is developed and additional business areas are requested, the Amendatory Comprehensive Plan shall be considered in the decision-making process for the location of any additional business areas.

8.02 BUSINESS DISTRICT PROVISIONS – ALL BUSINESS DISTRICTS

Unless otherwise provided in the regulations of the Ordinance, the following provisions shall apply to all Business Districts.

1. All business, service, storage, merchandise, display and, where permitted, repair and processing, shall be conducted wholly within an enclosed building, except for off-street automobile parking, off-street loading and open sales lots in districts where they are permitted.
2. Goods sold shall consist primarily of new merchandise and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of dirt, smoke, cinders, gas, noise, vibration, or refuse matter of water-carried waste.

8.03 B-1 LOCAL BUSINESS DISTRICT

The B-1 Local Commercial District is intended for small-scale commercial uses, designed to meet the day-to-day convenience shopping and service needs of nearby residents. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.

1. **Permitted Uses:** The following uses are permitted:
 - a. Barber shops
 - b. Beauty parlors

- c. Bicycles stores; sales, rental and repair
 - d. Candy and ice cream stores
 - e. Clothing store
 - f. Clothes-pressing establishments
 - g. Drug stores
 - h. Dry-cleaning and laundry-receiving establishments, provided that processing shall be done elsewhere.
 - i. Food stores, grocery stores, meat markets and delicatessens not exceeding one thousand (1,000) gross square feet.
 - j. Health clubs
 - k. Libraries – branch
 - l. Offices, Professional and General; uses not to occupy more than one thousand two hundred (1,200) square feet (See Definition Section 3.02)
 - m. Shoe stores
 - n. Shoe and hat repair stores
 - o. Signs (Allowable). (Section 13.00)
 - p. Variety stores.
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administrative Section 14.00.
- a. Other business uses when found to be similar and compatible with adjoining property.
 - b. Planned developments
 - c. Hardware stores
 - d. Laundries, automatic self-service type or hand, provided that laundry machines shall not exceed the commercial coin-operated type and not more than two (2) employees and one (1) owner or manager are on the premises at one time.

- e. Offices, Professional and General (See Definition, Section 3.02).
 - f. Public utility and/or service uses
 - (1) Essential services, including fully automated gas regulating stations and telephone exchanges; private or public utility substations or transmission corridors with a capacity no greater than 34 kilovolts.
 - (2) Railroad passenger stations when not located on railroad property.
 - (3) Sewage treatment plants.
 - (4) Waterworks, reservoirs, pumping stations, filtration plants, public.
 - (5) Other public or private utility service uses or buildings.
 - g. Temporary Buildings (See Section 4.14).
3. **Required Conditions:**
- a. The sale of foodstuffs, beverages or articles intended for human consumption shall be conducted wholly within an enclosed building unless otherwise recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board.
 - b. There shall be no manufacture, processing, or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises.
 - c. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
4. **Floor Area Ratio:** The floor area ratio shall not exceed zero point four (0.4).
5. **Yard requirements:** Yards shall be provided in accordance with the following regulations:
- a. **Front Yard:** Not less than twenty-five (25) feet in depth shall be provided.
 - b. **Side Yards:** Not less than five (5) feet in width shall be required except, if recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board, a side yard may not be required. A side yard adjoining a street shall be provided and such yard shall not be less than twenty-five (25) feet in width. Where a side lot line coincides with a side lot line in an adjacent residence district, a side yard shall be

provided along such lot line. Such side yard shall be equal in dimension to the side yard required under this ordinance for the applicable residence district.

- c. **Rear Yard:** Not less than twenty (20) feet in depth shall be provided.
 - d. **Yard Setbacks:** Each front, side, and rear setback or required yard shall be increased by two (2) feet for each additional one (1) foot of building height over thirty (30) feet.
6. **Off-Street Parking and Loading:** Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.
7. **Building Height:** The height of any building or structure shall not exceed two (2) stories or thirty (30) feet whichever is lower. (See Definitions – Section 3.02)

8.04 B-2 COMMUNITY BUSINESS DISTRICT

The B-2 Community Business District is established to promote a harmonious, efficient, and convenient retail shopping environment. The B-2 district encourages: traffic safety through provision for proper traffic routing and auto parking; freedom from traffic congestion on the public streets through provision for adequate off-street parking, off-street loading, and off-street circulation; the protection of the surrounding residential values; and the promotion of the general welfare of the surrounding residential area.

1. **Permitted Uses:** The following uses are permitted:
- a. Uses permitted in a B-1 Local Business District.
 - b. Antique shops.
 - c. Art and school supply stores.
 - d. Art galleries, but not including auction rooms.
 - e. Art shops or galleries including picture framing.
 - f. Bakeries, retail, where not more than seventy percent (70%) of the floor area is devoted to processing and not more than seven (7) employees are on the premises at any one time.
 - g. Book and stationery stores.
 - h. Camera and photographic supply stores.

- i. Carpet and rug stores.
- j. China and glassware stores.
- k. Coin and philatelic stores.
- l. Computer and software rentals, sales and service.
- m. Craft store.
- n. Currency exchanges.
- o. Custom dressmaking.
- p. Dry goods stores.
- q. Dry cleaning and laundry, automatic self-service types or hand, and not more than two (2) employees in addition to one (1) owner or manager on the premises at any one time.
- r. Drug stores.
- s. Electrical and household appliance stores, including radio and television sales.
- t. Food stores, delicatessens, fish and seafood stores, grocery stores, meat markets and package liquor stores.
- u. Flower shops and conservatories.
- v. Furniture stores, including upholstery, when conducted as part of the retail operation and secondary to the principal use.
- w. Furrier shops, including the incidental storage and conditioning of furs.
- x. Garden supply and seed stores.
- y. Gift shops.
- z. Hardware stores.
- aa. Hobby shops, for retailing of items to be assembled or used away from the premises.
- bb. Household appliance stores.

- cc. Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles when conducted as part of the retail operation and secondary to the principal use.
- dd. Jewelry stores, including watch repair.
- ee. Leather goods and luggage stores.
- ff. Liquor stores, retail sales.
- gg. Loan offices.
- hh. Locksmith shops.
- ii. Mail order service stores.
- jj. Medical, dental, or optical clinics, including accessory laboratories.
- kk. Millinery shops.
- ll. Musical Instruments, sales and repairs. Newspaper offices, but not including printing.
- mm. Office supply store.
- nn. Opticians and optometrists.
- oo. Paint, glass and wallpaper stores.
- pp. Photography studios, including developing and printing of photographs when conducted on the premises as a part of the retail business.
- qq. Physical culture and health services, reducing salon and masseurs.
- rr. Picture framing, when conducted on the premises, for retail trade.
- ss. Quick print shops limited to five (5) employees.
- tt. Radio and television broadcasting studios.
- uu. Record, tape, and disc rentals and sales.
- vv. Restaurants, when no entertainment or dancing is provided.

- ww. Restricted production and repair limited to the following: art, needlework, clothing, custom manufacturing, and alterations, for retail only, of jewelry from precious metals, and watches.
 - xx. Schools, music, dance or business.
 - yy. Sewing machine sales and services, household machines only.
 - zz. Shoe repair shops.
 - aaa. Shoe stores.
 - bbb. Signs (Allowable). (See Section 13.00).
 - ccc. Sporting goods stores.
 - ddd. Tailor shops.
 - eee. Telegraph offices.
 - fff. Tobacco shops.
 - ggg. Travel bureaus and transportation ticket offices.
 - hhh. Toy shops.
 - iii. TV, VCR, and Video rentals, sales and services.
 - jjj. Wearing apparel shops.
 - kkk. Accessory uses to the above permitted uses.
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administrative Section 14.00.
- a. Automobile (car) rental agency.
 - b. Automobile accessory stores.
 - c. Banks and financial institutions which include drive-in or drive-through facilities.
 - d. Catering establishments limited to five (5) employees.
 - e. Child care centers (See Section 4.26).

- f. Churches, chapels, temples, and synagogues, including other accessory uses required for operation.
- g. Clubs and lodges, private fraternal or religious.
- h. Convents, monasteries, theological schools, rectories and parish houses.
- i. Department stores.
- j. Dwelling units when above the first (1st) story.
- k. Fire stations.
- l. Frozen food shops, including locker rental in conjunction therewith.
- m. Health centers, including clinics and hospitals.
- n. Hotels.
- o. Libraries, public.
- p. Meeting halls.
- q. Motels.
- r. Museums, public.
- s. Offices and other business uses when found to be similar and compatible with adjoining property (See Definitions, Section 3.02).
- t. Parking lots and storage garages, for motor vehicles under one and one-half (1-1/2) ton load capacity.
- u. Planned developments.
- v. Police stations.
- w. Post offices.
- x. Public utility and/or service uses.
 - (1) Essential services including fully automated gas regulating stations and telephone exchanges; private or public utility substations or transmission corridors with a capacity no greater than 34 kilovolts.
 - (2) Railroad passenger stations when not located on railroad property.

- (3) Sewage treatment plants.
 - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
 - (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
 - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants, public.
 - (7) Other public or private utility service uses.
- y. Radio and television towers.
 - z. Recreational centers and buildings, community centers and public meeting halls.
 - aa. Schools, commercial or trade, including those teaching music, dance, business, commercial or technical subjects, when not thereby involving increased danger of fire and explosion, nor of noise, vibration, smoke, dust, odor, glare, heat and other objectionable influences.
 - bb. Taverns or cocktail lounges, where no dancing or live entertainment is provided.
 - cc. Temporary Buildings (See Section 4.14).
 - dd. Banks and financial institutions which do not include drive-in or drive-through facilities.
 - ee. Offices, Professional and General (See Definition, Section 3.02)
3. **Required Conditions:**
- a. The sale of foodstuffs, beverages or articles intended for human consumption shall be conducted wholly within an enclosed building unless otherwise recommended by the Plan Commission (See Section 4.04.4) and approved by the Village Board.
 - b. There shall be no manufacturing, processing, or treatment of products other than those which are clearly indicated and essential to the retail business conducted on the same premises.
 - c. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

- d. Dwelling units are not permitted below the second (2nd) story.
- 4. **Floor Area Ratio:** The floor area ratio shall not exceed zero point six (0.6).
- 5. **Minimum Lot Size:** There shall be provided a lot area not less than one thousand seven hundred and fifty (1,750) square feet for each dwelling unit, except there shall be provided for efficiency units not less than one thousand two hundred and fifty (1,250) square feet of lot area for each dwelling unit, and for lodging rooms not less than eight hundred (800) square feet of lot area for each room.
- 6. **Yard Requirements:** Yards shall be provided in accordance with the following regulations:
 - a. **Front yard:** Not less than twenty-five (25) feet in depth shall be provided.
 - b. **Side yards:** Not less than five (5) feet in width shall be required, except if recommended by the Plan Commission (See Section 4.04.5) and approved by the Village Board, a side yard may not be required. A side yard adjoining a street shall be provided and such yard shall not be less than twenty-five (25) feet in width. Where a side lot line coincides with a side lot line in an adjacent Residence District, a side yard shall be provided along such lot line. Such side yard shall be equal in dimension to the side yard required under this Ordinance for the applicable Residence District.
 - c. **Rear yard:** There shall be provided a rear yard of not less than twenty (20) feet in depth.
 - d. **Yard setbacks:** Each front, side, and rear setback or required yard shall be increased by two (2) feet for each additional one (1) foot of building height over thirty (30) feet.
- 7. **Off-Street Parking and Loading:** Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.
- 8. **Building Height:** The height of any building or structure shall not exceed two (2) stories or thirty (30) feet, whichever is lower.

8.05 B-3 SERVICE BUSINESS DISTRICT

This district is designed to provide for automotive, service, and freestanding commercial activities which require limited comparison shopping. Customers usually arrive by automobile, making a separate stop for each errand. Uses permitted in this district usually require larger sites and buildings and often provide services which are not compatible with other commercial or residential districts. These commercial areas are usually located along major arterials or adjacent to limited access highway interchanges.

1. **Permitted Uses:** The following uses are permitted:
 - a. Uses permitted in the B-2 Community Business District.
 - b. Automobile accessory stores.
 - c. Bath and kitchen stores, retail, sales, displays and design services.
 - d. Blueprinting and photo-copying establishments.
 - e. Caskets and casket suppliers.
 - f. Catering establishments.
 - g. Clothing and costume rental shops.
 - h. Dry-cleaning establishments, retail, where not more than two thousand five hundred (2,500) square feet of floor area is devoted to processing, exclusive of office and storage space.
 - i. Employment agencies.
 - j. Exterminating shops.
 - k. Feed stores.
 - l. Frozen food lockers.
 - m. Greenhouses, provided operation of heating plants conforms with applicable performances standards for the Manufacturing District.
 - n. Job printing using presses having beds of not more than fourteen (14) inches by twenty (20) inches.
 - o. Laboratories, small, medical, dental, or optical.

- p. Laundries, retail, where not more than two thousand five hundred (2,500) square feet of floor space is devoted processing, exclusive of office and storage spaces.
 - q. Libraries.
 - r. Meat markets, including the sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when conducted as part of the retail business on the premises.
 - s. Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.
 - t. Parking lots for passenger motor vehicles only.
 - u. Pet shops, grooming, but not including animal hospitals or kennels.
 - v. Radio and television service and repair shops.
 - w. Recording studios.
 - x. Restaurants, including live entertainment and dancing.
 - y. Schools, commercial or trade, provided that operations do not involve danger of fire, explosion, or objectionable standards of noise, vibration, dust, odor, glare, heat or other nuisances.
 - z. Signs (Allowable). (See Section 13.00).
 - aa. Taxidermists.
 - bb. Typewriter and adding machine sales and service establishments.
 - cc. Accessory uses to the above permitted uses.
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administrative Section 14.00.
- a. Special Uses allowed in the B-2 District.
 - b. Amusement establishments including bowling alleys, pool halls, dance halls, game rooms, game arcades, gymnasiums, health clubs, commercial swimming pools, skating rinks and other similar places of recreation.
 - c. Animal hospitals.

- d. Automotive laundries.
- e. Automotive service stations.
- f. Building material sales, not including outside storage.
- g. Dog kennels.
- h. Hotels.
- i. Motels.
- j. Motor vehicles, snowmobile, watercraft, and accessories and equipment sales, repairs, and/or storage in an enclosed building.
- k. Offices, Professional and General (See Definition, Section 3.02)
- l. Open sales lot.
- m. Planned development.
- n. Public utility and/or service uses.
 - (1) Essential services including fully automated gas regulating stations and telephone exchanges; private or public utility substations or transmission corridors with a capacity no greater than 34 kilovolts.
 - (2) Railroad passenger stations when not located on railroad property.
 - (3) Sewage treatment plants.
 - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
 - (5) Telephone exchanges, radio, and microwave antenna and relay towers, and telephone transmission equipment buildings.
 - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants, public.
 - (7) Other public or private utility service uses.
 - (8) Sign sales and fabrication of pre-finished sign components.
- o. Recreation buildings and centers, community centers, and meeting halls.
- p. Teen recreation and dance centers.

- q. Temporary Buildings (See Section 4.14).
- r. Undertaking establishments and funeral parlors.
- s. Other business uses when found to be similar and compatible with adjoining property.

3. **Required Conditions:**

- a. The sale of foodstuffs, beverages or articles intended for human consumption shall be conducted wholly within an enclosed building unless otherwise recommended by the Plan Commission (See Section 4.04.4) and approved by the Village Board.
- b. There shall be no manufacturing, processing, or treatment of products other than those which are clearly indicated and essential to the retail business conducted on the same premises.
- c. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
- d. Dwelling units are not permitted below the second (2nd) story.

4. **Floor Area Ratio:** The floor area ratio shall not exceed zero point eight (0.8).

5. **Minimum Lot Size:** There shall be provided lot area in accordance with minimum lot size regulations in the B-2 Community Business District.

6. **Yard Requirements:** All yard requirements shall be the same as required in the B-2 Community Business District.

7. **Off-Street Parking and Loading:** Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.

8. **Building Height:** The height of any building or structure shall not exceed three (3) stories, or forty-five (45) feet, whichever is lower.

8.06 B-4 TRADITIONAL DOWNTOWN NORTH BUSINESS DISTRICT

The B-4 Traditional Downtown North Business District is designed for the traditional downtown core of the Village, north of the railroad tracks, comprising retail, residential and limited office and government facilities. Within the B-4 Traditional Downtown Business District, the Downtown Design Guidelines shall apply.

1. **Permitted Uses:** The following uses are permitted:
 - a. Uses permitted in B-1 Local Business District, excluding office uses
 - b. Antique Shops
 - c. Book and stationary stores
 - d. Camera and photographic supply stores
 - e. Catering establishments limited to five (5) employees
 - f. Cellular phone stores
 - g. China and glassware stores
 - h. Clothing and costume rental shops
 - i. Coin and philatelic stores
 - j. Computer and software rentals, sales and service
 - k. Craft store
 - l. Custom dressmaking
 - m. Dry goods stores
 - n. Flower shops and conservatories
 - o. Gift shops
 - p. Hobby shops, for retailing of items to be assembled or used away from the premises
 - q. Jewelry stores, including watch repair
 - r. Locksmith shops

- s. Musical instruments, sales and repair
 - t. Office supply stores
 - u. Pet shops; grooming, but not including animal hospitals or kennels
 - v. Picture framing, when conducted on the premises, for retail trade
 - w. Record, tape and disc rentals and sales
 - x. Restaurants, when no entertainment or dancing is provided
 - y. Shoe repair shops
 - z. Tailor shops
 - aa. Tobacco shops
 - bb. Toy shops
 - cc. TV, VCR, and video rentals, sales and service establishments.
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administration Section 14.00.
- a. Special uses allowed in a B-1 Local Business District
 - b. Banks and financial institutions which do not include drive-in or drive-through facilities
 - c. Bath and kitchen stores, retail, sales, displays and design services
 - d. Dwelling units when above the first (1st) story
 - e. Fire stations
 - f. Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles when conducted as part of the retail operation and secondary to the principal use
 - g. Meeting halls
 - h. Parking lots for passenger vehicles only
 - i. Police Stations

- j. Post Offices
- k. Radio and television towers
- l. Restaurants, including live entertainment and dancing
- m. Taverns or cocktail lounges, where no dancing or live entertainment is provided.

3. **Required Conditions:**

- a. The sale of foodstuffs, beverages or articles intended for human consumption shall be conducted wholly within an enclosed building unless otherwise recommended by the Plan Commission and approved by the Village Board.
- b. There shall be no manufacture, processing, or treatment of products other than which is clearly incidental and essential to the retail business conducted on the same premises.
- c. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
- d. Dwelling units are not permitted below the second (2nd) story.

4. **Minimum Lot Size:** There shall be provided a lot width of not less than twenty (25) feet.

5. **Yard Requirements:** Yards shall be provided in accordance with the following regulations:

- a. **Front Yard:** Zero front yard setbacks are encouraged. Front yard setbacks shall not exceed 10 feet.
- b. **Side Yards:** Side yard setbacks are not required.
- c. **Rear Yard:** Rear yard setbacks are not required.

6. **Off-Street Parking and Loading:** Off-street parking, or cash contribution in lieu of, or a combination of both at the option of the Village, shall be provided in accordance with the provisions of Section 12.00. Cash contributions in lieu of residential parking requirements shall not be permitted. Common or shared parking lots and structures are encouraged. Off-street parking shall be located behind the principal building or structure on the lot.

7. **Building Height:** The height of any building or structure shall not exceed three (3) stories or forty-five (45) feet, whichever is lower, except as follows: a building not to exceed four (4) stories, or fifty-five (55) feet in height may be permitted when recommended by the Plan Commission and approved by the Village Board and only in cases where the building conforms to the Downtown Design Guidelines as determined by the Plan Commission. If a fourth story is allowed, it shall be set back six (6) feet from the front exterior wall of the building.
8. **Landscaping:** A landscaping plan shall be submitted in accordance with Section 4.19 Landscaping.
9. **Signs:** Signs shall be permitted in the B-4 Downtown Business District provided they meet the standards set forth in Section 13.00 Signs.
10. **Site Plan Review:** Site plans shall be reviewed in accordance with Section 14.13 Site Plan Review.

8.07 B-5 TRADITIONAL DOWNTOWN SOUTH BUSINESS DISTRICT

The B-5 Traditional Downtown South Business District is designed for the traditional downtown core of the Village, south of the railroad tracks, comprising retail, residential and limited office and government facilities. It serves the entire community and provides a transition between more auto-oriented uses along Irving Park Road and the core, B-4 Downtown Business District. Within the B-5 Traditional Downtown South Business District, the Downtown Design Guidelines shall apply.

1. **Permitted Uses:** The following uses are permitted:
 - a. Uses permitted in a B-4 Traditional Downtown North Business District.
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administration Section 14.00:
 - a. Special uses allowed in a B-4 Traditional Downtown North Business District.
3. **Required Conditions:**
 - a. The sale of foodstuffs, beverages or articles intended for human consumption shall be conducted wholly within an enclosed building unless recommended by the Plan Commission and approved by the Village Board.

- b. There shall be no manufacture, processing, or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises.
 - c. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
 - d. Dwelling units are not permitted below the second (2nd) story.
4. **Minimum Lot Size:** There shall be provided a lot width of not less than twenty-five (25) feet.
5. **Yard Requirements:** Yards shall be provided in accordance with the following regulations:
- a. **Front Yard:** Front yard setbacks shall be not less than 25 feet.
 - b. **Side Yards:** Side yard setbacks shall be not less than 3 feet. On a corner lot, a side yard abutting a street shall be not less than 15 feet.
 - c. **Rear Yard:** A rear yard shall be not less than ten (10) feet.
6. **Off-Street Parking and Loading:** Off-street parking, or cash contribution in lieu of, or a combination of both at the option of the Village, shall be provided in accordance with the provisions of Section 12.00. Cash contributions in lieu of residential parking requirements shall not be permitted. Common or shared parking lots and structures are encouraged. Off-street parking shall be located behind the principal building or structure on the lot.
7. **Building Height:** The height of any building or structure shall not exceed three (3) stories or forty five (45) feet, whichever is lower, except as follows: a building not to exceed four (4) stories , or fifty-five (55) feet in height may be permitted when recommended by the Plan Commission and approved by the Village Board and only in cases where the building conforms to the Downtown Design Guidelines as determined by the Plan Commission. If a fourth story is allowed, it shall be set back six (6) feet from the front exterior wall of the building.
8. **Landscaping:** A landscaping plan shall be submitted in accordance with Section 4.19 Landscaping.
9. **Signs:** Signs shall be permitted in the B-5 Downtown Business District provided they meet the standards set forth in Section 13.00 Signs.
10. **Site Plan Review:** Site plans shall be reviewed in accordance with Section 14.13 Site Plan Review.

8.08 B-6 IRVING PARK ROAD BUSINESS DISTRICT

The B-6 Irving Park Corridor District is designed to accommodate high traffic, automobile-oriented commercial uses along Irving Park Road, west of the traditional downtown area. Uses permitted in this district usually require larger sites and buildings and often provide services which are not compatible with other commercial or residential districts. Within the B-6 Irving Park Road Business District, the Downtown Design Guidelines shall apply.

1. **Permitted Uses:** The following uses are permitted:
 - a. Uses permitted in the B-3 Service Business District, excluding currency exchanges.
2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of the Administration Section 14.00:
 - a. Special uses allowed in the B-3 Service Business District;
 - b. Currency Exchanges.
3. **Required Conditions:**
 - a. The sale of foodstuffs, beverages or articles intended for human consumption shall be conducted wholly within an enclosed building unless otherwise recommended by the Plan Commission and approved by the Village Board.
 - b. There shall be no manufacture, processing, or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises.
 - c. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
 - d. Dwelling units are not permitted below the second (2nd) story.
4. **Floor Area Ratio:** The floor area ratio shall be the same as required in the B-3 Service Business District.
5. **Minimum Lot Size:** There shall be provided lot area in accordance with minimum lot size regulations in the B-3 Service Business District.

6. **Yard Requirements:** Yards shall be provided in accordance with the following regulations:
 - a. **Front Yard:** Front yard setbacks shall be not less than twenty-five (25) feet.
 - b. **Side Yards:** Side yard setbacks shall be the same as required in the B-3 Service Business District.
 - c. **Rear Yard:** Rear yard setbacks shall be the same as required in the B-3 Service Business District.
7. **Off-Street Parking and Loading:** Off-street parking shall be provided as required or permitted in Section 12.00 Off-Street Parking. Common or shared parking lots and structures are encouraged. Off-street parking shall be located behind the principal building or structure on the lot, however one (1) row of short-term parking may be permitted at the front of the lot if recommended by the Plan Commission.
8. **Building Height:** The height of any building or structure shall not exceed five (5) stories, or sixty-five (65) feet, whichever is lower.
9. **Landscaping:** A landscaping plan shall be submitted in accordance with Section 4.19 Landscaping.
10. **Signs:** Signs shall be permitted in the B-6 Irving Park Road Business District provided they meet the standards set forth in Section 13.00 Signs.
11. **Site Plan Review:** Site plans shall be reviewed in accordance with Section 14.13 Site Plan Review.

9.00 O-R OFFICE RESEARCH DISTRICT**9.01 PURPOSE AND INTENT**

The O-R Office Research District is intended to provide and maintain a park-like setting for uses on large lots. The Office Research District shall be restricted to offices, accessory uses, limited business services and industrial non-manufacturing type uses.

9.02 PERMITTED USES: The following uses are permitted:

1. **Offices:** Business, professional, governmental and medical
2. **Service Business:**
 - a. Art work, commercial graphics and drafting services*
 - b. Automobile rental service. Any major automobile repair service shall not be permitted.
 - c. Banks and financial institutions which do not include drive-in or drive through facilities.*
 - d. Medical – dental research laboratories and facilities*
 - e. Restaurants*

*See Section No. 9.04(6)

3. **Industrial Type Uses:**
 - a. Laboratories, offices, and other facilities for research testing, data analysis and development.
 - b. Low-nuisance industrial activities including but not limited to electronic and scientific precision instrument assembly and repair, experimental product development and plastic products and design and assembly.
 - c. Printing and publishing.
 - d. Light distribution not including bulk commodities or motor freight terminals. (See Sections 3.02 and 11.03.2h)
 - e. Storage as an accessory use when conducted wholly within a completely enclosed building and in conjunction with the principal use. Such

storage shall not exceed forty percent (40%) of the gross floor area of any building.

4. **Accessory Uses**

Retail and Service Use. Upon application for issuance of a zoning certificate and incidental or secondary only to a principal building containing forty thousand (40,000) or more square feet of gross floor area, one (1) or more uses hereinafter set forth may be operated as accessory uses if each such use meets the following conditions: (1) it is provided for the convenience of the owner and/or tenants; (2) does not have exterior signs of any type; (3) it does not have a separate outside entrance facing any street; and (4) is not evident from any street.

- a. Banks and financial institutions which do not include drive-in or drive-through facilities.
- b. Barber shops
- c. Beauty shops
- d. Blueprint and photostat services
- e. Data processing and computer center, including service and maintenance
- f. Duplication, letter and secretarial service firms
- g. Newspapers, tobacco and/or confectionery stands
- h. Office supply stores
- i. Restaurants
- j. Travel bureau and transportation offices

9.03 SPECIAL USES

1. **Service Business**

- a. Banks and financial institutions which include drive-in or drive-through facilities.
- b. Building trades, show rooms and distribution.

2. **Industrial type uses:**

Accessory Uses

- a. Warehouse or storage of any goods or material within a building when such use exceeds forty percent (40%) of the gross floor area of the building.
- b. Other processing, finishing and assembly facilities but not including manufacturing.

3. **Child care center** (See Section 4.26)

4. **Planned Development** (See Section 14.12)

5. **Public utility and/or service uses**

- a. Essential services including fully automated gas regulating stations and telephone exchanges. Private or public utility substations or transmission corridors with a capacity not greater than 34 kilovolts.
- b. Railroad passenger stations when not located on railroad property.
- c. Sewage treatment plants
- d. Waterworks, reservoirs, pumping stations, filtration plants and wells
- e. Telephone exchanges, radio and microwave antenna or relay towers, and telephone transmission equipment buildings
- f. Water filtration plants, pumping stations, reservoirs, and sewage treatment plants, public
- g. Other public or private utility service uses

6. **Other Uses:** Other non-retail office, financial institutional and industrial uses, not specifically listed above when found to have economic and performance compatibility with established uses on adjoining properties.

7. Accessory uses other than those listed in Section 9.02(4)

9.04 REQUIRED CONDITIONS

- 1. Not more than one (1) principal building or structure shall be located on a zoning lot within this district except as a planned development.

2. Every use, unless expressly exempted by this Ordinance, shall be operated in its entirety within a completely enclosed building; the exemption of a use from the requirement of enclosure will be indicated by phrase “need not be enclosed” appearing after each use exempted.
3. Outdoor storage of goods, products, materials, supplies, machinery, or equipment shall not be permitted, commercial vehicles shall be enclosed within a fence or solid landscape screen, or any combination thereof, at a height of not less than six (6) feet above grade.
4. Except as otherwise provided by special use herein, establishments of drive-in or drive-through type are prohibited.
5. Every uses, unless expressly exempted by this Ordinance, shall comply with Section 11.02.5 “Performance Standards”.
6. All requests for uses or building permits in the O-R Office Research District, noted by an asterisk (*), shall not be required to be accompanied by a certificate from a scientific research laboratory or consultant approved by the Village Board certifying compliance with the “Performance Standards” as required in the Ordinance.
7. Not less than fifteen percent (15%) of the lot area shall be provided for landscaping and open space purposes, exclusive of paved parking and hard surfaced areas.
8. A complete landscape plan prepared by a landscape architect or qualified landscaped contractor shall be presented to the Plan Commission (See Section 4.04.5) for review and recommendation to the Village Board for their action before the issuance of a building permit.
9. Outside lighting shall be designed and placed so as not to be disturbing to adjacent residential areas or traffic or public roadways.
10. Special uses granted to provide for yard variations in the Office Research District shall comply with the following:

Site Plan Review – each property owner or developer who requests a special use for yard variations in any Office Research District shall submit a complete site plan, including traffic controls, signage, and landscaping for the proposed development. The site plan shall be reviewed by the Plan Commission (See Section 4.04.5) and approved by the Village Board of Trustees.

9.05 FLOOR AREA RATIO: The floor area ratio shall not exceed zero point four five (0.45) of the lot area.

9.06 MINIMUM LOT SIZE: These shall be provided a lot area of not less than two (2) acres.

9.07 Yard Requirements: Yards shall be provided in accordance with the following regulations:

1. **Front Yard:** A front yard of not less than fifty (50) feet in depth.
2. **Side Yards:** There shall be two (2) side yards neither of which shall be less than thirty (30) feet in width. On corner lots a side yard adjoining a street (including public and/or private streets when located in a planned development) shall be provided and such yard shall be not less than fifty (50) feet in width.
3. **Rear Yard:** There shall be a rear yard of not less than forty (40) feet in depth.
4. **Yard Setbacks:** No building shall be constructed within one hundred fifty (150) feet nor shall a building exceeding one (1) story be constructed within two hundred twenty five (225) feet of residential zoned land, nor shall parking facilities be provided within fifty (50) feet of a zoned residential district. These distances shall be measured from the nearest point of the land zoned residential which shall include the full width of any intervening road right-of-way. Where additional building height is allowed, the setback or the required yard shall be increased by two (2) feet of depth for each additional foot of building height in excess of forty-five (45) feet. Parking shall be permitted in the additional yard.

9.08 MAXIMUM LOT COVERAGE: Lot coverage of principal building or structure and accessory building or uses shall not exceed forty-five percent (45%) of the lot area.

9.09 BUILDING HEIGHT: The height of any building or structure shall not exceed three (3) stories or forty-five (45) feet, whichever is lower.

Where additional building height is allowed, the setback or the required yard shall be increased by two (2) feet of depth for each additional foot of building height in excess of forty-five (45) feet. Parking shall be permitted in the additional yard.

9.10 SIGNS: Allowable – (See Section 13.00)

9.11 OFF-STREET PARKING AND LOADING: Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.

10.00 REGIONAL OFFICE CENTER DISTRICT**10.01 PURPOSE AND INTENT**

The Regional Office Center District is intended to provide for the combining of office, research, hotel and motel uses in an unified development, and to provide for secondary retail and service uses to serve the development. The District is also established in order that the public health, safety and general welfare will be furthered in an era of increasing urbanization and of growing demand for offices of all types and design and is also provided to encourage innovations and variety in type, design, and arrangement of such uses. Because of the intensity of the development permitted in the Regional Office Center District, it shall generally be used only abutting one (1) or more freeways with access to more than one (1) arterial street.

Secondary retail business or service establishments as set forth below shall be permitted subject to the restrictions set forth in Section 4.02. Secondary uses are established to reduce the need for the occupants of the R.O.C. District to depend on businesses located outside of the R.O.C. for goods and services and thereby reduce traffic congestion in and around the R.O.C. District.

Because the diversified land uses in a Regional Office Center District may not be predetermined in detail, approval of the concept plan and each individual site plan of a staged development is an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be mixed and to determine the impact of such uses on surrounding areas. The R.O.C. District shall remain under one (1) ownership or unified control unless safeguards are provided that, in the opinion of the Village of Itasca, will provide for the continuation of the original concept plan as may be modified from time to time. Emphasis will be based upon the review of pedestrian and vehicular circulation facilities such as sidewalks, parking areas, interior streets, pavement widths and rights-of-way because of the anticipated high volume of pedestrian and vehicular traffic which will be generated.

For the purpose of this Ordinance, the R.O.C. District shall not be considered a Planned Development.

10.02 PERMITTED USES

In a R.O.C. – Regional Office Center District, no building, structure or land shall be erected or used except for the following specified uses, unless otherwise provided in this Section and subject further to requirements set forth in Sub-section 10.06, Required Conditions.

10.03 PRIMARY USES**1. Office Uses.**

- a. Executive, administrative, personal service and professional offices.
- b. Financial institutions, their branches, or automated teller stations.
- c. Medical offices, including clinics and laboratories.
- d. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
- e. Any uses which are charged with the principal functions of education, research, design, and technical training and experimental product development including repair, when conducted wholly within a completely enclosed building, subject further to applicable performance standards, as established in Section 11.00, Manufacturing District.
- f. Hospitals
- g. Hotels, motels, convention and meeting facilities.
- h. Private clubs or lodges, including health clubs.
- i. Public or private schools or colleges for general or vocational training.
- j. Utility, governmental service and transportation uses.
- k. Accessory building and uses, including distribution facilities that are customarily incidental to any of the above permitted uses.
- l. Uses similar to the above permitted uses.

10.04 SECONDARY USES

1. Personal service establishments which perform personal services on the premises including beauty shops, barber shops, tailor shops, laundry and dry cleaning establishments, watch repair and shoe repair, restaurants or other places serving food or beverages, except those which permit food or beverages to be consumed on the premises in a motor vehicle.
2. Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to, groceries, drugs, dry goods, clothing, flowers, notions.

3. Theaters, assembly halls, concert halls, or similar places of assembly.
4. Indoor commercial recreation uses.
5. Child Care Center. When included as a secondary use in the principal building and licensed by the State of Illinois under the Illinois Child Care Act of 1969 (IL Compiled Statutes Ch. 23, Sec. 2211 et seq) or other applicable statute. The premises on which such center is to be located shall include an outdoor play area of seventy (70) square feet for each child in the play area at any one time and such play area shall be fenced from adjoining properties. (See Definitions – Section 3.02 and Section 4.26).
6. Storage, when conducted wholly within a completely enclosed building and in the same building as and in conjunction with a permitted primary use.
7. Temporary buildings (See Section 4.14).
8. Uses similar to the above permitted uses.

10.05 SPECIAL USES

1. Heliports, public and private, subject to applicable Federal Aviation Administration Standards and regulations.
2. Public Utility and/or service uses.
 - a. Essential services including fully automated gas regulating stations and telephone exchanges. Private or public utility substations or transmission corridors with a capacity not greater than 34 kilovolts.
 - b. Railroad passenger stations when not located on railroad property.
 - c. Sewage treatment plants waterworks, reservoirs, pumping stations, filtration plants and wells.
 - d. Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
 - e. Wastewater management systems, water filtration plants, pumping stations, reservoirs, and sewage treatment plants.
 - f. Other public or private utility service uses.

10.06 REQUIRED CONDITIONS

1. All applications for rezoning to the ROC – Regional Office Center District shall comply with the provision of Section 10.08a, Pre-Application Conference and Concept Plan Procedures, including a public hearing on the concept plan, held by the Plan Commission concurrently with the hearing on the rezoning
2. A ROC – Regional Office Center project may be developed with more than one (1) land use, at the option of the developer, and in accordance with the provisions of this Section.
3. Secondary land uses as permitted in Section 10.04, shall not exceed twenty (20) percent of the gross floor area of any building or structure and shall be attached or connected to the principal building it is intended to serve. When physically designed and oriented to serve more than one (1) building in a complex of buildings, the secondary uses may be permitted in a separate building, and shall not front on any perimeter road. Access thereto shall be provided only from interior roadways.
4. Not more than fifty (50) percent out of the area of any required yard abutting a street shall be used for ground level vehicular parking and driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than twenty-five (25) feet wide except at points of approved vehicular access to the street.
5. In addition to the landscaping required above, not less than ten (10) percent of the site, in common areas, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five (5) feet shall be considered in the ten (10) percent minimum landscaping requirement. Off-street parking requirements shall be provided in accordance with Section 12.00. In the case of a building and secondary uses, the space devoted to the predominant primary use in the building is the base for the purposes of calculating the parking requirements.
6. The outdoor storage or display of goods, vehicles, or materials shall be prohibited irrespective of whether or not they may be for sale, except for uses such as: sidewalk cafes, art or flower displays or similar uses intended to be conducted out-of-doors, subject to the issuance of a temporary permit.
7. Warehousing of goods and materials in quantities greater than normally incidental to the above permitted uses shall be prohibited.
8. Performance Standards – all uses shall comply with the provision of Section 11.02, M-Limited Manufacturing District.

9. Off-street loading requirements shall be provided in accordance with Section 12.00 except that in the case of office uses, no building shall be required to have more than three (3) loading berths unless it is recommended by the Plan Commission and approved by the Village Board that more loading berths are needed.

10.07 AREA AND BULK REGULATIONS

1. **Minimum Land Area Required.** Not less than one hundred (100) acres under single control, as approved by the Village.
2. **Building Height.** All buildings constructed in the R.O.C. – Regional Office Center District, shall be limited to three (3) stories or forty-five (45) feet in height, whichever is lesser, except that in such District having areas greater than one hundred (100) acres, one (1) additional story, or an additional fifteen (15) feet in building height shall be permitted for each full three (3) acres in addition to and in excess of one hundred (100) acres, when recommended by the Plan Commission and approved by the Village Board; provided and regardless of the amount of acres in one contiguous area lying within the District, no building shall be of a height greater than forty (40) stories, or six hundred (600) feet, whichever is lesser.

This paragraph shall not be construed as limiting the total number of stories in all buildings in any such District, but rather as limiting the height of any single building in such a District. All of the above are further subject to the then current Federal Aviation Administration standards and regulations.

3. **Building or Structure Locations Near or Adjacent to Residential Zoned Lands.** No building shall be constructed within one hundred and fifty (150) feet of a residence district, nor shall any building exceeding one (1) story in height be constructed within two hundred and twenty-five (225) feet of a Residence District, nor shall parking facilities be provided within fifty (50) feet of a Residence District, which distances shall be measured from one (1) nearest point of the building to the closest point of the lands zoned residential, and which distance shall include the full width of any intervening road right of way. For buildings over forty-five (45) feet in height, and additional two (2) feet of setback is required for each additional one (1) foot of building height.
4. **Yard Requirements**
 - a. **Perimeter Yards:** Along those perimeter property lines which abut an arterial or a freeway road, a fifty (50) foot perimeter yard, as measured from the right-of-way line shall be required. For buildings greater than forty-five (45) feet in height, the required setback or yard shall be increased by two (2) feet for each additional one (1) foot of building height.

An approved concept plan which indicates specific locations for construction of buildings greater than forty-five (45) feet in height may limit the perimeter yard required to not less than fifty (50) feet.

b. Other Yards

- (1) **Front Yard:** A front yard of not less than fifty (50) feet where a maximum of fifty (50) percent may be used for off-street parking and access drives, provided that that remaining fifty (50) percent be landscaped area.
- (2) **Side Yard:** There shall be provided two (2) side yards, each of which is to be twenty-five (25) feet where a maximum of fifty (50) percent may be used for off-street parking and access drives.
- (3) **Rear Yard:** A rear yard of not less than fifty (50) feet where parking shall be permitted within the rear yard, provided that the thirty (30) percent shall be maintained as landscaped area.

5. **Other Requirements:** Adjacent to any lot line abutting an interior street, there shall be a yard not less than fifty (50) feet and a continuous landscaped area not less than twenty-five (25) feet wide except at points of approved vehicular access to the street.
6. **Floor Area Ratio:** A cumulative total of zero point six (0.6) for the gross project area as determined by the concept plan. For the purposes of this district, the floor area shall not include that floor space devoted to enclosed off-street parking and loading.

7. Walls and Berms

- a. For those uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall or landscaped berm as required below. The height of the wall or berm shall be measured from the surface of the parking area or land on the non-residential side of the wall.

<u>Use</u>	<u>Height Requirement</u>
(1) Off Street Parking Area	5 ft.
(2) Loading or Unloading Area and Service Area	6 ft.
(3) Utility Building, Stations and/or Substations	6 ft.

- b. The location and design of required walls and berms shall be subject to the review and recommendation of the Plan Commission (see Section 4.04.5) and approval by the Village Board.
- c. Berms shall be landscaped earth mounds, the same heights as required for a wall, with a maximum slope of 3:1 (three [3] foot horizontal to one [1] foot vertical). All berms shall have a nearly flat, horizontal area at their highest point of at least two (2) feet in width. Such requirements may be modified by the Plan Commission (see Section 4.04.5).

Berm slopes shall be protected from erosion. The berm shall be kept free from refuse and debris and shall be planted with shrubs, trees or sod (or seeded) and shall be maintained in a healthy growing condition.

- d. Masonry walls may be constructed with openings which do not, in any square section (height and width), exceed twenty (20) percent of surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and recommended by the Plan Commission (see Section 4.04.5.) and approved by the Village Board.
- e. In those instances where no useful purpose would be served, the Plan Commission may waive or modify the forgoing requirements of sub-Section (g) relating to walls and berms.

10.08 CONCEPT AND SITE PLAN REVIEW PROCEDURES

No building, structure or land shall be erected or used in the ROC – Regional Office Center District unless the Concept Plan and any stage of the site plan have been approved by the Board of Trustees. The approval of the Concept Plan by the Board of Trustees shall constitute an acceptance of the specific content of the Concept Plan and shall indicate the general acceptances of the Plan Commission (see Section 4.04.5) and the Board of Trustees to approve specific site plans prepared and which are in conformance with the provisions required for this District. The Board of Trustees shall not act on the Concept Plan, or any stage of the site plan, until it receives a recommendation regarding either the concept plan or the site plan from the Plan Commission (see Section 4.04.5). The Board shall act on any portion of the Concept Plan or site plan if a recommendation is not received from the Plan Commission (see Section 4.04.5) within sixty (60) days after such recommendation has been requested from the Plan Commission (see Section 4.04.5) by the Board of Trustees. The Plan Commission (see Section 4.04.5) shall not recommend approval of any successive portion of the site plan unless it finds that the following conditions and procedures have been complied with:

1. **Pre-Application Conference.** Prior to filing a formal application approval of a planned development, the developer shall request an informal pre-application conference with the Plan Commission (see Section 4.04.5) in order to discuss:
 - a. The relationship of the proposed development with reference to the proposals of the Comprehensive Plan, zoning and use restrictions of the area, and proximity to existing residential uses and effect of the proposed development thereon the compliance of the proposed development with other provisions of the Zoning Ordinance, Subdivision Regulations, Engineering Specifications, and similar ordinances or controls.
 - b. The standards for sewage disposal, water supply, storm water runoff storage, aquifer recharge, erosion control, and plans for the widening of adjacent thoroughfares shall be investigated by the developer.
2. **Concept Plan.** A concept plan for the project area shall be filed with the Village Clerk for submittal to the Plan Commission for its review and recommendations, and consideration for approval by the Village Board. Upon approval by the Village Board, the site plan and any amendments thereto shall be recorded with the DuPage County Recorder of Deeds. The concept plan will be a generalized plan for the entire development and will consist of the following:
 - a. **Generalized Land Uses** – the approximate location, size, configuration of all proposed land uses within the entire development; to include areas to be designated as open space recreation, and service activity areas.
 - b. **Distribution of Density** – the approximate amount of square footage proposed for each land use area, including the approximate number of vehicles to be accommodated.
 - c. **Overall Circulation System** – to include the principal points of access to the site from the surrounding roadways, the major elements of internal circulation proposed, the location of major parking areas and any special requirements for service or emergency access.
 - d. **Phases of Development** – to indicate the phases or stages by which the entire development is to be accomplished, if applicable, including the approximate size, density and timing of sub-elements of the building program and all improvements.
 - e. **Special Features** – to include elements such as pedestrian environments, public facilities, energy conservation measures and similar features.

- f. **Development Features** – all the development features, including principal building and any accessory buildings, open spaces, service road, driveways and parking areas, are located so as to minimize the possibility of any adverse effects upon adjacent properties and so as to relate properly to traffic safety.
- g. **Access** – the concept plan indicates the access is provided only to an arterial or freeway service drive and that a prior relationship exists between the arterial and any proposed service roads, driveways, and parking areas in order to encourage pedestrian and vehicular traffic safety.
- h. **Signs** – (Allowable) (see Section 13.00).
- i. **As-Built Concept Plan** – when the development included on the approved Concept Plan has been completed and before the last Certificate of Occupancy is issued, a final as-built Concept Plan to scale shall be prepared using mylar reproducible material, reviewed and recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board.

The final approved as-built Concept Plan shall be recorded with the DuPage County Recorder of Deeds.

- 3. **Submittal of Site Plans.** An application shall be filed with the Village Clerk for the review and recommendations by the Plan Commission (see Section 4.04.5) of the site plan for any proposed development, or any stage thereof, and shall contain the following:
 - a. All site plans, or plate (where applicable) shall be in substantial conformity with the approved concept plan.
 - b. A boundary survey of the exact acreage prepared by a Registered Land Surveyor in the State of Illinois.
 - c. A site location map on a smaller scale showing major circulation routes and other landmarks shall be provided with the site plan.
 - d. A topographic map of the entire area at a contour interval of not more than one (1) foot to U.S.G.S. Datum. This map shall indicate all major stands of trees, flood plains, wetlands, bodies of water, significant natural features, existing structures and unbuildable areas.
 - e. A recent aerial photograph of the area shall be provided at a scale of at least 1" = 200'.

- f. One (1) copy of the site plan, superimposed on a recent aerial photograph of at least 1"= 200' scale, shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent development.
- g. An indication of the contemplated storm and sanitary sewer plan, water distribution plan and a preliminary topographic map indicating how the land area is proposed to be shaped including elevations and proposed grade contours.
- h. A written statement explaining in detail the full intent of the sponsor, indicating the type of structures and facilities contemplated, and providing supporting documentation, such as soil survey, studies supporting land use requests, and the intended scheduling of the development, or any stage thereof.
- i. Unless otherwise indicated, all site plans shall be prepared at a consistent scale of not more than 1" – 100'.
- j. Floor plans and elevations typical of all buildings shall be submitted and the site plan shall indicate which floor plan and elevation is applicable to each such building.
- k. A landscape plan shall be prepared which shall be reviewed by the Plan Commission (see Section 4.04.5) in accordance with general design principles developed by the Commission. The landscape plan shall include all of the following.
 - (1) list of plant materials by name (botanical and common);
 - (2) number (quantity) of each plant material to be installed;
 - (3) key number on the plan to identify where each type of plant material is to be installed.
 - (4) size of material to be installed; and
 - (5) each plat and/or site plan submitted within the proposed development shall, either individually or in combination with previously approved project areas, meet all applicable density standards of the total project area.
- l. Signs. (Allowable) (see Section 13.00).

4. **Review of Site Plans by Plan Commission.** Upon filing of an application with the Village Clerk, the Clerk shall refer such request to the Plan Commission (see Section 4.04.5) for its review, report and recommendation. Following the Plan Commission's report and recommendation, the Village Board shall approve said application plan upon finding that:
 - a. Review and approval of the site plans shall comply with all applicable district requirements except as otherwise modified in the approved plan. Review and approval of any plats shall comply with Chapter 109 Plats Act of the Illinois Compiled Statutes, as amended, the Subdivision Regulations, Building Codes, Zoning Ordinance, Engineering Specifications, and Erosion and Sedimentation Control Standards, and other applicable Village codes and ordinance then in effect.
 - b. Adequate areas have been provided for all utilities, use areas, parking areas and other open spaces.
 - c. There is, or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road and storm water drainage systems are adequate.
 - d. That provisions have been made for the installation of all streets and the necessary utilities.
5. **Approval of Site Plans.** The Plan Commission (see Section 4.04.5) shall have authority to recommend approval of, and the Board of Trustees shall have authority to approve, portions of a site plan which do not conform to the requirements of this Section in the following instances and no others:
 - a. To permit a yard less than the yard required by applicable regulations.
 - b. To reduce the applicable off-street parking or load required to the extent of not more than two (2) parking spaces or two (2) loading berths, or thirty (30) percent of the spaces or berths required by applicable regulations, whichever number of reductions is greater;
 - c. To increase by not more than fifty (50) percent the maximum gross floor area in any building or structure devoted to secondary uses;
 - d. To approve minor modifications in the maximum allowable height of buildings;
 - e. To approve minor modifications to sign provisions.

The Plan Commission (see Section 4.04.5) shall be required to make specific findings or recommendations regarding such modifications shown on the site

plan. Recommendation of approval to the site plan by the Plan Commission (see Section 4.04.5) shall be deemed to include recommendation of approval of any or all such modifications which shall be specifically listed therein unless specifically disapproved or modified.

The Board of Trustees shall be required to make specific approvals regarding such modifications shown on the site plan. Approval of the site plan by the Board of Trustees may be deemed to include approval of any or all such modifications which shall be specifically listed therein unless specifically disapproved or modified.

6. **Termination of Concept Plan and Site Plans.** Once an area has been included within a concept plan or site plan, and such plans have been approved by the Board of Trustees, no other development may take place in such area nor may any other use thereof be made except in accordance with a Village Board approved amendment thereto and as follows:
 - a. No approved concept plan or site plan shall be terminated except with the recommendation of the Plan Commission (see Section 4.04.5) and approval of the Village Board and of all parties with an interest in the ROC District.
 - b. If development of the approved concept plan, final plats or site plans for respective stages is not substantially completed within three (3) years after approval, further final submittals shall cease until the part in question is completed, or cause can be shown for not completing the same. Provisions shall be made for the dedication of public roads so as to cause continuity of public access between the adjacent thoroughfares and ingress and egress to all private development within the project area plan.
7. **Amendments, Modifications or Variations.** Any amendments, modifications or variations requested to the concept plan or any other provision of the ROC District shall be reviewed and recommended by the Plan Commission (see Section 4.04.5) after a public hearing conforming to applicable statutory requirements. The Plan Commission (see Section 4.04.5) shall make its recommendation to the Village Board for their decision. Such amendment, modification or variation shall require approval of the Village Board and of all parties with an interest in the ROC District.

In instances where modifications are necessary to site plans, the Plan Commission (see Section 4.04.5) may request that said plans again be submitted for review, if in its judgment, a substantial change is being made in said plans then a public hearing shall be recommended conforming to applicable statutory requirements. Following the public hearing, the Plan Commission (see Section 4.04.5) shall make a recommendation to the Village Board for their review and decision.

11.00 MANUFACTURING DISTRICT**11.01 PURPOSE AND INTENT**

The manufacturing District provides for the development of various types of warehousing and manufacturing uses within a framework of standards designed to:

1. Provide jobs for the people of Itasca and its environment.
2. Provide the fruits of industry to the people of Itasca, et al.
3. Provide separation and compatibility with other land uses and activities within Itasca.
4. Encourage modern improved means of industrial production.
5. Enhance the tax base of Itasca and other governmental agencies.

11.02 MANUFACTURING DISTRICT PROVISIONS

Unless otherwise provided in the regulations of this Ordinance, the following provisions shall apply to all Manufacturing Districts:

1. No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered, or remodeled for any of the following uses: abattoirs; acid manufacture, arsenals; crematories, creosote treatment or manufacture; fat rendering; fertilizer manufacture, fireworks or explosive manufacture or storage; dumping or reduction of garbage, dead animals, offal or refuse; ore reduction, petroleum processing or refining; pyroxylin manufacture; synthetic polymers; manufacture; gutta percha manufacture or treatment; salt works; sauerkraut manufacture; soap manufacture smelters; stock yard or slaughter of animals or fowls; tallow, grease or lard manufacture or treatment; tanning, curing, or storage of rawhides or skins; tar distillation or manufacture; or cement, concrete or asphaltic concrete batch mixing plants, or any other facility which in the judgment of the Village Board of Trustees create excessive noise, smoke, odors or any other nuisance or hazards or would cause undue traffic congestion or excessive deterioration of Village streets due to high frequency of heavy loads.
2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Village of Itasca. Such materials shall include but shall not be confined to all primary explosives such as lead oxide, lead styphnate, fulminates and tetrocene; and all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, such

as nitrocellulose, black powder, baron hydrides, hdrazide and its derivatives; pyrotechnics and fireworks, such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, petrozoles, perchloric acid, perchlorattes, chlorates, hydrogen peroxide in concentrations greater than thirty-five (35) percent and nuclear fuels, fissionable materials and products and reactor elements such as but not limited to Uranium two hundred thirty-five (235) and Plutonium two hundred thirty-nine (239).

3. All activities and operations, including material and equipment storage, shall be within completely enclosed buildings. The outside storage of materials and equipment may be allowed only by Special Use Permit obtained in accordance with the provisions of Section 14.11 of the Itasca Zoning Ordinance.

Semi-trailers, storage containers and similar enclosed storage devices shall not be used for storage of materials or products for longer than three (3) days unless a Special Use Permit for such storage has been obtained in accordance with the provisions of Section 14.11 of the Itasca Zoning Ordinance.

4. No building or structure shall be constructed with one hundred fifty (150) feet of any lot line of a lot located in a Residence District nor shall an existing building, structure or land be used in connection with the operations of any establishment in the one hundred fifty (150) foot area except off-street parking spaces may be located within this area in accordance with regulations hereinafter set forth in Section 12.00.
5. Any use established or on-going in a Manufacturing District shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth and as set forth by other governmental and regulatory agencies, governing noise, smoke particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, glare or heat; and no use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with such applicable performance standards.
 - a. **Performance Standards – Noise.** Sound levels shall be measured, kept and be in compliance with applicable rules and regulations of the State of Illinois Title 35: Environmental Protection, Subtitle H: Noise, Chapter 1, Pollution Control Board, as amended.
 - b. **Performance Standards – Smoke Particulate Matter.** The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare is hereby declared to be a public nuisance, and shall henceforth be unlawful.

For the purpose of grading the density of smoke, the Ringlemann Chart, published and used by the United States Bureau of Mines, shall be

employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart is prohibited at all times except as otherwise provided hereinafter.

The emission from all sources within any lot area of particulate matter containing more than ten (10) percent by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited.

Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitation hereinafter specified is prohibited.

Smoke. The emission of more than eight (8) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringlemann No. 3. However, during a 1-hour period in each 24 hour day, each stack may emit up to sixteen (16) smoke units when blowing soot or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringlemann No. 3 be permitted and then for not more than three (3) minutes.

- c. **Performance Standards – Toxic or Noxious Matter.** No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety comfort, welfare, or cause injury or damage to property business.
- d. **Performance Standards – Odors.** The emission of odorous matter in such a quality as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines is prohibited.
- e. **Performance Standards – Fire and Explosion Hazard.**
 - (1) The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined for liquids by a closed-cup flash point of not less than one hundred eighty-seven degrees Fahrenheit (187 ° F) is permitted subject to compliance with all other performance standards for Manufacturing District.
 - (2) The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning -- as determined for liquids by a closed-cup flash point of less than one hundred eighty-seven degrees Fahrenheit (187 ° F) but not than one hundred and five degrees Fahrenheit (105° F) is permitted subject to

compliance with all other performance standards for the Manufacturing District and provided the following conditions are met:

- (a) Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls.
- (b) All such buildings or structures shall be set back at least forty (40) feet from lot lines, in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system (or a carbon dioxide system of equal protection) complying with installation standards prescribed by the National Fire Protection Association, or if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.
- (3) The utilization in the manufacturing processes of materials which produce flammable or explosive vapors or gasses – as determined for liquids by closed cup flash point of less than one hundred five degrees (105° F) shall be permitted in this district provided:
 - (a) That the final manufactured product does not itself have a closed cup flash point of less than one hundred eighty-seven degrees Fahrenheit (187°F).
 - (b) That the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and the requirements of other ordinances in the Village Code of Itasca.
 - (c) That the storage of more than fifteen hundred (1,500) gallons of materials or products having a closed-cup flash point of less than one hundred and five degrees Fahrenheit (105°F) (exclusive of storage in underground tanks), or two (2) hour fire-rated above ground tanks, and exclusive of storage of finished products in original sealed containers) is prohibited, and
 - (d) That the storage of more than two thousand five hundred (2,500) gallons of materials or products having a closed-cup flash point of less than one hundred eighty-seven degrees Fahrenheit (187°F) (exclusive of storage in underground tanks, or two (2) hour fire-rated above ground tanks, and exclusive of storage of finished products in original sealed containers) is prohibited.

- f. **Performance Standards – Glare or Heat:** Any operation producing intense glare or heat shall be performed within completely enclosed buildings in such a manner as not to create a public nuisance or hazard along lot lines.
- g. **Performance Standards – Vibration:** No industrial operation or activity (except those not under direct control of the manufacturer) shall cause at any time, ground transmitted vibrations in excess of the limits set forth herein. Vibration (the periodic displacement, measured in inches of each) shall be measured at any point along a Residence District boundary line with a three (3) component measuring instrument approved by the Village Board, and shall be expressed as displacement in inches.

<u>Frequency</u> <u>(Cycles per Second)</u>	<u>Maximum Permitted Displacement Along</u> <u>Residence District Boundaries (in inches)</u>
0 to 10	0.0008
10 to 20	0.0005
20 to 30	0.0002
30 to 40	0.0002
40 and over	0.0001

- h. **Performance Standards – Electromagnetic Fields and Interference:** No operation or activity under the control of the property user shall cause or create electromagnetic interference that adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference, or that violates any regulations of the Federal Communications Commission.

With respect to the construction, operation, and maintenance of any public or private electrical utility substation, all reasonable steps shall be taken to reduce and minimize the measurable average annual milligauss¹ level at any property line. For the purpose of this provision, the property owner shall submit to the Village a study identifying all available scientific or technical measures used to achieve such a measurable average annual milligauss levels but which were not deemed reasonable. In addition, such study shall include a documented projection of the anticipated measurable average milligauss level at any property line.

1. Definition of milligauss is one thousandth of a gauss where gauss is defined as cgs unit used in measuring magnetic induction or magnetic flux density.

11.03 M – LIMITED MANUFACTURING DISTRICT USES

1. **Permitted Use:** The following uses are permitted:
 - a. Adult uses, only when in compliance with all applicable provisions of Section 4.27.
 - b. Bakeries, commercial or wholesale.
 - c. Building material sales, not including open sales lots or outside storage of materials (except as provided in Section 11.02.3).
 - d. Cameras and other photographic equipment and supplies.
 - e. Carpet and rug cleaning
 - f. Contractors' offices and shops.
 - g. Currency exchanges
 - h. Greenhouses, wholesale, without restriction as to gross floor area provided heating plant operations conform with applicable performance standards set for in Section 11.02(a).
 - i. Laundries.
 - j. Machinery sales.
 - k. Motor vehicles and equipment sales and repair (when in a completely enclosed building).
 - l. Musical instruments.
 - m. Offices.
 - n. Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
 - o. Pharmaceutical products, compounding only.
 - p. Printing and publishing facilities.
 - q. Public utility and/or service uses.

- (1) Essential services, including fully automated gas regulating stations and telephone exchanges. Private or public utility substations or transmission corridors with a capacity not greater than 34 kilovolts.
 - (2) Railroad passenger stations when not located on railroad property.
 - (3) Sewage treatment plants.
 - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
 - (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
 - (6) Water filtration plans, pumping stations, reservoirs, and sewage treatment plants, public.
 - (7) Other public or private utility service uses and public works facilities.
- r. Repair of household or office machinery or equipment.
- s. Retail sales of manufactured products when: compatible with adjoining uses; adequate parking is provided; said retail use does not occupy more than twenty (20%) of the floor area of the primary building or structure located on the lot or parcel involved; and a zoning certificate specifically stating the type of product sold is approved by the Board of Trustees..
- t. Signs (Allowable). (See Section 13.00).
- u. Technical Schools.
- v. Temporary buildings. (See Section 4.14).
- w. Vehicle detailing and hand cleaning. When conducted in completely enclosed building. Does not include automobile laundries.
- x. Warehouse, distribution and storage (not including motor freight terminals) where the number of loading berths may not exceed one (1) per five thousand (5,000) square feet of the gross floor area.
- y. Wholesale business, the principal use of which is for storage warehouse.
- z. Accessory uses to the above permitted uses. (See Sections 3.02, 4.06, and 12.00).

- aa. Establishment for the manufacturing, fabricating, storing cleaning or testing of materials, goods or products, and assembly, disassembly, repairing or servicing if customarily accessory to manufacturing, fabricating, storing, cleaning or testing establishment are permitted, provided operation of such establishment and accessory operations conform with applicable regulations and performance standards set forth in this Ordinance; and issuance of the zoning permit is authorized by the Village Board.
- 2. **Special Uses:** The following uses may be allowed by Special Use Permit in accordance with the provisions of Administrative Section 14.00.
 - a. Automobile laundries when conducted in a completely enclosed building.
 - b. Automobile service stations, where the retail sale of gasoline and oil for motor vehicles, including minor services customarily incidental thereto, may be conducted out-of-doors. Lubricating, repair, and working facilities, including auto laundries, are permitted only if in a completely enclosed building.
 - c. Bank and financial institutions.
 - d. Child Care Center. (See Section 4.26)
 - e. Garage, public. (See Section 3.02)
 - f. Heliports and helipads.
 - g. Any other manufacturing establishment that can be operated in compliance with the performance standards listed below without creating objectionable noise, odor, dust, smoke, gas fumes and vapor; and any use compatible with the use and occupancy of adjoining properties.
 - h. Motor Freight Terminals, if the following conditions are complied with:
 - (1) Shall be under unified ownership and control;
 - (2) The zoning lot on which the Motor Freight Terminal is located shall be located not closer than two hundred (200) feet to any Residential or Business zoned district;
 - (3) No dormitories, lodging or sleeping quarter facilities; no sleeping on the premises or in vehicles on the premises;

- (4) The operation of a Motor Freight Terminal shall only be between the hours of 6:00 a.m. and 8:00 p.m. – Monday through Friday, and Saturday 8:00 a.m. to 12:00 (noon);
- (5) Scales, if provided, for weighing trucks shall be located on the same zoning lot;
- (6) Parking of vehicles and trucks shall be in compliance with Section 12.00, Off-Street Loading and Off-Street Parking of this Ordinance; Concrete dolly pads shall be provided in accordance with Village Ordinances and engineering specifications and shall be designed for the parking or storage of trailers.
- (7) The number of vehicles with engines operating at one (1) time shall not exceed four (4). Engines for the purpose of this clause shall mean a vehicle or auxiliary engine (vehicle with main engine and refrigerator unit) running equals two (2) running engines.
- (8) The number of vehicles with engines operating at one (1) time shall be restricted reasonably, so as not to emit a concentration of noxious fumes to endanger public health and welfare. Reference to Section 11.02.5.d of this Ordinance and the American Society for Testing and Materials (ASTM) Method DI 391-57 standard.
- (9) Exterior lighting shall be controlled, so as to shine away from adjacent properties.
- (10) Landscaping, including but not limited to fencing and berming, shall be provided to create a buffer to adjacent properties of not less than eighty percent (80%) opacity.
- (11) The number of vehicles, including trucks and trailers, shall be in compliance with Section 12.05 of this Ordinance.
- (12) There shall be no major motor vehicle maintenance or major engine overhauling on the zoning lot.
- (13) No parking or standing of trucks shall be permitted on public streets; the weight of trucks using public streets shall be within the weight limits of all public streets on which the trucks would traverse.
- (14) Reasonable restrictions shall be established and provided to avoid undue traffic congestion, including regulating the frequency of trucks entering and leaving the premises with the maximum number of trucks not to exceed ten (10) between the hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.; regulating the route to be taken by

trucks, to avoid congestion and danger to other motor vehicles and pedestrians.

- (15) Semi-trailers shall be limited to the Design Vehicle Dimensions established by the Illinois Department of Transportation (IDOT) and no tanker trailers shall be permitted other than for delivery of fuel to the premises only.
- (16) The number of truck loading berths located on the zoning lot shall be in compliance with Section 12.07 of this Ordinance.
- (17) The number of locations and width of entrances to, and exits from, the zoning lot shall be determined by Village codes and ordinance and/or Village engineering standards.
- i. Mini-Warehouse: Mini-warehouse, if the following conditions are complied with:
 - (1) The zoning lot on which the warehouse is located shall be located not closer than one hundred and fifty (150) feet to any Residence or Business zoned district;
 - (2) The number of locations and width of entrances to, and exits from the zoning lot shall be determined by Village codes and ordinances and/or Village engineering standards.
 - (3) Parking of vehicles and trucks shall be in compliance with Section 12.00, Off-Street Loading and Off-Street Parking of this Ordinance.
 - (4) The number of vehicles with engines operating at one (1) time shall be restricted reasonably, so as not to emit a concentration of noxious fumes to endanger public health and welfare. Reference to Section 11.02.5.d of this Ordinance and the American Society for Testing and Materials (ASTM) Method DI 391-57 Standard.
 - (5) Exterior lighting shall be controlled, so as to shine away from adjacent properties.
 - (6) There shall be no motor vehicle maintenance or major engine overhauling on the zoning lot.
 - (7) No parking or standing of trucks shall be permitted on public streets; the weight of trucks using public streets shall be within the weight limits of all public streets on which the trucks would traverse.

- (8) Reasonable restrictions shall be established and provided to avoid undue traffic congestions, including regulating the frequency of any vehicles entering and leaving the premises with the maximum number of vehicles not to exceed ten (10) between the hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.; regulating the route to be taken by vehicles, to avoid congestion and danger to other motor vehicle and pedestrians.
 - j. Planned developments, manufacturing, providing a planned development is on tract of land not less than two (2) acres in area and under unified ownership or control.
 - k. Recycling centers, plants or other related facilities.
 - l. Warehouse, distribution, and storage when the number of loading berths exceeds one (1) per five thousand (5,000) square feet of the gross floor area.
3. **Required Conditions:** All Permitted and Approved Special Uses are subject to the following conditions:
- a. Any production, processing, cleaning, servicing, treating and repair or storage of goods, materials, or products shall conform with the performance standards set forth below and elsewhere in the Ordinance.
 - (1) No dormitories, lodging or sleeping quarter facilities; no sleeping on the premises or in vehicles on the premises;
 - (2) Scales, if provided, for weighing trucks, shall be located on the same zoning lot.
 - (3) Parking of vehicles and trucks shall be in compliance with Section 12.00, Off-Street Loading and Off-Street Parking of this Ordinance.

Concrete dolly pads shall be provided in accordance with Village Ordinance and engineering specifications and shall be designed for the parking or storage of trailers.
 - (4) The number of vehicles with engines operating at one (1) time shall not exceed four (4). Engines for the purpose of this clause shall mean a vehicle or auxiliary engine (vehicle with main engine and refrigerator unit) running equals two (2) running engines.
 - (5) The number of vehicles with engines operating at one (1) time shall be restricted reasonably, so as not to emit a concentration of noxious fumes to endanger public health and welfare. Reference to Section

11.02.5.d of this Ordinance and the American Society for Testing and Materials (ASTM) Method DI 391-57 Standard.

- (6) Exterior lighting shall be controlled, as so to shine away from adjacent properties.
 - (7) There shall be no major motor vehicle maintenance or major engine overhauling on the zoning lot.
 - (8) No parking or standing of trucks shall be permitted on public streets; the weight of trucks using public streets shall be within the weight limits of all public streets on which the trucks would traverse.
 - (9) Reasonable restrictions shall be established and provided to avoid undue traffic congestion, including regulating the frequency of trucks entering and leaving the premises with the maximum number of trucks not to exceed ten (10), between the hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.; regulating the route to be taken by trucks to avoid congestion and danger to other motor vehicles and pedestrians.
 - (10) Semi-trailers shall be limited to the Design Vehicle Dimensions established by the Illinois Department of Transportation (IDOT) and no tanker trailers shall be permitted other than for delivery of fuel to the premises only.
 - (11) The number of locations and width of entrances to and exits from the zoning lot shall be determined by Village codes and ordinances and/or Village engineering standards.
- b. **Boulders in the Parkway:** Boulders may be permitted in the public parkway in this district to prevent the maneuvering of a vehicle onto landscaped (grassed) areas adjacent to driveways. Prior to installing any boulders, a landscape plan shall be submitted to the Building Commissioner indicating how the boulders are to be located, size, (vertical and horizontal), and type of boulder to be used. A legal document shall be executed in which the Village of Itasca will be held harmless in case of accidents caused by the boulder.
- c. Uses established on the effective date of this Ordinance and by its provisions rendered non-conforming shall be permitted to continue, subject to the regulations of Section 5.00.
- d. Uses established after the effective date of this Ordinance shall conform fully to the standards hereinbefore set forth for the district.

- e. Not less than fifteen percent (15%) of the lot area shall be provided for landscaping and open space purposes, exclusive of paved parking or hard surfaced areas.

11.04 YARD REQUIREMENTS

1. **Front Yard:** There shall be provided a front yard of not less than forty (40) feet in depth on streets which are at the perimeter of the M-Limited Manufacturing District and a front yard not less than thirty (30) feet in depth on streets in the interior of the Manufacturing District. The existing perimeter streets within the M-Limited Manufacturing Districts are:

- a. Rohlwing Road
- b. Crest Avenue
- c. Medinah Road/Meacham Road
- d. Norwood Avenue between Meacham and Hilltop Drive
- e. Hilltop between Ardmore Avenue and Norwood Avenue
- f. Prospect Avenue

The measurement shall be made from the property line; no parking shall be permitted in the required front yards; no storage or operation associated with the permitted uses of the site shall be permitted in the front yard and the front yard shall be planted, except for drives and walkways, with lawn, trees or other decorative plantings.

2. **Side Yard:** There shall be provided total side yards of not less than fifty (50) feet in width, which shall be measured at any point along the lot depth. The side yards need not be of equal width; provided that the minimum of any side yard shall be not less than fifteen (15) feet. No building or structure shall be erected within fifty (50) feet of another existing building or structure on an adjacent lot. A side yard abutting a street shall further comply with the requirements of Section 11.04(a) above. Front Yard for each corner side yard.
3. **Rear Yard:** There shall be provided a rear yard (which may include parking) of not less than forty (40) feet in depth except that a rear yard abutting a railroad right-of-way may be reduced to twenty (20) feet in depth.
4. **Exception to Side Yard and Rear Yard Limits:** In the event that a lot is adjacent to and served by a railroad track switch track to the interior of a building or structure on said lot, then said building or structure may be erected either on one (1) of the side lot lines or on the rear lot line, but not both. In

such case, no structure or building shall be erected closer than forty (40) feet to another existing building or structure on an adjacent lot, or within thirty (30) feet of an interior street right-of-way or within forty (40) feet of a perimeter street right-of-way.

5. **Yards Abutting Major Street:** Notwithstanding any of the foregoing, whenever any lots abuts any of the street or highways, as follows: Irving Park Road, Rohlwing Road, I-290, Devon Avenue, Thorndale Avenue (excluding “Old Thorndale Avenue”), Prospect Road, and the proposed Elgin O’Hare Freeway, there shall be provided a yard of not less than forty (40) feet in depth from the rights-of-way of said streets or highways.

11.05 MAXIMUM LOT COVERAGE: Lot coverage of the principal building or structure and accessory building or use shall not exceed seventy percent (70%) of the lot area.

11.06 BUILDING HEIGHT: Building height shall not exceed thirty (30) feet above the curb level or two (2) stories, whichever is lower, except when recommended by the Plan Commission and approved by the Village Board, the building height may exceed thirty (30) feet above curb level, but not higher than forty (40) feet or more than two (2) stories.

11.07 FLOOR AREA RATIO: Subject to requirements set forth under 4. Yard Requirements, the floor area ratio shall not exceed zero point seven (0.7).

11.08 SIGNS: (Allowable). (See Section 13.00).

11.09 OFF-STREET PARKING AND LOADING: Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.

12.00 OFF-STREET PARKING AND LOADING**12.01 PURPOSE AND INTENT**

The propose of this Section is to alleviate or prevent the congestion of the public street and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading an unloading of motor vehicles in accordance with the use to which property is put.

12.02 GENERAL PROVISIONS – PARKING AND LOADING (Also see Section 4.22)

1. **Scope of Regulations.** The off-street parking and loading provisions of this Ordinance shall apply as follows:
 - a. **Off-Street Parking and Loading Facilities.** For all buildings and structures erected and all uses of buildings and land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided in accordance with the provisions of this Section. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within one (1) year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided except as required by Ordinance when the permit was issued.
 - b. **Increased Parking and Loading Facilities.** When the intensity of use of any buildings, structures or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities, as required herein, shall be provided for such increase in intensity of use.
 - c. **New Off-Site Parking and Loading Facilities.** Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use.

However, if said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were in compliance with the parking and loading provisions of the Zoning Ordinance then in effect.

2. **Existing Parking and Loading Facilities.** Accessory off-street parking and loading facilities which are located on the same zoning lot as the building or use served which were in existence on the same zoning lot as the building or were provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this Ordinance for a similar new building or use.
3. **Permissive Parking and Loading Facilities.** Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
4. **Handicapped Parking.** All uses except single family detached dwellings shall be required to provide off-street parking spaces for handicapped persons in accordance with the standards established by the State of Illinois and other regulatory agencies.
5. **Damage or Destruction.** For any conforming or legally non-conforming building or use which is in existence on the effective date of this Ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, not to exceed fifty (50) percent of the cost of the existing building or structure, and which is reconstructed, re-established or repaired, off street parking or loading facilities equivalent to any maintained at the time of such damage or destruction, shall be restored or continued in operation. However, in no case shall it be necessary to increase or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.
6. **Control of Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory.

No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Plan Commission (see Section 4.04.5) has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained for such exclusive use at all times during the life of the proposed use or building.

7. **Submission of Plot Plan.** Any application for a building permit, or for a certificate of occupancy where no building permit is required shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Ordinance.
8. **Special Parking Provisions in the Itasca Historic District.** When any retail property located within the Itasca Historic Preservation District has insufficient space to allow for full compliance of the parking requirements of the Itasca Zoning Ordinance, and the owner of the property and/or operator of the business on said property has demonstrated that it is not feasible to provide adequate parking on site and has further demonstrated that sufficient on-street parking or approved public parking is available near the location of the business which could be utilized by employees and patrons of that business, then the owner of the property and/or operator of the business may request permission from the Board of Trustees upon application to the Director of Community Development to utilize on-street parking spaces or approved public parking spaces from 11:00 a.m. to 2:00 a.m. only to satisfy up to 50% of the parking requirements herein for off-street parking spaces for the specific use or uses existing or proposed. Notwithstanding such permission, the property owner and business operator must comply with all other provisions of this Section.

12.03 ADDITIONAL REGULATIONS – PARKING

1. **Use of Parking Facilities.**
 - a. **General Limitations**
 - (1) Off-street parking facilities accessory to a residential building or use in accordance with the requirements of this Section shall be used for the parking of regularly used passenger vehicles legally licensed and registered to, or in the lawful possession of, the occupants of the dwellings to which such facilities are accessory or by guests of said occupants.
 - (2) Under no circumstances shall required parking facilities accessory to residential buildings be used by persons other than the dwelling occupants for the parking of vehicles belonging to the employees, owners, tenants, visitors or customers of any business or manufacturing establishment.
 - (3) No new parking or access driveways shall be developed or established within five (5) feet of any property line, or in front yard, or corner side yard, except as specified in Section 12.03.8.

- b. **Certain Commercial Vehicles Prohibited.** The following subsections b(1) and b(2) shall apply to all commercial motor vehicles except for pick-up trucks, four-wheel cargo vans, and four-wheel passenger vans.

- (1) It shall be unlawful for any operator or owner of any commercial motor vehicle with a license plate registration in excess of a B plate, or weighing in excess of eight thousand (8,000) pounds gross weight, including vehicle weight and maximum load (Gross Vehicular Weight Rating), to park or store such vehicle on any off-street parking facilities accessory to any residential building or use within the Village. Prohibited commercial vehicles shall also include, without limitation, tractors, step vans, semi-tractors, tow trucks, farm implements, dump trucks, construction equipment, semi-trailers, buses, taxis, and limousines designed to carry more than six (6) passengers. This subsection shall not prohibit the parking of such vehicles within a completely enclosed garage or other structure.
- (2) It shall be unlawful for any operator or owner of any commercial motor vehicle with a license plate registration in excess of a B plate, or weighing in excess of eight thousand (8,000) pounds gross weight, including vehicle weight and maximum load (Gross Vehicular Weight Rating), to park or store such vehicle on any street or public right-of way in any residential area. Prohibited commercial vehicles shall include, without limitation, tractors, step vans, semi-tractors, tow trucks, farm implements, dump trucks, construction equipment, semi-trailers, buses, taxis, and limousines designed to carry more than six (6) passengers.

- c. **Limitation on Commercial Vehicles.** No more than two (2) of the following vehicles shall be permitted to be parked on any off-street parking facilities accessory to any residential building or use within the Village:

- (1) Any motor vehicle of the Second Division not otherwise prohibited under Section 12.03.b., which shall include all pick-up trucks, four-wheel cargo vans, and four-wheel passenger vans, operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for hire or not for hire, or a recreational vehicle being used commercially;
- (2) Any motor vehicle of the First or Second Division not otherwise prohibited under Section 12.03.b. with lettered signage designating a commercial business posted on the vehicle.
- (3) Any limousine not otherwise prohibited under Section 12.03.b.

Additional commercial vehicles are prohibited unless such additional vehicles are parked within a completely enclosed garage or structure.

- d. The requirements of this section shall not apply to those commercial vehicles that are parked for the purpose of delivering or collecting persons, materials or merchandise and/or performing some service to residents on whose property or adjacent to whose property the vehicle is being parked.
2. **Collective Provisions.** Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
3. **Computation.** When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
4. **Repair Service and Storage.** No motor vehicle repair work or service, storage or extended parking of unused or inoperable vehicles or selling of gasoline or motor oil of any kind shall be permitted in conjunction with off-street parking facilities located in any District, unless recommended by the Plan Commission (see Section 4.04.5) and approved by the Board of Trustees.
5. **Size.** A required off-street parking space shall not be less than nine (9) feet in width and not less than eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns or office or work area. Such space shall have a vertical clearance of not less than seven (7) feet. For parallel parking spaces, the length of the space shall be increased to twenty-two (22) feet.

Required off-street handicap parking spaces shall meet all applicable requirements of the current State of Illinois Accessibility Code and of other regulatory agencies.

6. **Off-Street Parking Chart** (see Section 12.06). All other requirements as to parking stall and aisle width shall be as set forth or interpolated from the "Off Street Parking Chart".
7. **Access.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

Residential lots shall be a minimum driveway width of nine (9) feet for one car garages and a minimum width of eighteen (18) feet for two car garages. All driveways shall extend to the curb or edge of street. The maximum width of driveways when measured at the property line in residential areas shall not exceed twenty-four (24) feet except in cases of houses with three (3) car garages facing the street, the driveway width at the property line may be increased to thirty-two (32) feet in an R-1 zoning district only. A recommendation from the Plan Commission and approval from the Village Board are required for more than one (1) driveway per single family dwelling. No driveway widening or bump outs shall be made into corner side yards for driveways located in front yards or into front yards for driveways located in corner side yards or to within five (5) feet of interior property lines.

8. **In Yards.** Off-street parking spaces and access driveways may be located in any yard except required front yards, and required corner side yards, but shall in no case be closer than five (5) feet to the lot line other than at the point where such access driveway crosses over a lot line except that for a dwelling unit, if two (2) of the required parking spaces are provided within a garage, the other required parking spaces may be located in the garage access driveway and may intrude into a required front yard, or required corner side yard, provided further, that if none of the required spaces are provided within a garage, the required spaces shall not be located in a required front yard or corner side yard, nor shall parking be allowed on any unpaved surface on a zoning lot.
9. **In Parkways.** No person, firm or corporation shall, deposit, leave or store any motor vehicle, or tangible personal property of any type or description at any time between the property line, curb and/or edge of pavement line or across any sidewalk, nor shall any vehicle be parked or encroached upon any sidewalk, parkway or other public way. (Also see Section 4.06.10 and Section 4.19.5(m)).
10. **Design and Maintenance.**
 - a. **Open and Enclosed Parking Spaces.** Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a Residence District elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a Special Use.
 - b. **Surfacing.** All open off-street vehicular parking areas, driveways and access aisles excluding truck loading berths (see Section 12.07.4) shall be improved with an all weather dustless material consisting of the following as approved.

- (1) For apartments and other residential uses, surfacing shall consist of the following:
 - (a) Eight (8) inch compacted aggregate base with a two (2) inch bituminous wearing surface; or
 - (b) Four (4) inch compacted aggregate base with a five (5) inch air entrained six (6) Portland Cement concrete and 6X6 #10 welded wire reinforcing.
 - (2) For non-residential, light vehicle (under 8500 gvw) uses, surfacing shall consist of one of the following:
 - (a) Eight (8) inch compacted aggregate base with a one and one half (1½) inch bituminous binder course and a one (1) inch bituminous surface course; or
 - (b) Six (6) inch compacted aggregate base with five (5) inch air entrained six (6) bag Portland Cement concrete and 6X6 #10 welded wire reinforcing.
 - (3) For heavy vehicular and other uses including business, commercial, industrial, or when in the opinion of the Building Commissioner, the driveway will be required to carry heavy loads, it shall then consist of one of the following:
 - (a) Ten (10) inch compacted aggregate base with a one and one-half (1-1/2) inch bituminous binder course and a one and one-half (1-1/2) inch bituminous surface course; or
 - (b) Eight (8) inch compacted aggregate base with a six (6) inch air entrained six (6) bag Portland Cement concrete and 6X6 #6 welded wire reinforcing.
 - (c) Loading berths and dolly pads, see Section 12.07.4.
- c. **Screening and Landscaping.** All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence or densely planted compact hedge. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located. Landscaped areas, including plant material, shall not be planted so there is interference with the overhang of parked vehicles.

- d. **Lighting and Other Equipment.** All lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance. All lighting shall be extinguished no later than thirty (30) minutes after close of business of the use being served, except as may be otherwise authorized by the Village Board. All lighting shall comply with the performance standards relative to glare. Unless otherwise approved by the Village Board, the minimum lighting level for commercial occupancy shall be 0.5 F.C.
 - e. **Signs.** Allowable. (see Section 13.00)
 - f. **Curbs.** In all cases where off-street parking areas are used for stormwater management purposes, such areas shall be improved with permanent Portland Cement concrete curb(s) and shall be so located that no part of any parking vehicle shall extend beyond the minimum setback.
 - g. **Wheel Guards.** All off-street parking spaces within parking lots for four (4) or more vehicles shall be provided with concrete wheel guards, bumper guards or continuous curbs permanently secured to the finished surface along the perimeter line and abutting the buildings. Wheel guards, bumper guards or continuous curbs shall be located so that no part of any parked vehicle will extend beyond the property line or encroach upon any adjacent sidewalk and/or landscape areas.
 - h. **Striping.** All off-street parking spaces, within parking lots, for four (4) or more vehicles shall be properly marked by a four (4) inch wide painted stripe. All such striping shall be maintained and kept clearly visible at all times.
11. It shall be unlawful for any person to park any commercial vehicles, recreational vehicles or boats in any commuter parking lot or in any parking lot owned or controlled by the Village. Further, no commercial vehicles, recreational vehicles or boats shall be issued permits by any person or entity to park in any commuter parking lot owned or controlled by the Village.
12. It shall be unlawful for any person to park or store any trailer on any residential lot within the Village or in any residential area in the Village unless within a completely enclosed garage or structure, provided, however, that such trailer shall be permitted only when utilized in conjunction with the storage of a boat, personal watercraft or snowmobile that is properly permitted pursuant to Section 4.22 of this Ordinance, and only during such times when the parking or storage of a boat, personal watercraft or snowmobile is permitted by Section 4.22.
13. A resident may request relief from the provisions of Section 12.03.1 by the filing of a petition requesting such relief. No relief from the provisions of

Section 12.03.1 shall be permitted unless such relief is recommended by the Plan Commission and approved by the Village Board. Any person requesting such relief shall comply with the notice requirements for special use permit set forth in Section 14.11.6. In considering any such petition for relief, the Plan Commission shall seek evidence from the Petitioner with respect to the following factors:

- a. The specific nature of the relief requested by the petitioner;
- b. The availability of alternative means for parking or storing any such vehicles;
- c. The availability of methods for screening such vehicles;
- d. The effect of the relief required on the public health, safety and welfare;
- e. Whether the relief requested will impair or injure the value or enjoyment of surrounding property;
- f. The difficulty or hardship of the petitioner in complying with the provisions of the Zoning Ordinance.

The Plan Commission may recommend, and the President and Board of Trustees may approve, conditions and restrictions upon the grant of any relief under this subsection.

12.04 LOCATION OF ACCESSORY OFF-STREET PARKING

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

1. **For Uses in a Residence District.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.
2. **For Uses in Business, Office Research, ROC, and Manufacturing Districts.** All required parking spaces shall be within one thousand (1,000) feet of the use served, except for spaces accessory to dwelling units, which shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a Business or Manufacturing District shall be located in a Residence District, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by Special Use permit in accordance with the administrative section within two

hundred (200) feet of, and adjacent to, any Business or Manufacturing District.

12.05 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis on the maximum number of employees on duty or residing, or both on the premises at any one time.

1. **Residential Uses.** As follows:

- a. **Single-Family Dwellings.** Attached or detached and semi-detached dwellings; three (3) parking spaces shall be provided per each dwelling unit with a minimum of two (2) spaces provided in a totally enclosed garage for all new construction.
- b. **Two-Family Dwellings.** Two and one half (2.5) parking spaces shall be provided for each dwelling unit.
- c. **Multiple-Family Dwellings (including Apartment Hotels).** Two and one-half (2.5) parking spaces shall be provided for every dwelling unit plus one (1) parking space for each employee. Multiple-Family Dwellings in the Traditional Downtown (B-4 and B-5 zoning districts) shall provide one and three-quarters (1.75) spaces for every dwelling unit plus one (1) space for each employee. For lodging rooms located in an apartment hotel, one and one-half (1.5) parking spaces shall be provided for each room, plus one (1) parking space for each employee.
- d. **Motels, Inns and Auto Courts.** One (1) parking space shall be provided for each guest or sleeping room or suite, plus one (1) additional space for each employee.
- e. **Hotels.** One (1) parking space for each guest room or bedroom suite shall be provided, plus one (1) additional space per employee.
- f. **Lodging, Rooming and Boarding Houses.** One (1) parking space shall be provided for each lodging room, plus one (1) space for the owner or manager.
- g. **Housing for the Elderly.** One (1) parking space for each four (4) dwelling units, plus one (1) space for each employee or staff member on a shift, or such greater number as recommended by the Plan Commission. (see Section 4.04.5)

- h. **Private Clubs and Lodges (with sleeping facilities for guests).** One (1) parking space shall be provided for each lodging room plus parking spaces equal in number to ten (10) percent of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.

2. **Retail and Service Use.** As follows:

- a. **Retail Stores and Banks.** One (1) parking space shall be provided for each two hundred fifty (250) square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide five (5) stacking spaces per teller or customer service window.
- b. **Automobile Service Stations.** Two (2) parking spaces per service bay plus one (1) space per employee.
- c. **Automobile Laundries.** Four (4) parking spaces per bay/stall plus one (1) space for each four (4) employees for a self-service establishment, or one (1) space for each four (4) employees plus sufficient area for twelve (12) stacking spaces per bay/stall for an automated establishment.
- d. **Bowling Alleys.** Three (3) parking spaces per alley, plus one (1) space per employee, plus such additional spaces as may be required herein for affiliated uses – bars, restaurants and the like.
- e. **Eating Establishments**
 - (1) Standard Eating Establishments. Ten (10) parking spaces per each one thousand (1,000) square feet of gross floor area.
 - (2) Drive-In or Drive-Through Eating Establishments. Twelve (12) parking spaces per each one thousand (1,000) square feet of gross floor area PLUS twenty (20) reserve/stacking parking spaces.
 - (3) Stand-Up Eating Establishments. Five and one-half (5 ½) parking spaces per each one thousand (1,000) square feet of gross floor area.
- f. **Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops.** One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
- g. **Motor Vehicle Sales, Rental and Service Establishments.** One (1) space per five hundred (500) square feet of enclosed sale/rental floor area, plus one (1) space per thousand (1,000) square feet of gross open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space for each employee.

- h. **Theaters (indoor).** One (1) parking space shall be provided for each three (3) seats, plus one (1) space per employee.
 - i. **Undertaking Establishments, Funeral Homes, Parlors and Chapels.** Four (4) parking spaces per one thousand (1,000) square feet of chapel area, or four (4) parking spaces per each seventy-two (72) lineal inches of parking space. In addition, there shall be not less than one (1) parking space per each vehicle used in conducting business and one (1) parking space per each employee. There shall also be off-street reserved spaces equal to thirty (30) percent of the number of parking spaces required which may include the use of parking lot access aisles and driveways.
 - j. **Offices, Business, Professional and Governmental, excluding Medical/Dental.** Three (3) parking spaces per each one thousand (1,000) square feet of gross floor area.
 - k. **Medical or Dental Offices and Clinics.** Six (6) parking spaces per each one thousand (1,000) square feet of gross floor area.
 - l. **Recreational Facilities Other than Theaters, Bowling Alleys, or Swimming Pools.** One (1) parking space per one hundred (100) square feet of gross floor area plus one (1) space per two (2) employees.
 - m. **Swimming Pools.** One (1) parking space per four (4) persons in the pool facility at one time, plus one (1) space per employee.
 - n. **Open Sales/Display Areas Other than Vehicle Sales, Rental and Service Establishments.** One (1) parking space per five hundred (500) square feet of open sales/display area plus one (1) space per employee.
 - o. **Wholesale Establishments but not Including Warehouse and Store Buildings Other than Accessory.** One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
 - p. **Mixed Retail Shopping Center.** One (1) parking space shall be provided for each two hundred (200) square feet of floor area (subject to the requirements of Section 12.05.7).
3. **Industrial and Related Uses**
- a. **Manufacturing Uses or Any Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods or Products.** One (1) parking space shall be provided for each employee, plus one (1) parking space for each vehicle used in the enterprise, or one (1) parking space per two thousand (2,000) square feet of gross area, whichever is greater.

- b. **Warehouse and Storage Buildings.** One (1) parking space shall be provided based on the shift having the maximum number of employees, for each employee, plus one (1) space for each vehicle used in the conduct of the enterprise or one (1) parking space per two thousand (2,000) square feet of gross area, whichever is greater.
 - c. **Health Centers, Government Generated.** Six (6) parking spaces shall be provided for each staff and visiting doctor, plus one (1) space for each employee.
 - d. **Hospital.** A parking study shall be required which analyzes parking demand and supply on the basis of number of beds, employees, ratio of in-patient usage, and other pertinent factors.
 - e. **Child Care Center, Day Nurseries and Nursery Schools.** One (1) parking space shall be provided for each teacher and employee, plus one (1) parking space for each ten (10) students for guest parking. Stacking spaces shall be provided off the public right-of-way for not less than ten (10) vehicles for pick-up and /or drop-off of students.
 - f. **Libraries, Art Galleries and Museums – Public.** Four (4) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area.
 - g. **Municipal or Privately Owned Recreation Buildings or Community Centers.** One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number as determined by the Zoning Administrator, to serve the visiting public.
 - h. **Public Utility and Public Service Uses.** One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
 - i. **School, Elementary or Intermediate.** One (1) parking space per each, faculty staff member, or other full-time employee, plus four (4) parking spaces for visitor parking.
 - j. **School, Secondary.** One (1) parking space per each faculty member, or full time employee, plus one (1) parking space per six (6) students based on rated design capacity.
4. **Places of Assembly. As follows:**
- a. **Stadiums, Arenas, Auditoriums, other than Churches, Colleges, or Institutional Schools, Convention Halls, Dance Halls, Exhibition**

Halls, Skating Rinks and other Similar Places of Assembly. Parking spaces equal in number to twenty-five (25) percent of the capacity in persons shall be provided or the Plan Commission shall recommend the parking spaces needed.

5. **Miscellaneous Uses: As follows:**

- a. **Fraternities, Sororities and Dormitories.** Five (5) parking spaces per each one thousand (1,000) square feet of gross floor area.
- b. **Institutions for the Care of the Insane or Feeble-Minded.** One (1) parking space shall be provided for each staff doctor, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
- c. **Private Clubs and Lodges (without sleeping facilities for guests).** Five (5) parking spaces per each one thousand (1,000) square feet of gross floor area.
- d. **Rest Homes and Nursing Homes.** One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- e. **Sanitariums, Convalescent Homes or Institutions for the Aged or for Children.** One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- f. For the following areas, parking spaces shall be provided in adequate number, as determined by the Zoning Administrator, to serve persons employed or residing on the premises, as well as the visiting public:

Heliports or Helipads
Convents or Monasteries
Crematories or Mausoleums
Fraternal or Religious Institutions
Rectories and Parish Houses

- 6. **Mixed Uses.** When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as required space for more than one (1) use unless otherwise recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board.

7. **Other Uses.** For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed used, or as determined by the Zoning Administrator.

12.06 OFF-STREET PARKING CHART INSERT

OFF-STREET PARKING CHART

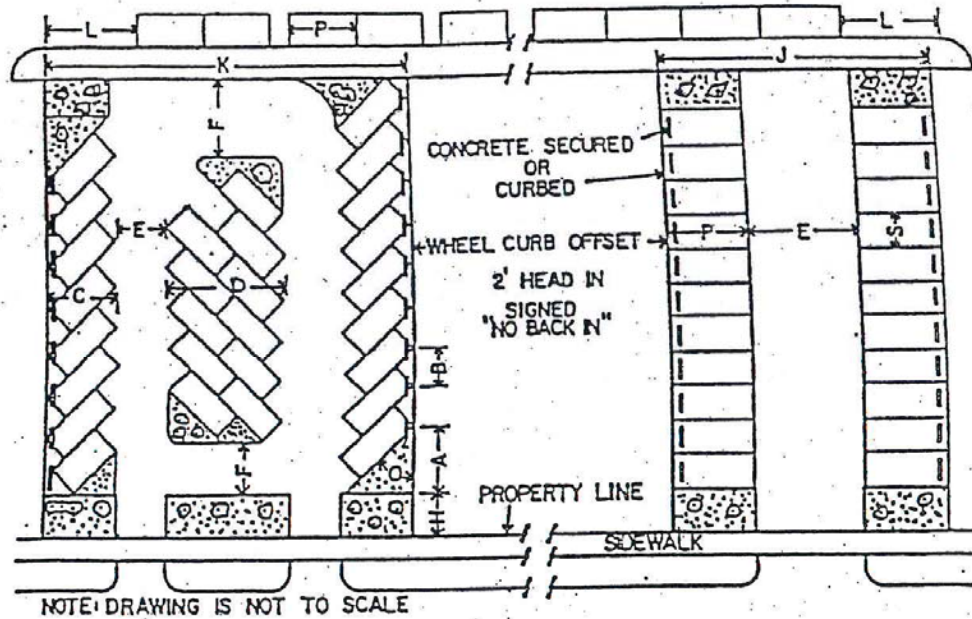


TABLE OF DIMENSIONS (in feet)

	O	S	P	A	B	C	D*	E	F	H	J	K	L
PARALLEL PARKING	0°	9.0	22.0	--	--	--	--	12.0	--	4.0	30.0	60.0	25.0
ANGLE PARKING	30°	9.0	18.0	29.1	18.0	16.8	20.6	12.0	15.0	10.0	45.6	78.2	--
	45°	9.0	18.0	19.1	12.7	19.1	31.8	14.0	15.0	10.0	52.2	98.0	--
	60°	9.0	18.0	11.6	10.4	20.1	34.7	16.0	15.0	10.0	56.2	116.9	--
PERPENDICULAR PARKING	90°	9.0	18.0	--	--	18.0	36.0	24.0	20.0	10.0	60.0	120.0	--

12.07 ADDITIONAL REGULATIONS – OFF-STREET LOADING

1. **Location.** All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a public right-of-way, street or alley. No permitted or required off-street loading berth in any district shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a required front or side yard. In Manufacturing Districts, off-street loading berths for vehicles of more than two (2) ton capacity shall not be located:
 - a. within a side yard abutting a Residence District or abutting a street which at the place of abutment fronts on a Residence District;
 - b. within forty (40) feet of the lot line of any side yard abutting street which at the place of abutment does not front a Residence District, nor
 - c. Within that part of a rear yard abutting a Residence District which part would be a side yard if the main building on the premises.
2. **Size.** Unless otherwise specified in the Schedule of Loading Requirements, a required loading berth shall be not less than twelve (12) feet in width by not less than sixty (60) feet in length exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
3. **Access.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and shall meet the applicable surfacing requirement of Section 12.03.10b and shall be subject to approval of the Building Commissioner.
4. **Surfacing.** Any open off-street loading berths, loading area or areas intended to be used for dumpster over two (2) cubic yards capacity, the parking of semi-trailers, without tractor attached, or other heavy concentrated loads, shall be improved with a minimum ten (10) inches thick compacted stone base and shall be surfaced with not less than eight (8) inches of unreinforced six (6) bag air entrained concrete, or six (6) inch thick, six bag mix, air entrained concrete with 6+6 #6 welded wire reinforcing, or an equivalent improvement, as approved by the Village Board.
5. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence or Business District.
6. **Screening and Landscaping.** All open trailer and truck parking areas shall be effectively screened on each side adjoining or fronting on any property

located in or adjacent to a Residence District by a wall, fence not to exceed twelve (12) feet in height, with metal or plastic inserts in chain link or densely planted compact hedge. Such required screening shall conform with the front and side yard setback requirements of the District in which the parking is located.

7. **Space.** Space allocated to any off-street loading berth shall not, which so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
8. **Special Uses.** For Special Uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the Zoning Administrator, shall be provided.
9. **Off-Street Loading.** Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, off an adjacent alley, service, drive, or open space, on the same lot, which is accessible by motor vehicle.

12.08 SCHEDULE OF LOADING REQUIREMENTS

For the uses listed in the following Table, off-street loading berths shall be provided on the basis of gross floor area of buildings, or portions thereof, devoted to such uses in the amounts shown herein.

SCHEDULE OF LOADING REQUIREMENTS

Uses	Gross Floor Area in Square Feet	Required Number & Minimum Horizontal Dimensions of Berths
a) Hospitals, Sanitariums and other Institutional Uses	10,000 to 200,000	1 – (12' x 30')
	for each additional 200,000 or fraction thereof	1 additional (12' x 30')
b) Hotels, Clubs and Lodges, Except as Set Forth in Item (c) Below	10,000 to 20,000	1 – (12' x 30')
	20,000 to 150,000	1 – (12' x 30')
	for each additional 150,000 or fraction thereof	1 additional (12' x 30')
c) Retail Stores, Furniture & Appliance Stores, Household Equipment & Furniture Stores, Repair Shops, Wholesale Stores & Establishments Handling the Sale & Consumption of Food on the Premise. (The above uses individually will comply with gross floor area and require number of berth loading requirements.	50,000 to 10,000	1 – (12' x 30')
	10,000 to 25,000	2 – (12' x 30')
	25,000 to 40,000	3 – (12' x 30')
	40,000 to 100,000	4 – (12' x 30')
	for each additional 100,000 or fraction thereof	1 additional (12' x 30')

SECTION 12

OFF-STREET PARKING AND LOADING

d) Motor Vehicle & Machinery Sales	40,000 to 100,000	3 – (12' x 60')
e) Auditorium, Convention Halls, Exhibition Halls, Sports Arenas, Stadiums, Bowling Alleys	10,000 to 20,000	1 – (12' x 30')
	20,000 to 100,000	2 – (12' x 30')
	for each additional 100,000 or fraction thereof	1 additional (12' x 60')
f) Banks and Office – Business, Professional and Governmental	10,000 to 100,000	1 – (12' x 30')
	for each additional 100,000 or fraction thereof	1 additional (12' x 30')
	for each additional 500,000 or fraction thereof	1 additional (12' x 60')
g) Manufacturing Uses or Any Establishments Engaged in Production Processing Cleaning, Servicing, Testing or Warehousing and Storage of Goods, Materials or Products	5,000 to 20,000	1 – (12' x 60')
	20,000 to 50,000	2 – (12' x 60')
	for each additional 500,000 or fraction thereof	1 – (12' x 60')
h) Theaters	8,000 to 50,000	1 – (12' x 30')
	for each additional 50,000 or fraction thereof	1 additional (12' x 30')
i) Undertaking Establishments & Funeral Parlors	8,000 to 100,000	1 – (12' x 30')
	for each additional 100,000 or fraction thereof	1 addition (12' x 30')

12.09 BICYCLE PARKING

1. **Required Number of Spaces**

Bicycle parking shall be required under the following circumstances, but in no instance shall a zoning lot be required to provide more than twenty (20) bicycle parking spaces:

- a. **New Development.** Equal to five (5) percent of the off-street motor vehicle parking requirements with a minimum of two (2) bicycle parking spaces.
- b. **Additions or Enlargements of a Building or Structure.** Equal to five (5) percent of the off-street motor vehicle parking requirements for the building expansion or structure expansion with a minimum of two (2) bicycle parking spaces. The minimum of two (2) bicycle parking spaces may be waived by the Zoning Administrator if at least two (2) bicycle parking spaces, conforming to the requirements of this section, are provided on the zoning lot.
- c. **Restoration or Remodeling of a Building or Structure.** Restoration or remodeling of a building or structure that exceeds fifty (50) percent of the value of the building or structure prior to the restoration or remodeling, shall provide bicycle parking equal to five (5) percent of the off-street motor vehicle parking requirements with a minimum of two (2) bicycle parking spaces.

- d. **Expansion of Off-Street Motor Vehicle Parking.** Equal to five (5) percent of the new off-street motor vehicle parking spaces with a minimum of two (2) bicycle parking spaces. The minimum of two (2) bicycle parking spaces may be waived by the Zoning Administrator if at least two (2) bicycle parking spaces, conforming to the requirements of this section, are provided on the zoning lot.

2. **Exempt Uses**

- a. The following residential uses are exempt from providing bicycle parking:
 - (1) Single-family detached
 - (2) Single-family attached
 - (3) Semi-detached
 - (4) Two-family dwelling units.
- b. Zoning lots requiring less than ten (10) off-street motor vehicle parking spaces are recommended, but shall not be required, to provide bicycle parking.

3. **Reduction in Off-Street Motor Vehicle Parking**

For uses required to provide ten (10) or more off-street motor vehicle parking spaces, the number of required off-street motor vehicle parking spaces may be reduced by one (1) parking space for every two (2) bicycle parking spaces provided as required by this ordinance.

In no instance shall the number of provided bicycle parking spaces used for a reduction in the required number of off-street motor vehicle parking spaces be greater than that required under Section 12.09(1), Required Number of Spaces.

4. **Location of Bicycle Parking Spaces**

Bicycle parking shall be located such that it is highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.

For residential, office, and industrial uses, if bicycle parking is intended for the sole use of the employees or residents of the property, the bicycle parking may be located inside of a building or near an employee entrance.

Bicycle parking shall be located in designated areas which minimize pedestrian and vehicle conflicts.

If bicycle parking is located within a vehicle parking area, the bicycle parking should be clearly designated and located as close to a building entrance as possible.

Bicycle parking provided adjacent to a pedestrian walkway shall allow sufficient passage (6 feet minimum) for pedestrians.

For non-residential uses in the R-1, R-2, R-3, B-1, B-2, B-3, B-6, M, OR, and ROC districts, bicycle parking may encroach into the required yard setbacks, but shall not be closer than five feet to the property line.

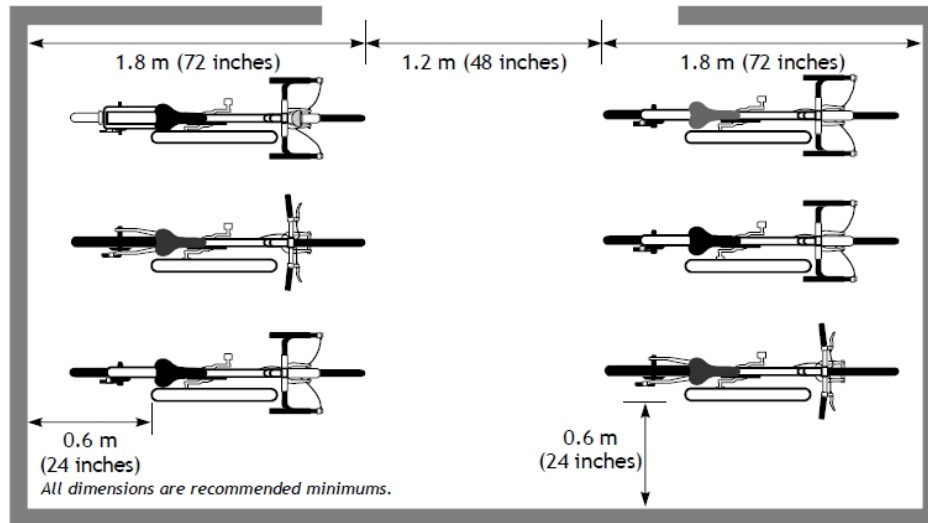
For non-residential uses in the B-4 and B-5 districts, bicycle parking may encroach into the required yard setbacks and/or be permitted in the right-of-way subject to approval of the Zoning Administrator.

5. Design Criteria and Dimensions

Bicycle parking shall be located on a hard surface area.

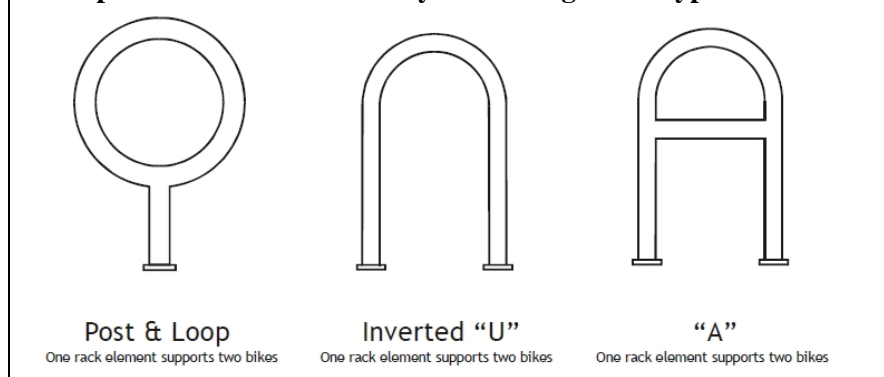
Recommended design dimensions for bicycle parking areas are included in the below figure. The dimensions and layout of the bicycle parking area shall be subject to the approval of the Zoning Administrator as part of the building permit and/or site plan review process.

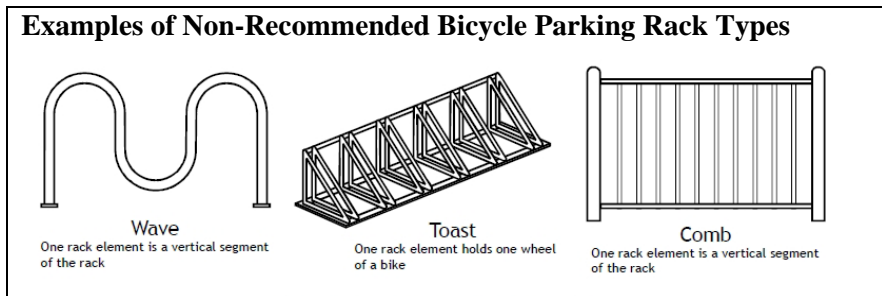
Recommended Minimum Bicycle Parking Area Dimensions



Bicycle parking rack types shall be designed so as to accommodate standard bicycle models and lock types and shall be subject to the approval of the Zoning Administrator as part of the building permit and/or site plan review process. Examples of recommended and non-recommended bicycle parking rack types are provided in the below figures.

Examples of Recommended Bicycle Parking Rack Types





Alternate bicycle parking accommodations may be considered during the building permit and/or site plan review process, but shall be subject to the approval of the Zoning Administrator.

13.00 SIGNS**13.01 GENERAL REQUIREMENTS**

1. All signs shall be in compliance with this Ordinance.
2. **Permits Required.** No person, firm or corporation shall hereafter erect, construct, move, alter or maintain any sign, or other advertising device, upon any parkway, street or alley owned or installed by the Village, or upon any public or private property in the Village, without first having obtained a permit and an inspection certificate therefore from the Building Department as hereinafter provided.

The permits required by this ordinance shall be obtained from the Building Department, by written application by the person, firm or corporation erecting, constructing, or maintaining the sign, and such application shall be accompanied by the plans and specifications showing the size and character of such proposed signs and locations of same. Plans and specifications being in accordance with the provisions of this ordinance, said Building Department shall thereupon issue a permit for the erection of such sign upon the payment of applicable fees.

Fees to be charged for sign permits shall be established by the Village Board of Trustees and published in a "Schedule of Fees".

The Building Department shall not be obligated to issue a permit for the erection or construction or maintenance of any sign in any location where said sign will or might constitute a dangerous obstruction of the view or a menace to the welfare of persons on any highway, sidewalk, path or street abutting thereon.

3. **Bond Requirements.** Every applicant for a permit to erect any ground, wall, projecting, electric and non-electric signs and all awnings, canopies, and marquees projecting over public right-of-way shall file with the Building Department a bond in the sum of ten thousand dollars (\$10,000) executed by the applicant, and with sureties approved by the Village Board, conditioned upon the faithful observance and performance of every condition and provision of said permit and conditioned further to indemnify, keep, and save harmless the Village against all liabilities, judgments, costs, damages, and expenses which may in any way come against the Village as a consequence of granting the permit, or which may accrue against, be charged to, or recovered from the Village by reason of the authority given in such permit. This bond shall be filed with the plans in the Building Department. The bond and the liability of the sureties thereto shall be kept in force throughout the life of the permit and, if at any time it shall not be in full force, then the authority and the privileges thereby granted shall be terminated by the Building Commissioner.

A liability insurance policy issued by an insurance company authorized to do business in the State of Illinois conforming to the requirements of this section may be permitted, in lieu of a bond, provided the limits of liability shall not be less than ten thousand dollars (\$10,000) for property damage and one hundred thousand dollars (\$100,000) for public liability. A certificate of insurance under an existing liability policy which meets the above requirements will be sufficient, provided the policy will have the Village as an additional insured and a certificate from the insurance company with a ten (10) day cancellation clause notice to that effect, is filed with the Building Department.

4. **Temporary Permits.** Permits may be issued for temporary signs identified in this section upon payment of the fee established by the Village Board of Trustees and published in a "Schedule of Fees." "For sale," for rent, construction signs and real estate "open house" signs in residential districts that are in accordance with Section 13.03(1) do not require a temporary permit pursuant to this subsection.
5. **Permit Duration.** Permits required by this section are valid for a period of one (1) year.
6. **Inspection.** It shall be the duty of the Building Inspector to inspect or cause to inspect any sign or canopy. If any sign or canopy is found to be insecurely fastened, the inspector shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign or canopy is not made secure within ten (10) days after such notice, it shall be removed.
7. **Unsafe or Unlawful Signs.** If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe, unsightly, or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Ordinance, the Department shall give written notice to the permittee, or property owner thereof. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply when so directed by the Building Department at the expense of the permittee or owner of the property on which it is located. The Building Commissioner shall recommend to the Village Board that the permit covering said sign or other advertising structure which is an immediate peril to persons or property be revoked.
8. **Non-Conforming Existing Signs.** Every sign or other advertising lawfully in existence on the effective date of this Ordinance shall not be altered or moved unless it be made to comply with the provisions of this Ordinance.

Poles or pylon signs prohibited under Section 13.03.8.c of this Ordinance shall be eliminated and removed within two (2) years of the effective date of said Section 13.03.8.c.

9. **Sign Locations.** Every projecting sign erected or maintained over a public sidewalk shall be placed not less than ten (10) feet above the level of the sidewalk and at a distance not greater than eighteen (18) inches from the face of the wall to which it is attached, measured from the point of the sign nearest thereto. The projecting sign or portion thereof shall not extend more than eight (8) feet from the structure to which it is attached or be nearer the curb line than two (2) feet, whichever is lesser.
10. **Ground Signs.** May be erected parallel to or at any angle with the adjacent public street or streets so long as they do not project over the street, sidewalks or other public places adjoining the lot or parcel on which it is installed. These signs shall be subject to the specific area restrictions for the applicable zoning district.
11. **Pole Signs (Pylon).** Are not allowed unless specifically provided for in the applicable zoning district.
12. **Additional Sign.** No additional sign or advertisement of any nature shall be attached to or suspended from any sign or other advertising devices.
13. **Sign Erection.** No sign shall be erected or maintained on any parcel of land other than that upon which the business advertised is located.
14. **No Dynamic Display Signs.** No dynamic display signs, flashing signs, or revolving beacons shall be permitted.
15. **Advertising Signs.** Advertising signs are not prohibited in the Village of Itasca if they are in compliance with the official Zoning Ordinance.
16. **No Advertising Sign.** No sign or other advertising structure shall be erected or maintained in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reasons of the position, shape, or color thereof. No sign or advertising structure shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
17. **No Portable Sign.** Portable signs require approval by the Village Board.
18. **Sign Illumination.** Signs may have constant illumination provided that any sign located in direct line of vision of any traffic control signal shall not have illumination of red, green, or amber color.

19. **Non-Allowed Signage.** Signs consisting of neon or series lighting for window or building outlining borders is specifically prohibited unless recommended by the Plan Commission and approved by the Village Board.
20. **Sign – Square Foot Area.** Both faces of a double sided, or all faces of a multiple sided sign shall be counted for calculation of total sign area. Where reference is made to size allowed in square feet in this Ordinance, it shall apply to the square footage of all faces.
- Ground signs, pole signs, and pylon signs may be double faced.
21. **Political Sign.** Political signs shall not be classified as signs for the purpose of this Ordinance, except that they shall be limited in size to six (6) square feet and may be double-sided and can be located only on private property, not in a public right-of-way, or blocking vision clearance.
22. **Address Numerals.** All properties and buildings shall have address numerals that are legible from the street which shall be in addition to all other approved signage.
23. **Temporary Sign.** A temporary sign shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time. Temporary signs require a permit issued by the Building Department in accordance with Subsection 4 of this section. Issuance of a temporary permit shall mean that the permittee understands that representatives of the Building Department have the authority to enter his/her property to remove any temporary sign in violation of this section. Temporary signs must meet the applicable zoning district requirements with respect to size, height, location, and allowable time period. Temporary signs that require the approval of the Village Board prior to issuance of a permit are as follows:
- a. Inflatable advertising devices, as defined by Section 3.02.
 - b. Portable signs, including, but not limited to, “A” frame or sandwich board signs and wheeled changeable copy signs (whether or not permanently mounted on wheels).
 - c. “For sale” or “for lease” real estate signs that are larger than the maximum sign area permitted within the applicable zoning district, pursuant with this section.

24. **Placement of Signs on Lots.** Only signs erected by the Village of Itasca or the State of Illinois shall be permitted within a public right-of-way. All other signs shall be placed no closer than five (5) feet from any lot line.

No signs having a height of more than thirty (30) inches above the crown of the adjacent streets shall be constructed or placed within the part of the yard or open area of a corner lot which is included within a triangular area of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming such corner lot. No signs shall be located within a triangular area of fifteen (15) feet from the point of intersection of a public street right-of-way and driveway or private street.

25. **No Off-Premises Advertising Sign.** No off-premises advertising signs are permitted in any zoning district.

26. **Master Sign Plan.** Multi-business buildings shall submit a Master Sign Plan prior to receiving any and all permits pertaining to a sign. The Master Sign Plan shall be in a format determined by the Zoning Administrator and, at a minimum, shall state what percentage of the gross surface area of all signs on each frontage and on the lot shall be allocated to each business. The Master Sign Plan shall be kept on file at the Community Development Department. No permit shall be issued for a sign unless a Master Sign Plan for the property, approved by the Zoning Administrator, is on file with the Community Development Department and the proposed sign conforms to the Master Sign Plan and this ordinance.

13.02 DEFINITIONS

See Section 3.02.

13.03 SIGN PROVISIONS

1. **Residence District Provisions**

- a. **Signs.** Non-illuminated nameplates are permitted subject to the following regulations:
- (1) In R-1, R-2 Single Family and R-3 General Residence Districts, for all residence categories, except multi-family, a nameplate shall not exceed one hundred and forty-four (144) square inches in area, and shall indicate only the name and address of the occupant; there shall be not more than one (1) such nameplate for each dwelling; it shall be affixed to the dwelling flat against the door, or on the wall adjacent thereto, or within the boundaries of the zoning lot as provided herein.

- (2) In an R-3 General Residence District, for a multiple-family dwelling, a nameplate may not be more than three (3) square feet in area, provided it indicates only the name or names and address of the dwelling, such a nameplate may be affixed against the building, but not located higher than one (1) story or twenty (20) feet above curb level, whichever is lower. Such a nameplate may also be located in a yard adjoining a street, provided it is not closer to the street line than one-half (1/2) the depth of the yard or fifteen (15) feet, whichever is less, and does not exceed four (4) feet in height.
 - (3) An exception to these location limitations shall be made for lantern post signs which may be placed as close as three (3) feet from the street right-of-way line and have a height not exceeding seven (7) feet from grade, or for name and/or address plates affixed to mail box posts. Signs so mounted shall have no sharp or protruding edges that might be designated as hazardous.
 - (4) An approved Village of Itasca Historical District plaque is allowed and is not to exceed one hundred forty-four (144) square inches in area and shall be affixed flat against the building or structure. The plaque is allowed in addition to all other approved signage.
 - (5) Readable and visible address numerals are required in addition to all other approved signage.
 - (6) Temporary signs, not exceeding six (6) square feet, are allowed for a period of time not to exceed four (4) weeks per year when approved by the Village Board of Trustees, excluding political and real estate signs.
- b. **Non-illuminated “For Sale” and “For Rent” Signs.** Non-illuminated “For Sale” and “For Rent” signs are permitted subject to the following: There shall be not more than one (1) sign per zoning lot except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted. No sign shall exceed six (6) square feet in area for a single sign face and not more than twelve (12) square feet for a double faced sign, and be closer than eight (8) feet to any side and rear lot line, nor closer to the front lot line than one-half (1/2) the depth of the front yard or fifteen (15) feet, whichever is less. Such a sign when affixed flat against the building, shall not project higher than one (1) story, or twenty (20) feet above curb level, whichever is lower; and a ground sign shall not project higher than eight (8) feet above ground grade (see Section 3.02).
- c. **”For Sale,” “For Rent,” and “Construction” Signs for Vacant Property (Exceeding One (1) Acre).** “For Sale”, “For Rent”, and “Construction” signs for vacant property only, not less than one (1) acre:

One (1) sign containing not more than twelve (12) square feet of total copy area for a single sign face and not more than twenty-four (24) square feet of total copy area for a double faced sign shall be permitted. No sign shall exceed eight (8) feet in height above grade. All such signs shall be temporary and shall be permitted for a period of time not to exceed eight (8) months, except construction signs may be maintained for the duration of construction.

- d. **Real Estate “Open House” Signs.** One site and no more than two (2) offsite, standard size real estate “open house” signs are permitted during weekends only, from 9:00 a.m. to 6:00 p.m. Any real estate “open house” sign installed on days other than weekends, or not removed by 6:00 p.m. on Saturday or Sunday, shall be confiscated and held by the Village for twenty-four (24) hours. The fee to have the confiscated sign returned shall be twenty-five dollars (\$25.00). After twenty-four (24) hours, any sign not recovered shall be disposed of.
 - e. **Illuminated Signs.** Illuminated, non-flashing church or school identification and/or bulletin board signs are permitted subject to the following regulations:
 - (1) There shall be not more than (1) sign per zoning lot, except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted, provided that such a sign or signs shall be located on the same lot as the principal church or school use.
 - (2) No sign shall exceed forty-eight (48) square feet in area and be closer than eight (8) feet to any side and rear lot line, nor closer to the front lot line than one-half (1/2) the depth of the front yard or fifteen (15) feet, whichever is less.
 - (3) Such a sign, when affixed against the building, shall not project higher than one (1) story, or twenty (20) feet above curb level, whichever is lower; and a ground sign shall not project higher than eight (8) feet above ground grade (see Section 3.02).
2. **Business District Provisions.** In Business Districts, the following signs are permitted subject to the requirements set forth herein.
- a. **B-1 Limited Business District.** No off-premises advertising signs will be permitted. Non-flashing illuminated business signs with no moving parts, awnings or marquees are permitted when accessory to the principle use of the property upon which it is located, subject to applicable regulations set forth in the ordinance of the Village of Itasca and the following:

- (1) The illumination of any exterior sign shall be only during business hours and no later than 11:00 p.m. Where a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential building, or into a Residence District, or into a street right-of-way.
- (2) The total gross surface area in square feet of all signs on a zoning lot shall not exceed the number of lineal feet of the frontage of the building nor exceed ninety-six (96) square feet, whichever is less and may be double faced. Each side of a building which abuts upon a street shall be considered as a separate frontage. The gross area of all signs located on each side of a lot or building butting a street shall not exceed the number of lineal feet in such separate building frontage nor ninety-six (96) square feet whichever is smaller and the types of signs allowed shall be limited to one ground sign as specified in paragraph (6) and wall signs.
- (3) Wall signs shall be affixed flush against building walls and shall not project therefrom more than eighteen (18) inches; and no sign shall be painted, pasted, or similarly posted directly on the surface of any building, wall or fence.
- (4) No wall sign shall project higher than then building height or twenty (20) feet above the curb level, whichever is lower.
- (5) The lowest part of any canopy, wall sign, or marquee, or any support thereof which extends over any public way shall be not less than eight (8) feet above the level of the walk or public way over which it extends; but no such sign shall be maintained over any sidewalk crossed by vehicles if any part of its support or portion of the sign is less than twelve (12) feet above the level of such public way.
- (6) One (1) ground mounted sign shall be permitted for each zoning lot. Such sign shall be limited to only one of the following: an individual business sign, a tenancy directory, an advertising sign, or a multiple use facility sign. Such sign shall not exceed eight (8) feet high, minimum front yard setback of fifteen (15) feet or one-half (1/2) of the required front yard setback, whichever is less, shall be maintained, may be illuminated, may be double faced and the total gross surface area of a single face shall not exceed twelve (12) square feet and the total gross area shall not exceed twenty-four (24) square feet if double faced. Any additional gross surface area may be allowed when recommended by the Plan Commission and approved by the Village Board but not to exceed the total gross surface area on a zoning lot.

- (7) Temporary signs pertaining to the sale or lease of the property or new construction shall not be more than forty-eight (48) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed ten (10) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary “for sale,” “for lease,” and “construction” signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.
 - (8) Temporary signs announcing business grand openings, special sales, or other special events shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.
- b. **B-2 Community Business and B-3 Service Business Districts.** No off-premises advertising signs will be permitted. Non-flashing but illuminated business signs with no moving parts, awnings, and marquees are permitted when accessory to the principle use of the property upon which it is located, subject to regulations set forth elsewhere in the ordinances of the Village of Itasca and the following:
- (1) Where a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential buildings, nor into a Residence District, or into a street right-of-way.
 - (2) The gross surface area in square feet of all non-ground signs on a lot shall not exceed one and one-half (1-1/2) times the lineal feet of frontage of the building, nor three-hundred (300) square feet, whichever is smaller, and may be double faced. Each side of a building which abuts upon a street shall be considered as separate frontage. The gross surface area of all non-ground signs located on each side of a lot, or building abutting a street shall not exceed one and one-half (1-1/2) times the lineal feet of the separate building frontage or three-hundred (300) square feet, whichever is smaller, and the types of signs allowed shall be limited to wall signs, ground signs as specified in Paragraph (7), and pole signs as specified in Paragraphs (4) and (8). Projecting signs are prohibited. Each business shall be limited to a maximum of one non-ground sign per frontage not to exceed an area of eighty (80) square feet.

- (3) No sign shall project more than eighteen (18) inches into a street right-of-way.
- (4) Any allowed pole (pylon) sign located within three (3) feet of a driveway, parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have the lowest elevation, not less than twelve (12) feet above the curb level.
- (5) Wall signs shall be affixed flat against building walls and shall not project more than eighteen (18) inches and shall not be painted, pasted or similarly posted directly on the surface of any building, wall or fence.
- (6) No sign shall project higher than the building height, or thirty (30) feet above the curb level, whichever is lower.
- (7) One (1) ground mounted sign shall be permitted for each zoning lot unless such lot is a through lot or has double frontage in which case two (2) ground signs may be allowed when recommended by the Plan Commission and approved by the Village Board. Such signs shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or multiple use facility sign. Such signs shall not exceed eight (8) feet in height, a minimum front yard setback of fifteen (15) feet, or one half (1/2) the required front yard setback, whichever is less, shall be maintained, may be illuminated, may be double faced and the total gross for a single face surface area shall not exceed twenty-four (24) square feet in the B-2 Community Business District and forty-eight (48) square feet for a single face in the B-3 Service Business District. Any additional gross surface area may be allowed when recommended by the Plan Commission and approved by the Village Board, subject to the limitations as set forth in Paragraph (2).
- (8) For service stations and retail or service uses in the B-3 District only: One (1) pole (pylon) sign per street frontage not to exceed twenty (20) feet in height nor forty-eight (48) feet in area, for a single face will be allowed when recommended by the Plan Commission and approved by the Village Board, subject to the limitations set forth in Paragraph (2).
- (9) Directional signs within the zoning lot and behind the minimum front yard setback shall be permitted in addition to other allowed signs when said sign is placed so as to have its highest point below five (5) feet above grade. Said directional sign shall not be used for advertising purposes; it shall direct vehicular or pedestrian traffic to

parking areas, loading areas, or to portions of a building.
Directional signs shall not exceed eight (8) square feet in area.

Directional signs at entrance points shall be set back fifteen (15) feet from all public right-of-way lines.

- (10) Temporary signs pertaining to the sale or lease of the property or new construction shall not be more than forty-eight (48) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed ten (10) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary “for sale,” “for lease,” and “construction” signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.
 - (11) Temporary signs announcing business grand openings, special sales, or other special events shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.
- c. **Downtown Business Districts (B-4, B-5 & B-6).** No off-premises advertising signs will be permitted. Non-flashing illuminated business signs with no moving parts, awnings or marquees are permitted when accessory to the principle use of the property upon which it is located, subject to applicable regulations set forth in the ordinances of the Village of Itasca and the following:
- (1) All signs shall comply to the standards set forth in the Downtown Design Guidelines.
 - (2) One (1) ground-mounted (monument) sign shall be permitted for each zoning lot. Such sign shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or a multiple use facility sign. Such sign shall not be greater than five (5) feet in height; may be double-sided; and shall not exceed eighteen (18) square feet per face in the B-4 district and twenty-four (24) square feet per face in the B-5 and B-6 districts.

- (3) Freestanding (pole) signs shall be prohibited in the Traditional Downtown (B-4, B-5 and B-6 zoning districts). Monument signs shall be permitted provided they are not greater than five (5) feet in height. Pylon signs shall be prohibited. (See Section 13.01.8 – Non-Conforming Existing Signs).
- (4) No wall sign shall project higher than the building height, or twenty (20) feet above the curb level, whichever is lower. Wall signs shall be mounted parallel to building facades. Projecting signs shall be mounted perpendicular to building facades; may be double-sided; and shall not exceed fourteen (14) square feet per face.
- (5) A minimum front yard setback of fifteen (15) feet or one-half (1/2) of the required front yard setback, whichever is less, shall be maintained. Where no front yard setback is required (B-4 District), regulations governing Placement of Signs on Lots shall still apply (Section 13.01.24).
- (6) The illumination of any exterior sign shall be only during business hours and no later than 11:00 p.m., when abutting any residentially zoned property. Where a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential building, or into a Residence District, or into a street right-of-way.
- (7) Neon signs shall be prohibited. Internally lit signs shall be prohibited in the B-4 and B-5 zoning districts.
- (8) The lowest part of any canopy, projecting, wall or marquee sign, or any support thereof which extends over any public way shall be not less than eight (8) feet above the level of the walk or public way over which it extends; but no such sign shall be maintained over any sidewalk crossed by vehicles if any part of its support or portion of the sign is less than twelve (12) feet above the level of such public way.
- (9) Maximum letter height on signs in the Traditional Downtown area shall be 18 inches in the B-4 and B-5 districts, and 24 inches in the B-6 District.
- (10) In the B-4 and B-5 districts, the total gross surface area in square feet of all non-ground signs on a zoning lot shall not exceed one and one-quarter (1-1/4) times the number of lineal feet of the frontage of the building or one-hundred twenty (120), whichever is less, and may be double faced. Each side of a building that abuts on a street shall be considered as a separate frontage. The gross area of all non-ground signs located on each side of a lot or building abutting a

street shall not exceed one and one-quarter (1-1/4) times the number of lineal feet in such separate building frontage or one-hundred twenty (120) square feet, whichever is less. Each business shall be limited to a maximum of one projecting sign per frontage and one other non-ground sign per frontage not to exceed a total area of forty-eight (48) square feet for both signs per frontage.

- (11) In the B-6 district, the total gross surface area in square feet of all non-ground signs on a zoning lot shall not exceed one and one-half (1-1/2) times the lineal feet of the frontage of the building or one-hundred twenty (120) square feet, whichever is less, and may be double faced. Each side of a building that abuts a street shall be considered as a separate frontage. The gross surface area of all non-ground signs located on each side of a lot or building abutting a street shall not exceed one and one-half (1-1/2) times the lineal feet in such separate building frontage or one-hundred twenty (120) square feet, whichever is less. Each business shall be limited to one projecting sign per frontage and one other non-ground sign per frontage not to exceed a total area of forty-eight (48) square feet for both signs per frontage.

3. **Office-Research District Provisions**

In the Office-Research District, the following signs are permitted, subject to the review by the Plan Commission with the recommendations to the Village Board of their approval for all signs in excess of forty-eight (48) square feet in size and compliance with the requirements set forth herein.

- a. All signs shall be accessory to the principal use of the property upon which it is located and shall be subject to the provisions for this Section except as herein provided. All signs shall indicate only the name, insignia and address of the principal use or user. For the purpose of this district, sign area shall be considered as the entire area within a single continuous perimeter enclosing the extreme limits of a sign. The gross surface area and square footage of all signs on a lot shall not exceed two times the lineal feet of frontage of the building nor two hundred forty (240) square feet, whichever is less.
- b. For each building, not more than one (1) wall sign attached to the building and one (1) free standing ground sign shall be permitted.
- c. Entrance signs may be permitted at each entrance when located on the same street providing the entrances shall not be closer than three hundred (300) feet from any other entrance (see Section 3.02).

- d. On corner or through lots, one (1) additional wall and ground sign may be constructed on a second street (public and/or private) in this district and the total gross surface area shall be subject to the limitations set forth in Paragraph a. above.
- e. For each building, not more than one (1) wall sign may be attached to a building except when the building has multiple uses having separate entrances, then any additional entrance signs may be allowed if recommended by the Plan Commission and approved by the Village Board.

Wall signs shall not extend above the roof line nor project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot. Signs shall not be permitted to be painted, pasted or similarly posted directly on the wall of the building or structure. Wall signs shall not exceed ten (10) percent of the total area of the front facade and in no instance shall the wall sign exceed one hundred sixty (160) square feet in area.

In a multiple use building with more than a single front facade, each exterior building wall when including a main entrance may be considered a front facade. The total area requirement may apply.

Where two (2) exterior building walls involve the same business, only the wall with the main entrance shall be considered the front façade.

- f. Temporary signs pertaining to the sale or lease of the property or new construction shall not be made more than one hundred sixty (160) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed sixteen (16) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary “for sale,” “for lease,” and “construction” signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.
- g. Except to depict time and temperature, no moving or flashing parts, lights, or devices shall be permitted. All incandescent and other light sources shall be shielded from view from residential zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.
- h. For all free-standing accessory signs, a minimum front yard setback of fifteen (15) feet shall be maintained.

- i. Directional signs within the zoning lot and behind the minimum front yard setback shall be permitted in addition to other allowed signs when said sign is placed so as to have its highest point below five (5) feet above grade. Said directional sign shall not be used for advertising purposes; it shall direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building. Directional signs shall not exceed twelve (12) square feet in area. Directional signs at entrance points shall be set back fifteen (15) feet from all public right-of-way lines.
- j. Each unified development composed of office, business, governmental and medical uses shall be permitted one (1) pole (pylon) sign or one (1) ground sign (see Definitions, Section 3.02) for each entrance from and/or along arterial freeway abutting frontage to such use. Such signs shall not exceed thirty (30) feet in height, for a pole sign, or eight (8) feet in height for a ground sign nor exceed a total of one hundred twenty (120) square feet in area for each sign surface, may be double-faced and shall not be placed nearer than fifteen (15) feet to the right-of-way line; and shall indicate only the name, insignia, and address of the entire development.
- k. Temporary signs announcing business grand openings, special sales, or other special events shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

4. **Regional Office Center District**

In the Regional Office Center District, the following signs are permitted, subject to review by the Plan Commission with recommendation to the Village Board for their approval for all signs in excess of forty-eight (48) square feet in size in compliance with the requirements set forth herein.

- a. All signs shall be accessory to the principal use of the property upon which it is located and shall be subject to the provisions as herein provided. All signs shall indicate only the name, insignia and address of the principal use or user. For the purpose of this district, sign area shall be considered as the entire area within a single continuous perimeter enclosing the extreme limits of a sign.
- b. For each building, not more than one (1) wall sign attached to the building and one (1) free standing sign shall be permitted, except in the case of buildings on through lots or corners, one (1) additional wall or ground sign may be constructed on the second street in the District.

- c. Wall Signs: for each building, not more than one (1) wall sign may be attached to a building except as provided in Paragraph b., and when the building has multiple uses having separate entrances, then any additional entrance signs may be allowed, if recommended by the Plan Commission and approved by the Village Board where such entrance is intended for the exclusive use of the identified user and is further subject to the limitations as provided in the definition of Entrance Signs.

Wall signs shall not extend above the roof line nor project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot. Wall Signs shall not be permitted to be painted, pasted or similarly posted directly on the wall of a building or structure. All signs shall not exceed ten (10) percent of the total area of the front façade and in no instance shall the wall sign exceed two hundred forty (240) square feet in area.

In a multiple use building with more than a single front facade, each exterior building wall when including a main entrance may be considered a front facade. The total area requirement shall apply.

Where two (2) exterior building walls involve the same business, only the wall with the main entrance shall be considered the front façade.

- d. On corner and/or through lots, one (1) additional wall and ground sign may be constructed on a second street (public and/or private) in this district and the total gross surface area shall comply with this Section.
- e. Temporary signs pertaining to the sale or lease of the property or new construction shall not be more than one hundred sixty (160) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed sixteen (16) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary “for sale,” “for lease,” and “construction” signs require issuance of a temporary sign permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.
- f. Except to depict time and temperature, no moving or flashing parts, lights, or devices shall be permitted. All incandescent and other light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.
- g. Directional signs will be allowed, in addition to other allowed signage within the lot area and behind the minimum front yard setback, when said

sign is placed so as to have its highest point below five (5) feet above grade. Said directional signs direct vehicular or pedestrian traffic to parking areas, loading areas, addresses, streets, portions of a building, or to building sites and shall not be used for advertising purposes unless recommended by the Plan Commission and approved by the Village Board of Trustees. Directional signs shall not exceed twelve (12) square feet in area unless recommended by the Plan Commission and approved by the Village Board of Trustees, and in no event shall any individual directional sign exceed twenty-six (26) square feet in area. Directional signs at an entrance point shall be set back fifteen (15) feet from a public right-of-way line.

- h. Each unified development composed of a complex of office and retail outlets shall be permitted one (1) pole (pylon) sign or ground sign (see Definitions, Section 3.02) for each arterial or freeway providing frontage to such use when recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board. Such pole (pylon) sign shall not exceed thirty (30) feet in height, and each grounds sign shall not exceed eight (8) feet in height, nor exceed a total of one hundred twenty (120) square feet in area, for each sign surface, may be double-faced, and shall not be placed nearer than fifteen (15) feet from a right-of-way line; and shall indicate only the name insignia and address of the entire development.
- i. Temporary signs announcing business grand openings, special sales, or other special events shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

5. **Manufacturing District Provisions**

In the Manufacturing District, no off-premises advertising signs will be permitted. Other signs are permitted, subject to the requirements set forth herein.

- a. Where a sign is illuminated, direct rays of light shall not beam upon any part of an existing residential building, into a Residence District, or onto a street. A sign shall not have moving parts or flashing illumination.
- b. The gross surface area in square feet of all signs on a lot shall not exceed three (3) times the number of lineal feet of the building frontage on a lot; and each side of a building adjoining a street shall be considered as separate building frontage.

- c. Wall signs shall be affixed flat against the building and shall not project therefrom more than eighteen (18) inches.
- d. Signs affixed to a building wall shall not project higher than thirty (30) feet above curb level, nor higher than the building height, whichever is lower, and may not be located upon a chimney spire, tower, elevator penthouse, tanks or similar projections.
- e. Signs affixed to a building shall not exceed two hundred forty (240) square feet per building frontage wherein each side of a building which abuts upon a street shall be considered as a separate frontage.
- f. One ground sign, not more than forty-eight (48) square feet in gross area and not more than eight (8) feet in height may be erected in a front yard not less than fifteen (15) feet from the street right-of-way line at each entrance of the zoning lot which is not closer than three hundred (300) feet from any other entrance on that lot.
- g. One (1) pole (pylon) sign (see Definitions, Section 3.02) shall be permitted for any building on a zoning lot which abuts a freeway for retail and service uses within the zoning district when recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board. Such pylon sign shall not exceed thirty (30) feet in height, nor exceed a total of one hundred twenty (120) square feet in total area of sign surface, may be double-faced, and shall not be placed nearer than fifteen (15) feet from a right-of-way line.
- h. Temporary signs pertaining to the sale or lease of the property shall not be more than forty-eight (48) square feet in area and shall be shielded from view from residential zoned property. The maximum height shall not exceed ten (10) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary “for sale,” “for lease,” and construction signs require issuance of a temporary sign permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.
- i. Temporary signs announcing business grand openings, special sales, or other special events shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.
- j. Directional Signs (see Section 3.02).

14.00 ADMINISTRATION**14.01 GENERAL PROVISIONS**

1. **Administration.** The administration of this Ordinance is hereby vested in the following:
 - a. The Village Board of Trustees
 - b. The Zoning Administrator
 - c. The Plan Commission/Zoning Board of Appeals

14.02 ZONING ADMINISTRATOR

The Building Commissioner, as Zoning Administrator, shall be in charge of the administration and enforcement of this Ordinance.

1. **Duties.** The Building Commissioner shall direct the Building Department to:
 - a. Receive required applications, issue permits, and furnish zoning certificates and certificates of occupancy.
 - b. Examine premises for which permits have been issued and make necessary inspections to determine compliance.
 - c. When requested by the President of the Board of Trustees, or when the interest of the Village so requires, make investigations and render written reports.
 - d. Issue such notices or orders as may be necessary.
 - e. Adopt rules and procedures consistent with this Ordinance.
 - f. Keep permanent and comprehensive current records of applications, permits, certificates, inspections, reports, notices, orders and all localized actions of the Board of Trustees and shall file the same permanently by street address.
 - g. Keep an up-to-date Zoning District Map in accordance with Chapter 24, Division 13, of the Illinois Compiled Statutes as amended, and an up-to-date map of existing land uses.
 - h. Keep all records open for public inspections, at reasonable hours with reasonable notice, but not for removal from the Zoning Administrator's office.

- i. Provide a report to the President of the Board of Trustees, not less than once each month to summarize permits issued.
- j. Request and receive the assistance and cooperation of the Police Department, the Village attorney and other Village officials.
- k. Be entitled to rely upon any opinion of the Village Attorney as to the interpretation of this Ordinance, or the legal application of this Ordinance to any factual situation.
- l. Discharge such other duties as may be placed upon the Zoning Administrator by this Ordinance.
- m. With exercise of its duties, provide such clerical and technical assistance as may be required by the Plan Commission/Zoning Board of Appeals.

14.03 ZONING CERTIFICATES

No permit pertaining to any land or buildings shall be issued unless the Zoning Administration has certified, after examination, that it complies with all provisions of this Ordinance and a Zoning Certificate has been issued and approved by the Village Board. In the O-R Office Research District and the ROC – Regional Office Center District, when the use is strictly office in nature and is so certified by an affidavit with occupancy information from the tenant or landlord, a Zoning Certificate is not required. Zoning Certificates are not required for the remodeling, renovation of, or expansion of any existing and approved use of a building when the existing occupant has an approved Zoning Certificate.

A zoning certificate may be issued for a temporary use for a predetermined period of time in any Zoning District when the Zoning Administrator determines that the temporary use is compatible with the primary use of the property and in the public interest and when the temporary use is approved by the Board of Trustees.

14.04 CERTIFICATE OF OCCUPANCY

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

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

2. Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the Zoning Administrator.

A Certificate of Occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within twenty-one (21) days after the erection or alteration of such building has been completed when a final inspection has been requested by Contractor and the building space is found to be in compliance with applicable codes and ordinances. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having proprietary or tenancy interest in the building affected. A cash bond in the amount set forth in the Building Code of the Village of Itasca shall be posted with the Building Commissioner at the time of application for certificate of occupancy and compliance.

14.05 CERTIFICATE FOR CONTINUED OCCUPANCY OF NON-CONFORMING USES

Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this Ordinance or made non-conforming by this Ordinance shall state that the use is a non-conforming one and does not conform with the provisions of this Ordinance. The Zoning Administrator shall notify the owners of the property being used as a non-conforming use and shall furnish said owner with a Certificate of Occupancy for such non-conforming use, subject to the provisions of this Ordinance.

14.06 ZONING BOARD OF APPEALS

1. Creation and Membership.

- a. The Village of Itasca Plan Commission shall act as the Zoning Board of Appeals and is hereby authorized to be established. The Zoning Board of Appeals shall consist of seven (7) members, appointed by the President of the Village and confirmed by the Board of Trustees. The members of the Zoning Board of Appeals shall serve respectively for the following terms: one for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; one for five (5) years; one for six (6) years; one for seven (7) years; the successor to each member so appointed shall serve for a term of five (5) years. One of the members of the Zoning Board of Appeals shall be, by the President of the Village, designated as

Chairperson of the Zoning Board of Appeals and shall hold said office as Chairperson for a period of one year, or until a successor is appointed. Such Chairperson may administer oaths and compel attendance of witnesses. In the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. The President of the Village shall have the power to remove any member of the Zoning Board of Appeals for cause and after a public hearing. Vacancies upon the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for appointment of such member.

- b. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such time as the Zoning Board of Appeals may determine.

All hearings conducted by the Zoning Board of Appeals under this Ordinance shall be in accordance with Illinois statutes. In all proceedings of the Zoning Board of Appeals provided for in this Ordinance, the Chairperson, and in his/her absence the Vice Chairperson, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Zoning Board of Appeals shall keep minutes of its proceedings and shall also keep records of its hearings and other official actions.

A copy of every rule or regulation, every variation thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals under this Ordinance shall be filed in the office of the Village Clerk and shall be a public record. The Zoning Board of Appeals shall adopt its own rules and procedures not in conflict with this Ordinance or with applicable Illinois Compiled Statutes.

- 2. **Jurisdiction and Authority.** The Zoning Board of Appeals is hereby invested with the following jurisdiction and authority:
 - a. to hear appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance;
 - b. to hear variations from the terms provided in this Ordinance in the manner and subject to the standards set forth in this Section;
 - c. to hear all matters referred to it or upon which it is required to pass under this Ordinance.

3. **Decisions.** All recommendations, after hearing of the Zoning Board of Appeals, on appeals from an administrative order, requirement, decision, or determination of the Zoning Administrator shall be submitted to the Village Board of Trustees for final action.

The Village Board, upon report of the Zoning Board of Appeals, and without further public hearing, may grant or deny proposed amendment in accordance with applicable compiled statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.

14.07 PLAN COMMISSION

1. **Creation and Membership**

- a. A Plan Commission is hereby created. The Plan Commission shall consist of seven (7) members appointed by the President and confirmed by the Board of Trustees of the Village. The members of the Plan Commission shall serve respectively for the following terms: One for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; one for five (5) years; one for six (6) years; and one for seven (7) years, the successor to each member so appointed to serve for a term of four (4) years. One of the members of the Plan Commission so appointed shall be named as Chairperson by the President of the Village Board and shall hold said office until a successor shall be appointed.

The President of the Village shall have the power to remove any member of said Commission for cause and after a public hearing. Vacancies upon said Commission shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

- b. All meetings of the Plan Commission shall be held at the call of the Chairperson, and at such times as the Plan Commission may determine.

All hearings conducted by the Plan Commission under this Ordinance shall be in accordance with applicable Illinois Compiled Statutes. In all proceedings of the Plan Commission provided for in this Ordinance, the Chairman, and in his/her absence, the Vice Chairperson, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions.

A copy of every rule or order, requirement, decision or determination of the Plan Commission under this Ordinance shall be filed in the office of the Village Clerk and shall be a public record. The Plan Commission shall

adopt its own rules and procedures, not in conflict with this Ordinance or with applicable Illinois Compiled Statutes.

2. **Jurisdiction.** The Plan Commission shall have the following duties under this Ordinance:
 - a. To receive from the Village Clerk copies of all applications for amendments or Special uses which have been introduced to the Village Board;
 - b. To hold public hearings on matters pertaining to application for Special Uses and Amendments and submit reports to the Village Board setting forth its findings of fact and recommendations in the manner prescribed in this Section for Special Uses and Amendments;
 - c. To initiate, direct and review, from time to time, studies of the provisions of this Ordinance and to make reports of its recommendations to the Village Board not less frequently than once each year; and
 - d. To hear all matters upon which it is required to pass under this Ordinance.
3. **Decisions.** The Village Board, upon report of the Plan Commission, and without further public hearing, may grant or deny proposed amendment in accordance with applicable compiled statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.
4. **Combined Zoning Board of Appeals and Plan Commission.** Refer to Section 4.04.5 and Ordinance 868-96 in the Appendix.

14.08 APPEALS (See Section 4.04.5)

1. **Authority.** The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision or determination made by the Zoning Administrator or other authorized officials of the Village of Itasca relating to regulations of this Ordinance.
2. **Initiation.** An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation or by any office, department, board, bureau, or commission aggrieved by an administrative order, requirement, decision or determination under this Ordinance by the Zoning Administrator or the authorized official of the Village of Itasca.
3. **Processing.** An appeal in triplicate with the required fee shall be filed with the Village Clerk. The Village Clerk shall forward such appeal to the Zoning Board of Appeals, for processing in accordance with the Illinois Compiled

Statutes, as amended, forward one (1) copy to the Zoning Administrator, and retain one (1) copy for the Village Clerk's files.

4. **Decisions.** All recommendations, after hearing of the Zoning Board of Appeals, on appeals from an administrative order, requirement, decision, or determination of the Zoning Administrator shall be submitted to the Village Board of Trustees for final action.

14.09 VARIATIONS (See Section 4.04.5)

1. **Purpose.** The president and Board of Trustees, by Ordinance, upon the report of the Zoning Board of Appeals, and only after a public hearing before the Zoning Board of Appeals, shall decide variations of the provisions of this Ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. **Notice of Hearing.**
 - a. **Contents of Notice.** Each Notice of Hearing required by this section shall contain the following:
 - (1) the time and place of the hearing;
 - (2) the particular location for which the variation is requested;
 - (3) a brief statement of what the proposed variation consists of;
 - (4) the name of the legal and beneficial owner of the property for which the variation is requested;
 - (5) the name of the applicant if different from that of the owner of the property; and,
 - (6) any other information prescribed by the Zoning Administrator.
 - b. **Notice Published in the Local Newspaper.** Notice of the hearing shall be published at least once in a local newspaper, not more than thirty (30) days nor less than fifteen (15) days before such hearing.
 - c. **Notice to Nearby Property Owners.** The applicant shall give written notice to the owners of record, as determined by the records of the local real estate tax collector, of all property within 250 feet of the boundaries of the subject property, exclusive of public right of ways not more than

thirty (30) days nor less than fifteen (15) days prior to the scheduled public hearing.

- (1) For owner-occupied residential properties in the R-1, R-2, or R-3 zoning districts, such written notices shall be property addressed and either (a) delivered in person by the applicant to the respective owner(s) of record or (b) sent by certified mail, return receipt requested, to the respective owners of record. If the written notice is served in person to the owner(s) of record, the applicant shall have the owner(s) of record sign a form, as provided by the Zoning Administrator, listing, at a minimum, the owner(s) of record's name and address.
 - (2) For all other properties, such written notice shall be properly addressed and sent by certified mail, return receipt requested, to the respective owners of record.
 - (3) Every applicant shall file a sworn affidavit with the Village Clerk prior to the public hearing certifying he or she have given proper notice as required by the Itasca Zoning Ordinance. The affidavit shall include: (1) copies of the notices and (2) certified mail receipts and/or the form with the owner(s) or record's signatures.
- d. If the foregoing requirements providing for the notice publication and notice to owners of record are not completed within the time frame set forth, the public hearing shall be canceled and the applicant shall be required to pay an additional filing fee if the hearing is to be rescheduled.

3. **Standards.**

- a. The President and Board of Trustees shall not vary the provisions of this Ordinance as authorized in this Section unless the Zoning Board of Appeals shall have made findings based upon the evidence presented to it in the following specific cases:
 - (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
 - (2) that the plight of the owner is due to unique circumstances, and
 - (3) that the variation, if granted, will not alter the essential character of the locality.
- b. For the purpose of supplementing the above standards, the Zoning Board of Appeals shall also, in making this determination whether there are

particular difficulties or particular hardships, take into consideration the extent to the following facts favorable to the applicant, have been established by the evidence:

- (1) that the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
 - (2) that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
 - (3) that the purpose of the variation is not based exclusively upon a desire to make more money from the property, or merely for the convenience of the owner;
 - (4) that the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - (5) that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
 - (6) that the proposed variation will not impair an adequate supply of light on adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.
- c. The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefited by a variation or as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect to such variation upon other property in the neighborhood and to implement the general purpose and intent of this Ordinance.

4. **Authorized Variations.**

- a. Variations from the regulations of this Ordinance may be decided by the president and the Board of Trustees only in accordance with the standards set forth in this Section, and only in the following instances and no others:
 - (1) to permit side or rear yards less than the yard required by the applicable regulations; front and corner side yards shall be reviewed by the Plan Commission;

- (2) to permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of a lot, not of record on the effective date of this Ordinance, be less than ninety (90) percent of the required lot area;
 - (3) to permit parking lots to be illuminated more than thirty (30) minutes after the close of the business;
 - (4) to permit the same off-street parking spaces to qualify as required spaces for two (2) or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week;
 - (5) to reduce the applicable off-street parking or loading required to the extent of not more than one (1) parking space or loading berth, or twenty (20) percent of the spaces required by applicable regulations, whichever number is greater;
 - (6) to increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served; and
 - (7) to consider any changes to the sign requirements for all districts other than the Office-Research and/or the Regional Office Center Districts. In these cases, the Plan Commission shall review and may recommend and the Board of Trustees may approve any such variations.
5. **Unauthorized Variations.** The requests for variations not specifically required for in Section 14.09.4 under authorized variations shall in no case be used to accomplish a result which could otherwise be achieved by a rezoning of the property involved, such as, but not limited to, establishment or expansion of a use not permitted in a residence district; authorizing the construction of residences in other than residence district; nor authorizing other than single family detached residences in the R-1 and R-2 Districts.
6. **Re-applications.** Any person, firm or corporation having been denied a variation to the Zoning Ordinance respecting a specific parcel of property may not reapply for a like variation on said real property until the period of one (1) year has elapsed since the denial of the application for variation by the President and Board of Trustees.
7. **Decisions.** The President and the Board of Trustees, by separate Ordinance and without further public hearing, may adopt any proposed authorized variation or may refer it back to the Zoning Board of Appeals for further

consideration, and any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed except by the favorable vote of two-thirds (2/3) of all of the Board of Trustees of the Village of Itasca.

14.10 AMENDMENTS (see Section 4.04.5)

1. **Authority.** For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Board of Trustees may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance or amend district boundary lines provided that in all amendatory Ordinances adopted under the authority of this Section; due allowance shall be made for existing conditions; the conservation of property values, the Official Comprehensive Plan, adopted on October 18, 1977 and as amended; the direction of building development to the best advantage of the entire community, and the uses of which property is devoted at the same time of the adoption of such amendatory ordinance.

An amendment shall be granted or denied by the Village Board of Trustees only after a public hearing before the Plan Commission and a report of its findings and recommendations has been submitted to the Village Board of Trustees.

2. **Initiation of Amendment.** Amendments may be proposed by the Village Board, by the Plan Commission, the Zoning Board of Appeals, other governmental bodies, or by any owner of the property to be redistricted within the jurisdictional limits of this Ordinance.
3. **Application and Processing.** An application for an amendment, in quadruplicate, with the required fee, shall be filed with the Village Clerk and thereafter introduced into the Village Board by the Village Clerk to the Plan Commission with a request for a Public Hearing.

Within thirty (30) days after final adjournment of the hearing, the Plan Commission shall submit a report and recommendations of their finding to the President and Board of Trustees. The Village Clerk shall transmit the recommendations of the Plan Commission to the Zoning Board of Appeals, the Village Board, and the Zoning Administrator. The application shall include at a minimum:

- a. legal description and common address of subject property;
- b. current plat of survey locating lot lines and all existing structures;

- c. existing zoning of subject property and all property within one hundred (100) feet;
 - d. proposed zoning and land use;
 - e. ownership or disclosure of beneficial interest; and
 - f. other information as may be required by the Plan Commission to make a recommendation on the request.
4. **Hearing.** Within sixty (60) days of receipt by the Village Clerk of all required application information and payment of any required fees, the Plan Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and a transcript of the proceedings shall be preserved in accordance with rules prescribed by the Plan Commission.
5. **Notice of Hearing.** Notice of the time and place of the hearing shall be published at least once in a local newspaper not more than thirty (30) days, nor less than fifteen (15) days prior to such hearing. The applicant shall mail notice to all owners of property located within two hundred fifty (250) feet, exclusive of public right-of-way from the boundaries of the subject property, by certified mail, return receipt requested; evidence of mailing such notices shall be made by the petitioner submitting a certificate listing the names and addresses of all owners of property within said two hundred fifty (250) feet hereof to said owners. Such notices shall be mailed at least fifteen (15) days prior to the public hearing date. Proof of mailing shall be submitted to the Village Clerk not less than seven (7) days prior to the scheduled hearing date. If the foregoing requirements providing for mailed notice of hearing and publication are not complied within the time frame set forth, the public hearing shall be canceled and the applicant shall be required to pay an additional filing fee if the hearing is to be rescheduled.

Additionally, any area for which an individual application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the public hearing. The posted notice shall be a minimum of eight (8) square feet in area, prominently situated on the property so as to be visible from the nearest street or public way, or as otherwise prescribed by the Zoning Administrator and shall indicate the present zoning classification, the proposed zoning classification, the time and place of public hearing, and any other information prescribed by the Zoning Administrator. Posted notices shall be removed from the subject area within fifteen (15) days after the public hearing has been held.

6. **Findings of Fact and Recommendation.** The Plan Commission shall make written findings of fact and shall submit same together with its recommendation to the Village Board within sixty (60) days following the date of concluding the public hearing on each application, unless said application is withdrawn or tabled by the petitioner. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:
 - a. compatibility with surrounding land uses and the general area;
 - b. the zoning classification of property within the general area of the property in question;
 - c. the suitability of the subject property to the uses permitted under the existing zoning classification;
 - d. the trend of development, if any, in the general area of the subject property including recent changes, if any, which have taken place in its zoning classification; and
 - e. the relationship of the existing zoning classification to the Official Comprehensive Plan of Itasca, adopted October 18, 1977 and as amended. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant; and that either the proposed amendment will correct an existing error or that changing conditions make the proposed amendment necessary.
7. **Action by the Village Board.**
 - a. The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.
 - b. The Village Board may grant or deny any application for an amendment, provided, however, that, in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom; or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the Village, or if the Plan Commission has recommended against such amendment, the amendment shall not be passed, except by a favorable vote of two-thirds (2/3) of all members of the Board of Trustees of the Village of Itasca, then holding office. In such cases, a copy of the

written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

- c. If an application or a proposed amendment is not acted upon finally by the Village Board within (90) days of the date the Board receives the Plan Commission's recommendations, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.
8. **Conditions of Amendments.** The Plan Commission may recommend and the President and Board of Trustees may approve variations of provisions of this Ordinance, but not limited to, provisions for off-street parking and loading, landscaping, screening and yard requirements, as may be deemed necessary to promote the general objectives of this Ordinance and to minimize any potential injury to the value or use of property in the neighborhood.
9. **Effect of Denial of Amendment.** No application for a map amendment which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial except on the grounds of new evidence or proof of change of condition(s) found to be valid by the Plan Commission and the Village Board.
10. **Repeal of Amendment.** In any case where a change of boundary lines of the zoning district map has been granted, and where no development has taken place within two (2) years, the Plan Commission may recommend to the Village Board that such zoning be affirmed or repealed and rezoned to its most appropriate district classification in accordance with the procedures under this Ordinance for amendments.

14.11 SPECIAL USES (See Section 4.04.5)

1. **Purpose.** The development and execution of the Zoning Ordinance is based upon the division of the Village into districts, within any one (1) of which the use of land and buildings and structures, as related to the land, are essentially uniform. It is recognized, however, that there are Special Uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use at the particular locations. Such Special Uses fall into two (2) categories:
 - a. Uses operated by a public agency or publicly regulated utilities or uses traditionally affected with a public interest.

- b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- 2. **Authority.** Special Uses shall be authorized or denied by the President and Board of Trustees in accordance with the Illinois Compiled Statutes as amended and the regulations and conditions set forth in this Ordinance for Special Uses.

No application for a Special Use shall be acted upon by the President and Board of Trustees until after a public hearing before the Plan Commission and a written report of its findings of fact and recommendations have been submitted to the Village Board of Trustees.

- 3. **Initiation of Special Use.** Special Uses may be proposed in the manner prescribed for applications for amendments by any person, firm, or corporation, with a proprietary interest in the subject property requesting, or intending to request a zoning certificate.
- 4. **Standards.** No Special Use shall be granted by the President and Board of Trustees unless the Special Use:
 - a. is deemed necessary for the public convenience at the location;
 - b. is so designated, located and proposed to be operated such that the public health, safety and welfare will be protected;
 - c. will not cause substantial injury to the value of other property in the neighborhood in which it is located; and has been recommended by the Plan Commission and approved by the President and the Board of Trustees, and conforms, except in the case of a planned development, to the applicable regulations of the district in which it is located.
- 5. **Hearing.** Within thirty (30) days of receipt by the Village Clerk of all required application information and payment of any required fees, the Plan Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and a transcript of the proceedings shall be preserved in accordance with the rules prescribed by the Plan Commission.
- 6. **Notice of Hearing.** Notice of time and place of the hearing shall be published at least once in a local newspaper not more than thirty (30) days, nor less than fifteen (15) days before such hearing. The applicant shall mail notice to all owners of property located within two hundred fifty (250) feet exclusive of public right-of-way from the boundaries of subject property, by certified mail, return receipt requested; evidence of mailing of such notices shall be by the

petitioner submitting a certificate listing the names and addresses of all owners of property within said two hundred fifty (250) feet and affidavit that the notice was mailed in compliance with the provisions hereof to said owners. Such notices shall be mailed at least fifteen (15) days prior to the public hearing date. Proof of mailing shall be submitted to the Zoning Administrator not less than seven (7) days prior to the scheduled hearing date. If the foregoing requirements providing for mailed notice of hearing and publication are not complied with in the time frame set forth, the public hearing shall be canceled and the applicant shall be required to pay an additional filing fee if the hearing is rescheduled.

7. **Findings of Fact and Recommendation.** The Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Board within sixty (60) days following the date of concluding the public hearing on each application, unless said application is withdrawn or tabled by the petitioner.
 - a. The Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:
 - (1) the approval of such Special Use is in the public interest and is not solely for the interest of the applicant; and
 - (2) that the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community; and
 - (3) that such use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of person residing or working in the vicinity or injurious to property values or improvements in the vicinity.
 - (4) that the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.
8. **Conditions of Special Uses.** The Plan Commission may recommend and the President and Board of Trustees may approve variations of provisions of this Ordinance and/or such conditions and restrictions upon the construction, location, and operation of a Special Use, including, but not limited to, provisions for off-street parking and loading, landscaping, screening and yard requirements, as may be deemed necessary to promote the general objectives of this Ordinance and to minimize any potential injury to the value or use of property in the neighborhood.

9. **Action by the Village Board.**

- a. The Village Board shall not act upon proposed Special Use until it shall have received a written report and recommendations from the Plan Commission on the proposed Special Use.
- b. The Village Board may grant or deny any application for Special Use, provided, however, that in case of a written protest against any proposed Special Use signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley there from; or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the Village, or if the Plan Commission has recommended against such Special Use, the Special Use shall not be passed, except by a favorable vote of two-thirds (2/3) of the Trustees then holding office on the Board of Trustees of the Village of Itasca.
- c. If an application for a proposed Special Use is not acted upon finally by the Village Board within ninety (90) days of the time the Board received the Plan Commission's recommendations, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.

10. **Effect of Denial of Special Use.** No application for Special Use which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Plan Commission and the Village Board.

11. In any case where a Special Use has been granted and where no development has taken place within two (2) years, the Plan Commission may recommend to the Village Board that such zoning be affirmed or repealed to the most appropriate zoned district classification in accordance with the procedures under this Ordinance.

14.12 PLANNED DEVELOPMENT

1. **Purpose.** To encourage the most orderly development of the properties through advance planning and thus, assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; insure adequate open space; provide for improved development design; protect residential areas from undue traffic congestion, protect residential areas from the intrusion of business, industrial and other

land uses that may create an adverse effect upon the living environment; and thus, promote the general welfare of the community.

2. **Provisions.** The basic provisions and requirements concerning planned development are as follows: the subdivision, development and use of land containing three (3) or more acres as an integral unit, combining one (1) or more primary land uses, and which may provide for, but are not limited to single-family residential, multiple-family residential, education, business, commercial, industrial, recreational, park and public use areas may be described as a Planned Development (also refer to Definitions, Section 3.02).
 - a. In its establishment and authorization as a Special Use, in addition to the foregoing provisions, the following procedures, requirements, restrictions, standards and conditions shall be observed.
 - b. The planned development may be exempted from the provisions of the Subdivision Regulations and of the Zoning Ordinance of the Village of Itasca to the extent specified in the final authorization of the planned development's Special Use Ordinance.
3. **Procedure**
 - a. **Pre-Application Conference.** A pre-application conference shall be held with the Plan Commission prior to filing a formal application. At such conference, the applicant shall provide information as to the location of the proposed planned development, the uses, and approximate area of use for each use category, topographic map at a maximum of five (5) foot contours; a list of any and all exceptions to the Subdivision Regulations and Zoning Ordinance of Itasca, and any other information necessary to clearly explain the planned development to the Plan Commission.
 - b. The Plan Commission shall review and consider the proposed plan as to its compatibility with the Official Comprehensive Plan and the goals and policies for planning of the Village of Itasca and advise the applicant on the information, documents, exhibits, drawings, and any limitations on the proposal that should be included in the application to the Village for a Special Use Permit for Planned Development.
4. **Preliminary Plan.** Application for approval of a planned development shall be filed with the Clerk on a form provided by the Village Clerk, accompanied by such information prescribed by the Plan Commission. Copies of such application shall be forwarded by the Village Board of Trustees to the Plan Commission with a request to hold a public hearing thereof. The application shall include, at a minimum:

- a. The map or maps which shall be included as part of the application shall be drawn at scale on one hundred (100) feet to the inch (1" = 100'), or if the area of the site is more than two hundred (200) acres, two hundred (200) feet to the inch (1" = 200'). The following information shall be shown:
- (1) Boundary survey. A boundary line survey of the subject site which shall be prepared and certified by a registered land surveyor.
 - (2) Topography. The existing topographic character of the land with contours shown at intervals no greater than two (2) feet. Topographic data shall refer to the U.S.G.S. North American Datum Mean Sea Level Elevation.
 - (3) A preliminary plan of subdivision. If the proposed planned development constitutes a subdivision as defined by the Village of Itasca Subdivision Regulations. All preliminary subdivision plans shall conform to all requirements of the Itasca Subdivision Regulations; on such plan shall state expressly on its face any modifications from such requirements specifically requested by the applicant. A subdivision may be processed simultaneously with an application for a planned development.
 - (4) Site Analysis. A detailed site analysis of the property in question, which shall show the following information:
 - (a) Physical factors information:
 - i. existing land uses both on the site and adjacent to it;
 - ii. scenic views;
 - iii. wooded areas;
 - iv. soil problem areas based upon a soil survey of the site to include a report from the Kane DuPage Soil and Water Conservation District or the North Cook County Soil and Water Conservation District. Additional soil information may be requested by the Plan Commission and/or the Village Engineer;
 - v. portions of the site in any floodway and/or flood plain fringe area;
 - vi. streams, drainage ditches, culverts and standing water;

- vii. isolate preserveable trees six (6) inches or more in diameter at one (1) foot above ground level; and
- viii. general directions of the storm water runoff across the property.
- (b) Public utilities information which shall show the location and size of any existing sanitary sewers, storm sewers, gas, electric, telephone, and water lines both on the site and in easements and rights-of-way and/or adjacent to the site.
- (c) Other Information:
 - i. existing county and/or municipal zoning on all parts of the site and on adjacent properties;
 - ii. municipal corporate boundaries across and adjacent to the subject site;
 - iii. school district boundaries across and adjacent to the site; and;
 - iv. easements (location, width and purpose) across and adjacent to the subject site.
- (5) Land Use Plan: A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:
 - (a) Identification and description:
 - i. name of the planned development;
 - ii. location of the subject site by section, town and range or by other approved legal description;
 - iii. name and address of the land planner and/or engineer;
 - iv. name and address of the owner and/or trust beneficiary or developer;
 - v. scale, north point and date of preparation; and
 - vi. acreage
 - (b) Design features information, which shall show:

- i. right-of-way alignments, widths, and names of all streets. Such street names shall not duplicate the name of any street heretofore used in the Village or its environs unless such street is an extension of or is in line with an already named street in which event that name shall be used.
 - ii. the location and height of all non-residential (by use) multi-family, or single-family attached detached buildings and structures;
 - iii. off-street parking and service area;
 - iv. all areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses;
 - v. The pedestrian circulation system, any parkway belt system or bicycle circulation system; and
 - vi. all other information necessary to clearly show the proposed elements of the planned development.
- (6) Utility Plan: A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the approximate location and dimensions of all sanitary sewers, storm drainage ditches, culverts, and storm water runoff storage, as well as any utility easements. The utility plan shall be accompanied by a statement from the Village Engineer attesting to the capacity of existing sewer systems to service the proposed development.
- (7) A written statement signed by the applicant outlining and describing in such detail as the applicant deems appropriate the arrangement by which the applicant proposes to regulate land use and otherwise insure development of the proposed planned development in accordance with the approval of the Plan Commission and the Village Board.

Such statement shall include a draft of proposed covenants intended to be filed in the office of the Recorder of Deeds of DuPage County prior to disposition of any land in the planned development (which covenants shall include adequate provisions to assure proper maintenance and repair of all areas and facilities under common ownership, including the payment therefore, and enforceability

thereof by, or on behalf of the Village), proposed Charter and By-Laws of an association, if any, for homeowners, merchants, or industrial owners within the proposed planned development.

- (8) If a shopping center development is planned, adequate evidence to establish the need for and feasibility of such development shall be provided. This evidence may be in the form of a market research report or other information which is deemed appropriate by the Plan Commission.
 - (9) Preliminary engineering plans for all public or private support facilities including roads, sidewalks, drainage, sanitary sewers, water supply, lighting and landscaping.
- b. The written statement which shall be included as part of the application for approval of the Preliminary Plan shall contain the following information:
- (1) a statistical tabulation of the acreage amounts of all of the land uses proposed in the Preliminary Plan;
 - (2) the type and number of dwelling units and buildings for any proposed residential land uses; and
 - (3) the stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end, with emphasis on area density, use and public facilities, such as open space, to be developed in each stage.
- c. Other information may be requested if the Plan Commission finds that the planned development may create special problems for traffic, parking, landscaping and/or economic feasibility, such information may include, but is not limited to, any of the following:
- (1) an off-street parking and loading plan;
 - (2) a traffic study indicating the volume of traffic to be generated by the planned development or a phase of it and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through, and around the planned development or a phase of it;
 - (3) economic impact – a tax impact study detailing the impact which the planned development will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified in accordance with the Village Subdivision Regulations; and

- (4) a landscape planting plan, indicating the height, size, location, quantities and variety of stock to be planted, using botanical and common names (see Section 4.19, Landscaping).
- d. The procedure for the public hearing on the Preliminary Plan shall be as follows:
 - (1) The Preliminary Plan shall be referred to the Itasca Plan Commission. The Village Board shall instruct the appropriate Village department and consultants to collaborate with the Plan Commission in reviewing the Preliminary Plan for the planned development for its compliance with these regulations and other ordinances of the Village of Itasca where requested. Such collaboration may include meetings at which the developer shall meet with Village officials and consultants in order that the Plan Commission may have, prior to its public hearing the informal recommendations of its experts.
 - (2) The Plan Commission and the Village Board may utilize the services of the professional Village consultants in arriving at recommendations or decisions (see Section 4.04).
 - (3) Within forty-five (45) days of receipt by the Village Clerk of all required application information and payment of any required fees, the Plan Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and transcript of the proceedings shall be preserved in accordance with rules prescribed by the Plan Commission.

Notice of the time and place of such public hearing shall be published at least once in one (1) or more newspapers with a general circulation within Itasca and also by mailing notice thereof to the parties in interest, including those mentioned in the following paragraph, said publication and mailing to be made not more than thirty (30) nor less than fifteen (15) days before the date of the hearing.

The applicant shall submit a list of the names and addresses of all owners of contiguous property, as recorded in the office of the Recorder of Deeds as appears from the authentic tax records of DuPage/Cook Counties. All public roads, streets, alleys, and other public ways shall be excluded in determining which property is contiguous to the location for which the amendment is requested.

No application for amendment shall be heard unless the applicant furnished the list herein required. Any homeowner's group who has filed a written request to receive notices of any public hearing with the Zoning Administrator shall be entitled to receive such notice.

Additionally, any area for which an individual application for a change in zoning classification is being considered, shall prominently be posted for at least fifteen (15) days prior to the public hearing. The posted notices shall be in number, size and location as prescribed by the Zoning Administrator and shall indicate the present zoning classification, the proposed zoning classification, the time and place of public hearing, and any other information prescribed by the Zoning Administrator. Posted notices shall be removed from the subject area within fifteen (15) days after the public hearing has been held.

- e. The Plan Commission shall proceed as quickly as possible in its review of the Preliminary Plan. Within no more than sixty (60) days after the final adjournment of the public hearing, the Plan Commission shall:
 - (1) approve or disapprove the Preliminary Plan and shall submit its written recommendations, which may include the recommendations of the Village Engineer, Village Planner, and/or Village Attorney to the Board of Trustees, with a copy being sent to the applicant; or
 - (2) advise the applicant, in writing, if the Plan Commission finds that changes, additions, or corrections are required in the Preliminary Plan. The applicant shall re-submit twelve (12) copies of the revised preliminary plan for consideration by the Plan Commission at a continuation of or a new public hearing. The applicant shall do so without paying an additional filing fee. The Plan Commission shall submit its recommendations in writing to the Village Board, which may also include recommendations of the Village Engineer, Village Planner, and/or Village Attorney, with a copy also being sent to the applicant.
 - (3) Changes in an application for a planned development initiated by the petitioner shall require an additional filing fee.
- f. The Village Board of Trustees shall accept or reject the Preliminary Plan within sixty (60) days after its next regular meeting following receipt of the written recommendations of the Plan Commission. The applicant and the Village Board of Trustees may mutually agree to extend the sixty (60) day period. The Village Board may require such special conditions in the approval of the Preliminary Plan, as it may deem necessary to insure

conformity with the intent of all Comprehensive Plan elements and the stated purposed of the planned development.

- (1) If the Preliminary Plan is disapproved, the Village Board shall state, in writing, the reasons for the disapproval, and such writing shall be filed with the Village Clerk, and a copy shall be sent to the applicant.
 - (2) If the Preliminary Plan is approved, the Village Board shall authorize the applicant to submit a final development plan for the planned development.
 - (3) Upon approval by the Village Board of the Preliminary Plan, a record shall be prepared including findings of fact and setting forth the terms of relief or modification and/or variances granted from existing ordinances. The final plan shall be approved as the final land use and zoning plan if it conforms with the Preliminary Plan. The preliminary and final plans may be filed and approved simultaneously if all requirements hereof are met.
 - (4) Approval of a Preliminary Planned Development Plan shall not constitute approval of the final plan, rather it shall be deemed an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the final plan or plans. No building permit shall be issued for an structure until a final planned development plan has been filed and approved.
 - (5) The final plan or plans shall be submitted by the developer not later than one (1) year (or such additional time, as may be authorized by the Village Board), after approval of the preliminary plan, for approval by the corporate authorities of the Village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions, if any, of the preliminary approvals.
 - (6) The Village Board shall notify the Plan Commission and the applicant of its action.
5. **Final Development Plan:** Within one (1) year following the approval of the Preliminary Development Plan, the applicant shall file with the Plan Commission a final development plan containing in final form the information required in the Preliminary Plan.

The final plan of the planned development shall conform to the Preliminary Plan as approved, and, if desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved Preliminary Plan

which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations.

a. The final development plan shall include the following:

- (1) The final plan and supporting data shall be filed with the Zoning Administrator and forwarded to the Plan Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved Preliminary Plan.

The Final Land Use Plan shall be suitable for recording with the DuPage County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated, into common open areas and building areas and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

- (2) An accurate legal description of the entire area under immediate development within the planned development.
- (3) If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, including easements, rights-of-way, and dedication of open space and public areas, to the extent that compliance with the subdivision regulations of the Village shall be required.
- (4) An accurate legal description of each separate unsubdivided use area, including common open space.
- (5) A Final Site Plan of the planned development shall be filed indicating the locations and uses of all buildings, all parking and loading spaces, and any other special structure, facility, or feature approved or required by the Village Board.
- (6) Certificates, seals, and signatures required for the dedication of land, and recording the document.
- (7) Tabulations of each separate use area, including land area and number of dwelling units per gross acre, percentage of open space, and acres in right of way.
- (8) Landscape plan (see Section 4.19).
- (9) Utilities and drainage plan.

- (10) The final version of the covenants, if any, by which the applicant proposed to regulate land use and otherwise protect the proposed development accompanied by the written representation and warranty of the applicant, in form and substance satisfactory to the Village Attorney, to the effect that the owner of the real property which is the subject of the proposed planned development has not sold, or otherwise disposed of any interest in said property and will not sell, or otherwise dispose of any such interest, prior to the filing for record of said covenants in the office of the DuPage County Recorder of Deeds.
 - (11) Such deeds or easement agreements, by-laws or provisions, if any, as are required or approved by the Village Board, shall be filed in form and substance approved by the Village Attorney conveying a suitable ownership interest in the parcels within proposed planned development which are to be subject to public or common ownership.
 - (12) Filing a copy of the Article of Incorporation of the homeowner's, merchant's, or industrial owner's association, if any, required or approved by the Village Board certified by the Secretary of State of Illinois, not more than thirty (30) days prior to the filing of the final plan; a certificate of good standing for such corporation issued by the Secretary of State of the State of Illinois, as of a date not more than thirty (30) days prior to the filing of such final plan; and a copy of the by-laws of such corporation certified by the Secretary thereof, as being a true, correct and complete copy of such by-laws, as of a date not more than thirty (30) days prior to the filing of such plan.
 - (13) Final development and construction schedule.
 - (14) Final architectural plans.
 - (15) Final engineering drawings.
- b. All public facilities and improvements made necessary as a result of the planned development shall require escrow deposits or irrevocable letters of credit in a form approved by the Village Attorney to guarantee construction of the required improvements.
 - c. All common open space, at the election on the Village, shall be:
 - (1) Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of

benefiting the owners and residents of the planned development or adjoining property owners or any one or more of them; or

- (2) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for benefit of residents of the planned development or adjoining property owners and/or both.

d. The Final Development Plan shall be approved as follows:

- (1) The Plan Commission shall review the Final Development Plan within forty-five (45) days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Plan Commission shall certify to the Board of Trustees that the final development plan is in conformity with the previously approved Preliminary Development Plan.
- (2) If the final plan is substantially changed from the approved Preliminary Plan, including any new requests for variations, the Plan Commission shall recommend to the Village Board that a new public hearing be held in conformance with the procedures for approval of a Preliminary Plan.
- (3) The Board of Trustees, after receipt of the recommendations of the Plan Commission, shall itself review the final development plan and shall, if it is in conformity with the Preliminary Development Plan, authorize issuance of the Special Use. If the Final Development Plan is held not to be in conformity with the Preliminary Plan, the Village Board shall inform the applicant, in writing, with regard to the specific areas found to be not in compliance.
- (4) Approval by the Village Board of the final plan for any proposed planned development shall be effective only for a period of sixty (60) days after the date of such approval unless, within the sixty (60) day period, the applicant shall record or cause recordation of the final plan, including any final subdivision plat, the final restrictive covenants, and the deeds and/or easement agreement required or approved by the Village Board, in the office of the Recorder of Deeds of the appropriate counties.

6. **Changes and Modification of the Planned Development After Approval of the Final Plan:**

- a. After the approval of the Final Plan, the use of land and the construction, modification, or alteration of any buildings or structures within the

planned development will be governed by the approved Final Plan, rather than by any other provisions of the Zoning Ordinance of the Village.

- b. No changes may be made in the approved Final Plan except upon application to the appropriate agency according to the following procedures:
 - (1) During the construction of the planned development, the procedure shall be as follows:
 - (a) minor changes, which do not change the concept or intent of the development, including the location, sitting, and height of buildings and structures and in the location of streets and ways of public access and in the size and location of open space, may be authorized by the Plan Commission as required by engineering or other circumstances not foreseen at the time that the final plat was approved.
 - (b) all changes in land uses and density, any rearrangements of lots, blocks, and building tracts, any major changes in the provisions for common open space and all other changes in approved Final Plan shall be made by the Village Board of Trustees, under the procedures authorized by the Zoning Ordinance for an amendment to the zoning map.
 - (c) any changes which are approved for the Final Plat shall be recorded as amendments to the recorded copy of the final plat. If changes are allowed in a final site plan, a new site plan reflecting such changes shall be filed with the Village and the appropriate counties.
 - (d) The Plan Commission shall consider the planned development subject to revocation if construction falls more than one (1) year behind the schedule filed with the final plan, or exceeds five (5) years. The developer shall be notified at least sixty (60) days prior to any revocation hearing authorized by the Village Board. Extensions in the building schedule may be recommended by the Plan Commission and granted by the Village Board.
 - (2) After the completion of the construction of the Planned Development, the procedure shall be as follows:
 - (a) Any minor extension, alterations, or modifications of existing buildings or structures may be recommended by the Plan

Commission if they are consistent with the purpose and intent of the Final Plan.

- (b) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Plan unless an amendment to the Final Plan is approved following the procedures for the amendment of the zoning map.
- (c) All other changes in the Final Plan shall be made by the Village Board of Trustees, under the procedure authorized by the Zoning Ordinance for the amendment of the zoning map. No changes may be made in the Final Plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Village.

7. **Standards:** No planned development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards established herein for Special Uses, that the following standards shall be met:

a. **General:**

- (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- (2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- (3) That any industrial park areas established in the planned development conform to all requirements therefore, as set forth elsewhere in this Ordinance.
- (4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned development shall be subject to the requirements for each individual classification as established elsewhere in this Ordinance, except as may be specifically varied in the Ordinance granting and establishing a planned development use.
- (5) When private streets and common driveways are made a part of the planned development or private common open space recreational facilities are provided, the applicant shall submit, as part of the

application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Village Board.

- (6) That any bulk exceptions shall be solely for the purpose of promoting an integrated site plan more beneficial to the residents or occupants of such development as well as neighboring property, that would be obtained under the bulk regulations of this Ordinance for building developed on separate zoning lots.
- (7) Architectural Consistency. The architectural style and features established for an approved planned development shall be maintained throughout the entire project unless otherwise recommended by the Plan Commission and approved by the Village Board.

b. Residential:

- (1) Residential density for a planned development shall not be greater than the recommended density as shown in the Zoning Ordinance for the Village, nor shall any lot to be used for residential purposed be less in area or dimension than that required by the district regulations applicable to the district in which the planned development is located except that the Plan Commission may recommend and the Village Board may grant a reduction in such lot area and dimension, but not more than a fifteen (15) percent of the gross area of the planned development.
- (2) Business uses may be included as part of a planned residential development when the Plan Commission finds that such business uses are beneficial to the overall planned development and will not be injurious to adjacent or neighboring properties.
- (3) The open areas provided in the part of the planned development containing only residential buildings shall be preserved over the life of the planned development for use only by the residents of the planned development or dedicated to a local government.
- (4) For that part of a planned development devoted to residential uses, the Plan Commission may recommend and the Village Board of Trustees may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser width or depth than required by district regulations for the district in which the planned development is located, provided:

- (a) that adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwelling served;
- (b) the spacing between buildings shall be approved by the Plan Commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets and alleys;
- (c) the yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the planned development is located; and the plan is developed to afford adequate protection to neighboring properties as recommended by the Plan Commission and approved by the Village Board of Trustees.

c. Cluster Subdivision:

In any single-family cluster division, the Plan Commission may recommend and the Village Board may authorize the following exceptions to the regulations of the district in which cluster subdivision is permitted as a Special Use.

- (1) A reduction of the lot area by not more than fifteen (15) percent, when the planned development provides common open space equal to not less than fifteen (15) percent of the gross area of the planned development, and in no case shall the lot area be less than six thousand five hundred (6,500) square feet.
- (2) A reduction of the lot width by not more than fifteen (15) percent, but in no case shall the lot width be less than forty-five (45) feet.
- (3) That in the part of the planned development containing only residential uses, the minimum lot area per dwelling unit may be not more than fifteen (15) percent less than that required for permitted uses in the district regulations applicable to the district in which the planned development is located.

Reduction of such lot area shall be recommended by the Plan Commission and approved by the Village Board only where there is contained within the planned development permanent open area, the area and location of which shall meet with the approval of the Commission, and that such open space shall not be less than that which would pertain if developed on individual lots.

Such open areas shall be preserved over the life of the planned development, for use only by the residents of the planned development or dedicated to the Village of Itasca for school, park, playground, or other public open space uses; and

- (4) That in a planned development devoted to residential uses, the Plan Commission may recommend and the Village Board may approve, access to a dwelling by a driveway or pedestrian walk easement, however, off-street parking facilities for such dwellings shall be located not more than two hundred (200) feet from the dwelling served; yards of lesser width or depth than required for permitted uses in the district regulations applicable to the district in which the planned development is located; provided
 - (a) that protective covenants are recorded which perpetuate access easements and off-street parking spaces for use by the residents of the dwellings served;
 - (b) spacing between principal buildings within a part of a planned development shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located.

d. Business:

That in a planned business development, the following additional requirements are hereby specified:

- (1) All buildings shall be set back not less than fifty (50) feet from all street rights-of-way lines bounding the site; and set back forty (40) feet from any residentially zoned land.
- (2) Required off-street parking spaces shall be provided in accordance with Section 12.00 of this Ordinance and set back not less than twenty-five (25) feet from any residentially zoned land.
- (3) All walks within the planned development shall be paved with a hard surfaced material meeting the specification of the Village.
- (4) Any part of the planned development not used for buildings, loading and access ways, shall be attractively landscaped with grass, trees, shrubs, or pedestrian walkways, according to a landscape plan, as approved by the Plan Commission;

- (5) The overall floor area ratio for the Planned Development shall not exceed by more than twenty (20) percent the maximum floor area ratio which would be determined on the basis of the amount required for the individual uses in such Planned Development as stipulated in each district.
- (6) The buildings in the planned development shall be planned and designed as a unified and single project.

e. **Variations of Minimum Requirements:**

- (1) Wherever the applicant proposes to provide and set out, by platting, deeding, dedication, restriction, or covenant, any land or space separate from single-family or multi-family residential districts to be used for parks, playgrounds, commons, greenways or open areas, the Plan Commission may consider and recommend to the Village Board, and the Village Board may vary the applicable minimum requirements of the subdivision regulations and the zoning ordinance which may include but not necessarily be limited to the following:
 - (a) Front Yard
 - (b) Rear Yard
 - (c) Side Yard
 - (d) Lot Area
 - (e) Bulk
 - (f) Intensity of Use
 - (g) Street Width
 - (h) Sidewalks
 - (i) Public Utilities
 - (j) Off-Street Parking
- (2) Business
 - (a) Business uses shall be as prescribed by the Plan Commission.
 - (b) All business shall be conducted and material shall be stored within a completed enclosed building.
 - (c) Not more than twenty-five (25) percent of the lot area shall be covered by buildings or structures.
 - (d) Not less than fifteen (15) percent of the lot shall be provided or landscaping and open space purposes.
 - (e) No building shall be more than sixty-five (65) feet in height.

- (f) No dwelling shall be permitted on the ground floor in a planned business development.
- (g) Off-street parking and loading shall be provided and maintained on the same lot in accordance with Section 12.00 of this Ordinance unless the Plan Commission recommends and the Village Board requires additional off-street parking and loading space.
- (h) Service and loading and unloading facilities shall be provided as recommended and approved by the Plan Commission;
- (i) No building shall be located nearer than fifty (50) feet to any right-of-way line or forty (40) feet to any residentially zoned land.
- (j) Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open spaces, schools, churches, or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.
- (k) Outside lighting shall be so designed and placed so as not to be disturbing to adjacent residential areas.
- (l) Signs shall comply with the regulations in Section 13.00 and Ordinance No. 165-61.

(3) Industrial:

- (a) The standards for industrial areas in a planned development shall conform to the applicable standards in the Zoning Ordinance of the Village of Itasca.
- (b) Not less than twenty (20) percent of the industrial land use areas shall be reserved for landscape and open space purposes.

8. **Conditions and Guarantees:** Prior to granting any Special Uses, the Plan Commission may recommend, and the Village Board shall stipulate such conditions and restrictions upon establishment, location, construction, maintenance, and operation of the Special Use as deemed necessary for the protection and requirements specified herein or as may be from time to time required. In all cases in which Special Uses are granted, the Village Board shall require such evidence and guarantee as it may deem necessary as proof

that the conditions stipulated in connection therewith are being and will be complied with.

9. **Effect of Denial of a Special Use:** After a public hearing, no application for a Special Use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and the Village Board.
10. **Repeal of Special Use:** In any case, where a Special Use has been granted, and where no development has taken place within two (2) years, the Plan Commission may recommend to the Village Board that such zoning be affirmed or repealed and rezoned to its most appropriate district classification in accordance with the procedures under this Ordinance

14.13 SITE PLAN REVIEW

1. **Purpose:** It is recognized that the very nature of development of vacant land, redevelopment of improved land, and Special Uses create potential for traffic congestion problems, overcrowding, adverse environmental effects, or poorly designed sites. In order to ensure that new construction and uses are otherwise in conformance with the intent of the Comprehensive Plan and with the provisions of this Ordinance, and that the arrangement of buildings, off-street parking and loading facilities, lighting, landscaping, ingress and egress, drainage, signs and other improvements is provided in a manner that will promote safety and convenience for the public and will preserve property values of surrounding property site plan review shall be required prior to issuance of a Zoning certificate.
2. **Scope:** Two classes shall be established for site plan review and are defined as follows:
 - a. Class I Site Plan Review shall be required prior to or concurrent with (i) granting rezoning to R-3, ROC, any business, office-research or manufacturing district, (ii) granting any Special Use Permit, (iii) granting a planned development, or (iv) prior to approval of a zoning certificate for any new construction in any regional office, business, office-research, or industrial district, or (v) prior to approval of a zoning certificate for any new construction or expansion greater than twenty-five percent (25%) in any downtown zoning district (B-4, B-5 and B-6 zoning districts).
 - b. Class II Site Plan Review shall be required prior to approval of a zoning certificate for any new construction in any residential district or prior to construction of accessory structures, parking or signs in any District.

3. **Application Requirements for Class I Site Plan Review:** Every application for Class I Site Plan Review shall be accompanied by the following in the number prescribed by the Zoning Administrator:
- a. **Application Form:** A completed application form furnished by the zoning administrator, which shall include the following:
- (1) Project name and project address.
 - (2) Legal description of property.
 - (3) Property owner name(s) and signature(s) (or signed statement by owner of applicant's authorization to submit the application), name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest, unless any such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten (10) percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application, including the interest of a contract purchaser. The application shall include the signature of the owner(s).
 - (4) Applicant name and signature, address and phone number (unless otherwise directed, the Village shall direct all written and other correspondence and communications regarding said review to the applicant).
 - (5) Name, address and phone number of persons responsible for preparing the Plan.
 - (6) Present zoning of the site and adjacent properties.
 - (7) Description of proposed development, zoning and type of use.
 - (8) Other applicable permits sought: such as, Special Use, Zoning Amendment, Variance or Building Permit.
 - (9) Any other information that may reasonably be required during the design review process by the Village Board, Planning and Zoning Commission, or Zoning Administrator, as the case may be.

- b. **Drawing Standards:** All submittal documents shall follow accepted conventions for drawing. All drawings shall have legible line work, clear labels, numeric and graphic scales, page numbers, revision dates and north arrow indicated on all plans. All drawings, except the location plan, shall be at the same standard scale.
- c. **Plat of Survey:** A current plat of survey not more than one year old for the proposed property, drawn to scale showing the actual dimensions of the Subject Property.
- d. **Existing Conditions:** An existing conditions map, prepared and sealed by a licensed land surveyor or professional engineer, shall show the location, dimensions, size and height of the following, as applicable:
 - (1) Sidewalks, streets, alleys, easements and utilities, including street lights.
 - (2) Buildings and structures, including top of foundation elevations.
 - (3) Driveways, walkways, entrances, exits, parking and loading areas.
 - (4) Recreation areas and swimming pools.
 - (5) Natural and artificial watercourses and bodies of water and wetlands.
 - (6) Limits of flood plains.
 - (7) Areas that can reasonably be expected to or which do contain soils or materials contaminated with hazardous materials. Underground storage tanks, if any.
 - (8) The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography is to be shown on dashed lines illustrating one (1) foot standard contour intervals and by spot elevations of neighboring properties and flat areas where necessary.
- e. **Location and Context:** A location map situating the site in relation to its neighborhood, indicating existing site conditions on surrounding properties and public ways, including zoning and all improvements.

- f. **Site Plan:** A site plan shall be prepared to show the location, dimensions, size and height to scale of the following regarding the proposed development, as applicable:
- (1) For a site plan which includes any existing structures or other improvements, an indication of those improvements that are to remain and those which will be removed.
 - (2) Buildings and structures with entrances and exits identified.
 - (3) Dimensional setbacks from all property lines and distances between buildings.
 - (4) Sidewalks, bike paths, streets, alleys, easements and utilities, including on-site lighting.
 - (5) Walkways, driveways, entrances, exits, loading docks and maneuvering areas, refuse and service areas, and parking areas (including those designated for handicapped use).
 - (6) Any locations intended for the outdoor display or storage of goods and merchandise.
 - (7) Fence locations, type and height.
 - (8) Recreation areas.
 - (9) Plans to remediate, remove, or control on site any contaminated soils, materials, underground storage tanks, combustible gases, old landfills, dumps or disposal areas.
 - (10) Natural and artificial watercourses and bodies of water and wetlands.
 - (11) Tentative plans for collecting and depositing storm water and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of flood plains, if any, and including overland water flow.
 - (12) A general indication of proposed grading, surface drainage, grades on paved areas and approximate ground floor elevations of proposed buildings and structures.
 - (13) Calculations of the following, as applicable:

- (a) number of dwelling units and density per acre or gross square footage of uses; gross floor area by use and FAR;
 - (b) number of parking spaces;
 - (c) number of loading spaces;
 - (d) total land area;
 - (e) total open space;
 - (f) total landscaped area;
 - (g) total impervious surface.
- g. **Landscape Plan:** A plan showing the location and names of trees, shrubs and ground cover to be planted and the areas to be retained in natural vegetation. This plan may be combined with the site plan above, as long as all site plan elements and landscaping elements are easily discernible. Show existing trees five (5) inches or more in diameter, measured on the trunk three (3) feet from grade, with their proposed disposition, i.e. to be retained, removed, replaced or transplanted elsewhere on the site. Complete final landscape plan is required with the final plan prior to building permit.
- h. **Lighting Plan:** Provide a site lighting plan, which can be combined with other required documents, indicating location, type, fixture height, power rating and shielding methods.
- i. **Building Elevations:**
- (1) Show exterior elevations of all proposed structures and exterior elevations of existing buildings when existing buildings are proposed to be structurally altered.
 - (2) Note all finish materials on drawings and provide color samples.
 - (3) Dimensions of building heights from finished grade.
 - (4) Dimensions of all exterior walls and fences, including heights.
 - (5) Location, type and size of signs.
 - (6) Location of mechanical equipment, roof equipment, electrical transformers and solar panels, including means of screening roof equipment.

- j. **Signs:** Elevations of proposed freestanding signs as well as the intended sign message/display and the materials and colors intended for the sign. “Typical” elevations shall be provided for wall mounted signs including color renderings of all sign faces; views of supporting members, poles, bases and pedestals; side views which indicate both signage depth and projections; method of illumination, color samples, materials indications, and dimensions of all sign elements.
4. **Application Requests for Class II Site Plan Review:** Every application for Class II Site Plan Review shall be accompanied by the following in the number prescribed by the Zoning Administrator.
- a. A complete application form furnished by the Zoning Administrator.
 - b. A current plat of survey, drawn to scale, showing the actual dimensions of the property and the location of any existing structures.
 - c. A site plan and topographical plan, drawn to scale, showing the location, dimensions, ground area, height of the proposed structure, easements, and building lines.
5. **Class I Site Plan Review Procedures:**
- a. **Pre-Application Conference:** An applicant for design review and approval may request that the Zoning Administrator hold an informal pre-application conference to review the preliminary design of a proposed development and to discuss basic intentions and plans before investing time in detailed designs and/or submittal of a formal application. This step is optional but recommended, especially for large or complex projects.
 - b. **Village Staff Review:** Upon receipt of a complete application, the Zoning Administrator shall distribute copies of the application and supporting documents to such Village staff and consultants as appropriate for review and comment concerning compliance with Village requirements. Within fifteen (15) working days of receipt of a complete application, the Zoning Administrator shall advise the applicant, in writing, that the site plan conforms or fails to conform with the requirements of this Chapter or other provisions of the Municipal Code. If the site plan fails to conform, the Zoning Administrator shall specify the reasons the site plan fails to conform.
 - c. **Action by the Plan Commission:** Within sixty (60) days of receipt of a complete application, the Plan Commission shall review said site plan and the Zoning Administrator’s report. After reviewing the Zoning

Administrator's report and the site plan, the Plan Commission shall recommend approval, denial or modification of the site plan, with or without conditions, or may defer the item for further study. The Plan Commission shall submit its findings and recommendation in writing to the Village Board within twenty (20) working days following a recommendation for approval, denial or modification of the application.

Design review does not require any form of public notice, however a design review application concurrently filed with an application for a zoning map amendment or a special use permit shall state that design review and approval is sought as part of the public notice in addition to the requested map amendment and/or special use permit.

- d. **Action by the Village Board:** Within twenty-one (21) days of the Plan Commission's final recommendation concerning the site plan, the Village Board shall approve, deny, modify, refer the item to the Plan Commission for further consideration or defer the item for further study. When the Plan Commission recommends denial of a proposed site plan, such site plan shall not be approved except upon the favorable vote of two-thirds (2/3) of all members of the Village Board.
- e. **Effect of Village Board Action:** Unless the Village Board provides otherwise by ordinance or unless the Village Board has extended the term of design plan approval, such plan approval shall automatically lapse one (1) year after the date of approval of the plan, unless a building permit has been issued and construction commenced.
- f. **Revisions to Approved Site/Design Plans:** If the building application deviates from approved site/design plans, the Zoning Administrator shall then determine if the proposed changes are substantive. Substantive changes to approved site/design plans require submittal of those changes to the same process as the approval of an original design proposal.

6. **Class II Site Plan Review Procedures:**

- a. **Staff Review:** Upon receipt of a complete application, the Zoning Administrator shall review the site plan for conformance with the provisions of this Chapter. Within fifteen (15) working days of receipt of a complete application for Class II Site Plan Review, the Zoning Administrator shall approve or deny the application. If the Zoning Administrator denies an application for a Class II Site Plan, he shall advise the applicant in writing of the reasons for refusal.

b. Appeal:

- (1) If the Zoning Administrator does not approve a Class II site plan, the applicant may appeal the Zoning Administrator's decision to the Plan Commission. A notice of appeal must be filed with the Zoning Administrator no later than fifteen (15) days after receipt by the applicant of the decision of the Zoning Administrator. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a zoning certificate.
- (2) The Plan Commission shall act as promptly as practicable on any appeal taken in connection with the Class II site plan. The Plan Commission shall approve or disapprove the site plan by action taken by a majority of the Plan Commission present at any scheduled meeting at which a quorum is present. If the Plan Commission approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable Village codes and ordinances are satisfied.

7. **Standards for Class I Site Plan Review:** In reviewing and evaluating Class I site plans, the Plan Commission, Village Board, and Zoning Administrator shall consider those factors listed below which it determines to be applicable to a given plan. These standards are guidelines to enable new development, redevelopment and major alterations to further the Village's long term goals. Variations from these standards may be allowed by the Village Board.
 - a. The application shall comply with the provisions of this ordinance and other ordinances of the Village and of any other applicable laws.
 - b. The plan shall be in a reasonable conformity with the Comprehensive Plan.
 - c. **Site and Building Design:** Adequate provision shall be made to ensure that the proposed development shall be integrated with and enhance the character of the streetscape, the surrounding context and the neighborhood in terms of scale, massing, site layout and site and building design, including:
 - (1) **Relationships of Buildings to Site:**
 - (a) The site should be planned to achieve a desirable transition to the street, with buildings and landscaping fronting on and reinforcing the streetscape to the greatest extent practicable, and encouraging safe pedestrian movement.

- (b) Parking, loading, storage and service areas, utility structures and machinery should not be visible from public ways and surrounding areas. Shared parking lot access shall be promoted where practical. Substantial and immediately effective perimeter screening and interior lot landscaping should be provided to break up large expanses of asphalt with plant and other landscape materials.
- (c) Without restricting the permissible limits of the applicable zoning district, the height, massing and scale of each building should be integrated with its site, the existing terrain, surrounding landscape and existing (or anticipated) adjoining buildings.

(2) Building Design:

- (a) Proposed buildings and structures should be encouraged to generally enhance or relate to the surrounding buildings and local context, or in any case, not have an adverse impact on these. The scale, proportions, massing, articulation and design features of structures should enhance the continuity of the streetscape, emphasize the human scale and integrate with the surrounding landscape.
- (b) Entrances should be articulated. Long, uninterrupted wall or roof planes should be avoided and signs, lighting, utilities and services should be integrated with the building design.
- (c) Building materials should be of durable quality, suitable for the building type and design and related to surrounding buildings and the local context.

(3) Signs: All signage shall be in strict accordance with the Village of Itasca Municipal Code and shall conform with the following:

- (a) Every sign should be designed as an integral architectural element of the building and site to which it principally relates.
- (b) The colors, material and illumination of every sign should be compatible and harmonious with the building and site to which it principally relates.
- (c) Each sign should be compatible with signs on adjoining premises and should not compete for attention.

- (d) Signs and other site graphics should be minimized in size and number to promote their effectiveness. Such signs and site graphics should be integrated with architectural and landscape features.

(4) Lighting:

- (a) Exterior lighting should be part of the architectural concept. Fixtures, standards and exposed accessories should be integrated with the building design.
- (b) Adequate provision should be made to avoid glare of vehicular and stationary lights that would affect the established character of the neighborhood, and to the extent such lights will be visible across any property line, the performance standards for illumination shall be met.

d. **Open Space and Landscaping:**

- (1) Maximize retention of open space and preserve scenic views from publicly accessible locations.
- (2) Configure open space to be usable, functional and appropriate to the development proposed. Address the functional aspects of landscaping such as drainage control, erosion prevention, screening, provision of shade and reduction of glare, energy conservation, windbreaks, as well as the enhancement of architectural and site features.
- (3) Minimize tree, vegetation and soil removal. Existing mature trees of five (5) inches or more in diameter, measured on the trunk three (3) feet from grade and shrubs shall be maintained to the greatest extent practicable; if evidence supports removal of these, indicate the specific procedure, types and sizes for replacement.
- (4) Landscape design should provide an aesthetically pleasing design, create a logical transition to adjoining development, screen incompatible uses, screen unsightly activities from public view and break up large expanses of asphalt with plant materials. Plant materials shall be selected so as to withstand Itasca's climatic conditions and the specific constraints imposed by adjacent functions.

e. **Access and Circulation:**

- (1) Streets, sidewalks and bike paths should, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets and sidewalks.
- (2) Adequate access roads or entrance or exit drives should be provided and should be designed and improved so as to prevent traffic hazards or problems, to minimize traffic congestion in public streets and to encourage pedestrian access.
- (3) Design should ensure that the vehicular circulation elements of the proposed development will not create hazards to the safety of vehicular or pedestrian traffic on and off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
- (4) Any building or structure should be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.

f. **Public Services and Utilities:** Provision shall be made to ensure that development will be served by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, schools, drainage, structures, refuse disposal, water, sewer, and electricity. Impact on these services should be as minimal as practicable.

g. **Environmental Considerations:**

- (1) Adequate provision should be made to minimize the impact on existing or developing wetlands, steep slopes, flood plains and hilltops.
- (2) The obstruction of natural watercourses shall be discouraged.
- (3) The development should incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding.
- (4) Drainage should be designed so that groundwater recharge is maximized, and at the project boundaries the rate of runoff shall not be increased.

- (5) Adequate provision shall be made for the collection and disposition of all on and off-site storm water and natural water, including but not limited to, on-site drainage retention facilities.
 - (6) Adequate provision shall be made to control the slippage, shifting, erosion, accretion and subsidence of soil, as well as the slipping and shifting of buildings and structures.
 - (7) Adequate provision shall be made to clean, control and otherwise alleviate contamination or environmental hazards on land when the site is in an area found by the Zoning Administrator to be contaminated by a toxic substance or otherwise to contain environmental hazards which are detrimental to the public health, safety and welfare.
- h. **Preservation:** Adequate provision should be made to preserve unique architectural, cultural, environmental and historical resources. Development designs and treatments that respect such desirable resources on adjacent properties are also encouraged.
- i. **Downtown Design Guidelines:** All developments located in the Traditional Downtown area (B-4, B-5 and B-6 zoning districts) shall be compatible with the Downtown Design Guidelines, as defined in Section 3.02 Definitions. Site plans should also be forwarded to the Downtown Itasca Advisory Committee (DIAC) and the Historic Preservation Commission for review and comment prior to Plan Commission recommendation.
8. **Standards for Class II Site Plan Review:** The Zoning Administrator, when evaluating Class II site plans, shall review:
- a. The relationship of the site plan to the policies, goals and objectives of the Comprehensive Plan.
 - b. Traffic and parking layout so as to minimize danger and conflicts between pedestrians and motorists, and otherwise comply with the requirements of Section 12 of this Ordinance.
 - c. Location of principal structures, accessory structures and free-standing signs, so that the location of accessory structures and free-standing signs do not impede safe and efficient traffic circulation, storm water drainage, or otherwise adversely impact adjoining land improvements.
 - d. The Zoning Administrator may enlist the services of the Village departments and consultants to determine compliance with the provisions of this Chapter and other provisions of the Municipal Code.

- e. That the proposed use is a permitted use in the district in which the property is located.
- f. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses and employs sound site planning principles.
- g. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.
- h. That all outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.
- i. Expansion of any non-conforming use shall be reviewed in accordance with standards specified in the Itasca Zoning Ordinance.
- j. The relationship of the site plan to the Downtown Design Guidelines, when the site plan is located in the traditional downtown area.

14.14 FEES

The Village Board shall establish a schedule of fees, charges, and expenses for zoning certifications, occupancy certificates appeals, application for amendments or special use, and other matters pertaining to this Ordinance. This schedule of fees shall be posted in the office of the Village Clerk and may be altered or amended by the Village Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application of appeal.

14.15 VIOLATION, PENALTY ENFORCEMENT

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense. The Zoning Administrator is hereby designated and authorized to enforce this Ordinance.

15.00 TELECOMMUNICATIONS TOWERS AND ANTENNAS**15.01 APPLICABILITY**

1. **New Telecommunications Towers and Antennas:** All new Telecommunications Towers and Antennas in the Village of Itasca shall be subject to these regulations, except as provided in Chapter 15.01 (2)-(4) inclusive.
2. **Amateur Radio Operations/Receive Only Antennas:** This Ordinance shall not govern any Tower or the installation of any Antenna that is under eighty (80) feet in Height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only Antennas. No Receive-Only Antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten (10) feet.
3. **Pre-Existing Telecommunications Towers or Antennas:** Existing Telecommunications Towers and existing Antennas which predated this Ordinance, shall not be required to meet the requirements of this Ordinance other than the requirements of Section 15.02 (5), (6), (8), and (18). All pre-existing Telecommunications Towers and Antennas shall be subject to the Telecommunications Tower & Antenna Administrative Fee as of January 1, following the effective date of this Ordinance.
4. **AM Array:** For purposes of implementing this Ordinance, AM Array, consisting of one (1) or more Telecommunications Tower units and supporting ground system which functions as one (1) AM broadcasting Antenna, shall be considered one (1) Telecommunications Tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the Telecommunications Towers included in the AM Array. Additional Telecommunications Tower units may be added within the perimeter of the AM Array by right.

15.02 GENERAL REQUIREMENTS

1. **Special or Accessory Use:** Antennas and Telecommunications Towers may be considered either Special or Accessory uses. A different existing use of an existing Structure on the same lot shall not preclude the installation of an Antenna or Telecommunications Tower on such lot; provided, however, that such installation complies with the requirements of this Section and all other Sections of the Zoning Ordinance and development regulations.
2. **Lot Size:** For purposes of determining whether the installation of a Telecommunications Tower or Antenna complies with the Village of Itasca development regulations, including, but no limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the

entire lot shall control, even though the Antennas or Telecommunications Towers may be located on leased parcels within such lot.

3. **Approved Site Zoning Districts:** Antennas, Antenna Structures, and Telecommunications Towers shall be allowed as Permitted Uses as provided in Section 15.03 and as Special uses as provided in Section 15.04.
4. **Inventory of Existing Sites:** Each applicant for approval of an Antenna and/or Telecommunications Tower shall provide to the Zoning Administrator an inventory of its existing Telecommunications Towers, Antennas, or sites approved for Telecommunications Towers and Antennas, that are either within the jurisdiction of the Village of Itasca or within one (1) mile of the border thereof, including specific information about the location, height, and design of each Telecommunications Tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or Special Use Permits under this Ordinance or other organizations seeking to locate Antennas within the jurisdiction of the Village of Itasca, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
5. **Aesthetics:** Telecommunications Towers and Antennas shall meet the following requirements.
 - a. Telecommunications Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a Telecommunications Tower site, the design of the buildings and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into natural settings and surrounding buildings.
 - c. If an Antenna is installed on a Structure other than a Telecommunications Tower, the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible.
6. **Lighting:** Telecommunications Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

7. **State or Federal Requirements:** All Telecommunications Towers must meet or exceed current standards or regulations of the FAA, the FCC, or any other agency of the state or federal government with the authority to regulate Telecommunications Towers and Antennas. If such standards and regulations are changed, then the owners of the Telecommunications Towers and Antennas governed by this Ordinance shall bring such Telecommunications Towers and Antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring Telecommunications Towers and Antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the Telecommunications Tower and Antenna at the owner's expense.
8. **Building Codes/Safety Standards:** Any owner or operator of an Antenna, Antenna Structure or Telecommunications Tower shall maintain the Antenna, Antenna Structure or Telecommunications Tower in compliance with the standards contained in the current and applicable state or local building codes and the applicable standards for Telecommunications Towers that are published by the Electronic Industry Association, as amended from time to time. If, upon inspection, the Village of Itasca concludes that an Antenna, Antenna Structure or Telecommunications Tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner or operator of the Antenna, Antenna Structure or Telecommunications Tower, the owner shall have thirty (30) days to bring such Antenna, Antenna Structure or Telecommunications Tower into compliance with the applicable standards.

Failure to bring the Antenna, Antenna Structure or Telecommunications Tower into compliance within the thirty (30) day period shall constitute grounds for removal of the Antenna, Antenna Structure, or Telecommunications Tower at the owner's and/or operator's expense.
9. **Measurement:** For purposes of measurement, Telecommunications Tower setback and Telecommunications Tower separation distances shall be calculated and applied to facilities located in the Village of Itasca irrespective of municipal and county jurisdictional boundaries.
10. **Not Essential Services:** Antennas, Antenna Structures and Telecommunications Towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
11. **Public Notice:** For purposes of this Ordinance, any special use request, variance request, or appeal of any administratively approved use or special use shall require public notice and individual notice by the Village of Itasca to all

abutting property owners and all property owners of properties that are located within two hundred fifty (250) feet of the zoning lot in question. Streets, alleys, and watercourses shall not be considered in the determination of “abutting” nor in calculating the two hundred fifty (250) feet.

12. **Signs:** No signs shall be allowed on an Antenna or Telecommunications Tower other than those that may be required by the FCC.
13. **Buildings and Support Equipment:** Buildings and support equipment associated with Antennas and Telecommunications Towers shall comply with the requirements of Section 15.04 (11) of this Ordinance.
14. **Multiple Antenna/Telecommunications Tower Plan:** The Village of Itasca encourages all plans for Telecommunications Tower and Antenna sites to be submitted in a single application for approval of multiple Telecommunications Towers and/or Antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
15. **Antennas on Existing Structures:** Any Antenna which is not attached to a Telecommunications Tower may be approved by the Village of Itasca as an accessory use, provided that the Antenna complies with all FCC and FAA regulations and all building codes and safety standards as referenced in Section 15.02 (8) hereinabove. In accordance with the requirements of Section 4.13(5)(a-c) of the Zoning Ordinance, any Antenna or Telecommunications Tower that incorporates an Antenna located on residential property where a property owner or property lessee uses such antenna or Telecommunications Tower for a commercial purpose, shall not be allowed as an accessory use in the R-1, R-2, or R-3 zoning districts.
16. **Antennas on Existing Telecommunications Towers:** An Antenna which is attached to an existing Telecommunications Tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of Telecommunications Towers, collocation of Antennas by more than one carrier on existing Telecommunications Towers shall take precedence over the construction of new Telecommunications Towers, provided such collocation is accomplished in a manner consistent with the following:
 - a. A Telecommunications Tower which is modified or reconstructed to accommodate the collocation of an additional Antenna shall be of the same Telecommunications Tower type as the existing Telecommunications Tower, unless the Zoning Administrator allows reconstruction as a monopole.

b. Height.

- (1) An existing Telecommunications Tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the Telecommunications Tower's existing height, such height not exceeding one hundred thirty (130) feet in total, to accommodate the collocation of an additional Antenna.
- (2) The height change referred to in Subsection (b) (1) shall not require a distance separation. The Telecommunications Tower's premodification height shall be used to calculate such distance separations.
- (3) The additional height referred to in Subsection (b) (1) shall not require a distance separation. The Telecommunications Tower's premodification height shall be used to calculate such distance separations.

c. Onsite Location.

- (1) A Telecommunications Tower which is being rebuilt to accommodate the collocation of an additional Antenna may be moved onsite within fifty (50) feet of its existing location.
- (2) After the Telecommunications Tower is rebuilt to accommodate collocation, only one Telecommunications Tower may remain on the site.
- (3) A relocated onsite Telecommunications Tower shall continue to be measured from the original Telecommunications Tower location for purposes of calculating separation distances between Telecommunications Towers. The relocation of a Telecommunications Tower hereunder shall in no way be deemed to cause a violation of this Ordinance.
- (4) The on-site relocation of a Telecommunications Tower, which comes within the separation distances to residential units or residentially zoned lands as established in the Zoning Ordinance, shall only be permitted when approved by the Zoning Administrator.

d. New Telecommunications Towers in non-residential zoning districts.

An applicant may locate any new Telecommunications Tower in a B-1, B-2, B-3, O-R, ROC, or M zoning district, provided that: 1) a licensed professional engineer certifies the Telecommunications Tower can structurally accommodate the number of shared users proposed by the

applicant; 2) the Zoning Administrator concludes the Telecommunications Tower is in conformity with the purpose set forth in the preamble to this Ordinance and the requirements of this Ordinance; 3) the Telecommunications Tower meets the setback separation requirements in Section 15.04; and, 4) the Telecommunications Tower meets the following Height and Usage criteria:

- (1) for a single user, up to and including one hundred (100) feet in height;
- (2) for two users, up to one hundred fifteen (115) feet in height; and
- (3) for three or more users, up to and including one hundred thirty (130) feet in height.

17. **Roadway Access:** All sites on which Antennas, Antenna Structures, and Telecommunications Towers are located must have a passable roadway access of compacted aggregate base with a one and one half (1 ½) inch bituminous binder course and a one (1) inch bituminous surface course, or a six (6) inch compacted aggregate base with five (5) inch air entrained six (6) bag Portland Cement concrete and 6 X 6 #10 welded wire reinforcing.

18. **Fencing:** The structures upon any site upon which an Antenna, Antenna Structure, or Telecommunications Tower is located shall be surrounded by an opaque screen which is no less than five feet (5') in height and equipped with an appropriate anti-climbing device. Screening materials shall include either wooden or chain link fencing. Barbed wire shall be prohibited, unless the site is owned by a tax levying body and the barbed wire fencing is recommended by the Plan Commission and the Zoning Board. Shrubbery and bushes shall be required, in addition to the wooden or chain link fence, unless specifically waived by the Village of Itasca in its discretion in appropriate cases.

19. **Disguised Structures:** The provider of an Antenna, Antenna Structure, or Telecommunications Tower may propose to disguise the proposed Antenna, Antenna Structure, or Telecommunications Tower. Any such disguise must be aesthetically consistent with the character of the surrounding area and environment, and be constructed in such a manner where the health or safety of Village of Itasca residents shall not be endangered. The Village of Itasca may require the disguise of an Antenna, Antenna Structure, or Telecommunications Tower as a condition of approval of a building permit or special use permit if the Antenna, Antenna Structure, or Telecommunications Tower is to be erected on a golf course or other public recreational area.

20. **Annual Administrative Fee and Certifications:** Each owner and/or operator of an Antenna, Antenna Structure or Telecommunications Tower shall be required annually on January 1 to pay an Administrative Fee of five

SECTION 15

TELECOMMUNICATIONS TOWERS AND ANTENNAS

hundred dollars (\$500.00) and to provide the following certifications in writing by a certified engineer:

- a. That the owner of operator's Antenna, Antenna Structure or Telecommunications Tower has been inspected and is in compliance with all state and local building codes and standards published the Electronic Industry Association; and
- b. That the owner or operator's Antenna is in compliance with the FCC RF Emissions Standards.

The Village of Itasca reserves the right to increase the amount of the Administrative Fee as it deems necessary. A separate Administrative Fee shall be paid by each user or co-locator on a Telecommunications Tower.

21. **Permit Required:** Prior to the construction of an Antenna, Antenna Structure or Telecommunications Tower the provider of the radio, television or telecommunications services shall obtain a Permit from the Village of Itasca for the erection of such Antenna, Antenna Structure or Telecommunications Tower. An applicant for a Permit for an Antenna, Antenna Structure, or Telecommunications Tower shall pay a fee in accordance with the Fee Schedule set forth in Section 14.13 of the Zoning Ordinance, plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.
22. **Waiver of Provisions.** An applicant can request a waiver of any provision of this Ordinance upon the showing of appropriate justification and benefit to the public. Such request shall be treated as a request for a variance and the appropriate procedures thereto shall apply.

15.03 PERMITTED USES

1. **General**

The following uses listed in this Section are deemed to be Permitted Uses and shall not require administrative approval or a Special use Permit.

2. Antennas, Antenna Structures, and Telecommunications Towers are specifically permitted in;
 - a. Any M zoning district (Limited Manufacturing District), or;
 - b. Property owned, leased, or otherwise controlled by the Village of Itasca or a Park District located within the boundaries of the Village of Itasca, which is located in any zoning district, particularly expressly including the Village of Itasca's water tower sites, and Public Works and Police Station

sites, and Park District baseball fields, provided that a lease authorizing such Antenna, Antenna Structure, or Telecommunications Tower has been approved by the Village of Itasca. Village or Park District property located in a flood plain shall not be considered for Permitted Use status.

3. No-Impact Antennas and No-Impact Telecommunications Towers shall be a Permitted Use in any non-residential zoning district.

15.04 SPECIAL USES

1. General Provisions:

- a. Radio and telecommunications Antennas, Antenna Structures, and Telecommunications Towers used for Personal Wireless Facilities, Personal Wireless Services, radio transmission, or television transmission shall be subject to the Special Use provisions contained within Section 14.11 of this Zoning Ordinance and applications for Special Use Permits shall be subject to the procedures and requirements of the Zoning Ordinance, except as modified in this Chapter 15.
- b. In granting a Special Use Permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed Telecommunications Tower on adjoining properties.
- c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- d. An applicant for a Special Use Permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Village Board of the Village of Itasca to reimburse the Village of Itasca for the cost of reviewing the application.
- e. Antennas, Antenna Structures, and Telecommunications Towers shall be allowed as special uses only consistent with all of the requirements of this Ordinance in the following zoning districts: R-1 (Single Family Residence – golf course, public utility facilities, public service use facilities with radio or TV Telecommunications Tower sites only), R-3 (General Residence – public utility facilities, public service use facilities with radio or TV Telecommunications sites only), B-1 (Local Business District), B-2 (Community Business District), B-3 (Service Business District), O-R (Office Research District), and ROC (Regional Office Center District).

- f. No-Impact Towers and No-Impact Antennas shall be allowed as a special use within zoning districts R-1 (Single Family Residence), R-2 (Single Family Residence), and R-3 (General Residence).
2. **Information Required:** In addition to any information required for applications for Special Use Permits referenced above, each petitioner requesting a Special Use Permit under this Ordinance for an Antenna, Antenna Structure, or Telecommunications Tower shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriately licensed professionals, showing the location, type, and dimensions of all improvements, including information concerning topography, radio frequency coverage, Telecommunications Tower Height requirements, setbacks, drives, proposed means of access, parking, fencing, landscaping, adjacent uses, adjacent roadway, and other information deemed necessary by the Village of Itasca to be necessary to assess compliance for this Ordinance. In addition, the following information shall be supplied:
- a. Legal description of the parent track and leased parcel (if applicable);
 - b. The setback distance between the proposed Structure and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned property;
 - c. The separation distance from other such structures described in the inventory of existing sites submitted pursuant to Section 15.02 (4) shall be shown on an updated site plan or map and the applicant shall also identify the type of construction of the existing Structure(s) and the owner/operator of the existing Structure(s), if known;
 - d. A landscape plan showing specific landscape materials;
 - e. The method of fencing, and finish color and, if applicable, the method of camouflage and illumination;
 - f. A description of compliance with Section 15.02 (3), (5), (6), (7), (8), (9) and (13) and all applicable federal, state or local laws.
 - g. A notarized statement by the applicant as to whether the construction of the Telecommunications Tower will accommodate collocation of additional antennas for future users;
 - h. Identification of the entities providing the Back Haul Network for the Structure(s) described in the application and other cellular sites owned or operated by the applicant in the Village of Itasca.

- i. A description of the suitability of the use of existing Telecommunications Towers, other Structures, or alternative technology not requiring the use of Telecommunications Towers or Structures to provide the services to be provided through the use of the proposed new Telecommunications Tower; and
 - j. A description of the feasible location(s) of future Telecommunications Towers or Antennas within the Village of Itasca based upon existing physical, engineering, technological, or geographical limitations in the event the proposed Telecommunications Tower is erected.
3. **Factors Considered in Granting Special Use Permits:** The Village of Itasca shall consider the following factors in determining whether to issue a Special Use Permit above and beyond those factors referenced in Chapter 14.11 of the Zoning Ordinance. The Village of Itasca may waive or reduce the burden on the petitioner of one or more of these criteria if the Village of Itasca concludes that the goals of this Ordinance are better served thereby.
- a. Height of the proposed Antenna, Antenna Structure, or Telecommunications Tower;
 - b. Proximity of the Antenna, Antenna Structure, or Telecommunications Tower to residential structures and residential district boundaries.
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the Antenna, Antenna Structure, or Telecommunications Tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress; and
 - h. Availability of other suitable existing Antennas, Antenna Structures, Telecommunications Towers, and other Structures or alternative technologies not requiring the use of Telecommunications Towers or Structures as discussed elsewhere in this Ordinance.
4. **Height:** No Antenna, Antenna Structure, or Telecommunications Tower shall exceed a height of one hundred thirty (130) linear feet in aerial height. Where an arm has been installed to facilitate collocation of an additional Antenna on the existing Antenna Structure or Telecommunications Tower, the arm shall not exceed a length of twelve (12) linear feet.

5. Setbacks and Separation:

- a. **Setbacks:** Antennas, Antenna Structures, or Telecommunications Towers must be set back a distance equal to the height of the Antenna, Antenna Structure, or Telecommunications Tower from any off-site residential structure. Antenna Structures, guy lines, and equipment shelters must satisfy the minimum setback requirements for R-1, R-2, R-3, B-1, B-2, B-3, O-R, ROC, or M zoning districts.
- b. **Separation:** The following separation requirements shall apply to all Telecommunications Towers and Antennas for which a Special Use Permit is required; provided, however, that the Plan Commission may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby, or if enforcement of said setback would effectively prohibit said Telecommunications Tower.

(1) Separation from off-site uses/designated areas.

- (a) Telecommunications Tower separation shall be measured from the base of the Telecommunications Tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
- (b) Separation requirements for Telecommunications Towers shall comply with the minimum standards established in Table 1.

(2) Separation distances between Telecommunications Towers.

- (a) Separation distances between Telecommunications Towers shall be applicable for and measured between the proposed Telecommunications Tower and Pre-Existing Telecommunications Towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing Telecommunications Tower and the proposed base, pursuant to a site plan, of the proposed Telecommunications Tower. The separation distances (listen in linear feet) are as shown in Table 2.

TABLE 1	
Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units, principal building.	500 ft.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	500 ft.
Vacant unplatted residentially zoned lands, including unplatted residential use property without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.	500 ft.
Existing multi-family residential units greater than duplex.	100 ft. or 100% of the Telecommunications Tower Height, whichever is greater.
Non-residentially zoned lands or non-residential areas.	None. Only setback apply.
The shoreline of any watercourse.	500 ft.
The centerline of any State or Federal Highway.	500 ft.

TABLE 2				
EXISTING TELECOMMUNICATIONS TOWERS – TYPES MINIMUM SEPARATION DISTANCES				
	Lattice	Guyed	Monopole ≥75 ft. High	Monopole <75 ft. High
Lattice	1,000	1,500	500	250
Guyed	1,000	1,750	1,500	1,250
Monopole >75 ft. High	500	1,500	250	250
Monopole <75 ft. High	250	1,250	250	250

6. **Sitting on Wetland Prohibited:** No Antenna, Antenna Structure, or Telecommunications Tower shall be located in an area which has been designated as a wetland either by the Village of Itasca, DuPage County, the State of Illinois Department of Natural Resources, the United States Department of the Interior or the United States Army Corps of Engineers, and any and all governmental bodies and agencies having jurisdiction.
7. **FCC Signage:** To the extent that signage is required by the FCC on an Antenna Structure, or Telecommunications Tower that signage shall constitute no more than five percent (5%) of the square footage of the Antenna, Antenna Structure, or Telecommunications Tower or shall be no larger than is required by the FCC, whichever shall constitute the smallest signage area.
8. **Preservation of Landscape:** Existing mature tree growth and natural landforms on the proposed Antenna, Antenna Structure, or Telecommunications Tower site shall be preserved to the maximum extent possible.
9. **Utilities and Access Required:** Radio and Telecommunications Antennas, Antenna Structures, and Telecommunications Towers, including, but not limited to those used for Personal Wireless Services, Personal Wireless Facilities and Unlicensed Wireless Services, shall be required to include adequate utilities, access, and/or other facilities necessary for the servicing of the Antenna, Antenna Structure or Telecommunications Tower. All such utilities shall be buried.
10. **Signal Interference:** No signal transmission from any Antenna, Antenna Structure, or Telecommunications Tower shall interfere with police fire, public works or any other governmental radio bank signals. In the case of the possibility of such interference based upon the frequencies selected for the proposed Antenna, Antenna Structure, or Telecommunications Tower, the petition for Special use shall be denied.
11. **Equipment Shelter and Equipment Cabinets:**
 - a. **Equipment Shelter:** A provider of a radio, television, or telecommunications Antenna, Antenna Structure, or Telecommunications Tower may provide an equipment shelter on the site of the Antenna, Antenna Structure, or Telecommunications Tower. The square footage of the equipment shelter may not exceed more than twenty percent (20%) of the total square footage of the Antenna, Antenna Structure or Telecommunications Tower ground site or four hundred fifty (450) square feet, whichever is greater. At any Antenna, Antenna Structure, or Telecommunications Tower site in which more than one Antenna has been collocated, no more than three (3) equipment shelters shall be allowed.

Multiple equipment shelters shall be contained under one roof if at all practicably possible.

No equipment shelter shall be approved as part of the Site Plan unless appropriate electrical power and rod ingress and egress facilities are planned for inclusion at the equipment shelter site. The equipment shelter shall be constructed from either brick or textured concrete materials of a neutral color.

b. Equipment Cabinets:

- (1) In residential districts, the equipment cabinet or structure may be located in a front or side yard provided the cabinet structure is no greater than four (4) feet in height or twenty-four (24) square feet of gross floor area and the cabinet/structure is located in a minimum of ten (10) feet from all lot lines. The cabinet/structure shall be screened by hedging or shrubbery with an ultimate height of at least forty-two (42) to forty-eight (48) inches and a planted height of at least thirty-six (36) inches.
- (2) In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area. The structure or cabinet shall be screened by hedging or shrubbery with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or a hedge with an ultimate height of eight (8) feet and a planted height of thirty-six (36) inches.
- (3) In commercial or industrial districts, the equipment cabinet or structure shall be no greater than six (6) feet in height or sixty-four (64) square feet in gross floor area, or ten (10) percent of the aggregate area of the Telecommunications Tower site, whichever is less. The structure or cabinet shall be screened by a hedge or shrubbery with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence five (5) feet in height or a hedge with an ultimate height of eight (8) feet and a planted height of thirty-six (36) inches.

12. **Code Requirements:** Any Antenna, Antenna Structure, or Telecommunications Tower must meet code requirements established by the

National Electrical Code, and BOCA codes currently in effect as required by the Village of Itasca and all applicable marking and lighting standards as established by the Federal Aviation Administration.

13. **Engineering Justification:** No new Telecommunications Tower shall be permitted unless the applicant provides justification and demonstrates to the reasonable satisfaction of the Zoning Board that no existing Telecommunications Tower, Structure, or alternative technology that does not require the use of Telecommunications Towers or Structures can accommodate the applicant's proposed Antenna. An applicant shall submit information requested by the Zoning Board related to the availability of suitable existing Telecommunications Towers, other Structures, or alternative technology. Evidence submitted to demonstrate that no existing Telecommunications Tower, Structure, or alternative technology can accommodate the applicant proposed Antenna may consist of the following:
- a. No existing Antennas, Antenna Structures, or Telecommunications Towers are located within the geographic area required to meet petitioner's engineering requirements.
 - b. Existing Antennas, Antenna Structures, Telecommunications Towers, or other structures are not of sufficient height to meet petitioner's engineering requirements;
 - c. Existing Antennas, Antenna Structures, Telecommunications Towers, or other structures do not have sufficient structural strength to meet petitioner's engineering requirements;
 - d. The petitioner's proposed Antenna, Antenna Structure, or Telecommunications Tower would cause electromagnetic interference with the existing Antenna, Antenna Structure, or Telecommunications Tower, or the Antenna on the existing structure would cause interference with the petitioner's proposed Antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing Antenna, Antenna Structure, or Telecommunications Tower or to adapt to an existing Antenna, Antenna Structure, or Telecommunications Tower are unreasonable. Costs exceeding new Antenna, Antenna Structure, or Telecommunications Tower development are considered unreasonable.
 - f. The petitioner demonstrates that there are other limiting factors that render existing Antennas, Antenna Structures, or Telecommunications Towers or other structures are unsuitable.

- g. The applicant demonstrates that an alternative technology that does not require the use of Telecommunications Towers or Structures, such as booster Antennas utilizing a stick-shaped or whip-shaped Antenna, or a cable micro-cell network using multiple low-powered transmitters and receivers attached to a wireline system, is unsuitable. Cost of alternative technology that exceeds new Telecommunications Tower or Antenna development shall not be presumed to render the technology unsuitable.

14. **Removal of Abandoned Antennas, Antenna Structures, or**

Telecommunications Towers: Any Antenna, Antenna Structure, or Telecommunications Tower that is not operated for a continuous period of twelve (12) months or for which the annual administrative fee is not paid within a twelve (12) month period shall be considered abandoned, and the owner of such Antenna, Antenna Structure, or Telecommunications Tower shall remove same from within ninety (90) days of receipt of written notice from the Village of Itasca notifying the owner of such abandonment. If such Antenna, Antenna Structure, or Telecommunications Tower is not removed within said ninety (90) days, the Village of Itasca shall remove such Antenna, Antenna structure, or Telecommunications Tower at the owner's expense and file a lien against the real estate for the cost of removal or such other action as provided by law. If there are two or more users of a single Antenna, Antenna Structure, or Telecommunications Tower, then this provision shall not become effective until all users cease using the Antenna, Antenna Structure, or Telecommunications Tower.

15. **Collocation:** A request for approval of a Special Use Permit for the installation of an Antenna, Alternative Antenna, Antenna Structure or Telecommunications Tower, the Zoning Board may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of personal wireless telecommunications services to collocate additional antennas or antenna structures on a free-standing pole which is part of applicant's proposed personal wireless facility, where such collocation is technologically feasible.

15.05 NON-CONFORMING USERS

1. **Prohibited Expansion of Non-Conforming Use:** Telecommunications Towers that are constructed and Antennas that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
 - a. A Telecommunications Tower other than that used for Ham Radio or as a Receive-Only Antenna, located within the lot lines of a single-family or multi-family residence in zoning district R-1, R-2, or R-3, which is used for commercial purposes, shall be considered to be a non-conforming structure.

2. **Pre-Existing Telecommunications Tower:** Pre-existing Telecommunications Towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new Telecommunications Tower of light construction and Height) shall be permitted on such pre-existing Telecommunications Towers. New construction other than routine maintenance on a pre-existing Telecommunications Tower shall comply with the requirements of this Ordinance.
3. **Rebuilding Damaged or Destroyed Non-Conforming Antennas, Antenna Structures, or Telecommunications Towers:** Notwithstanding any provision in this Ordinance to the contrary, bona fide non-conforming Antennas, Antenna Structures or Telecommunications Towers or Antennas that are damaged or destroyed may be rebuilt without having first obtained administrative approval or a Special Use Permit and without having to meet the separation requirements specified elsewhere in this Ordinance. The type, height, and location of the Telecommunications Tower on site shall be of the same type and intensity as the original facility approved.

Building permits to rebuild a facility shall comply with the then applicable building code and shall be obtained within one hundred and eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained within the time specified or if said permit expires, the Telecommunications Tower or Antenna shall be deemed abandoned as specified in Section 15.04(14).

15.06 ANNUAL REPORTING OF INFORMATION.

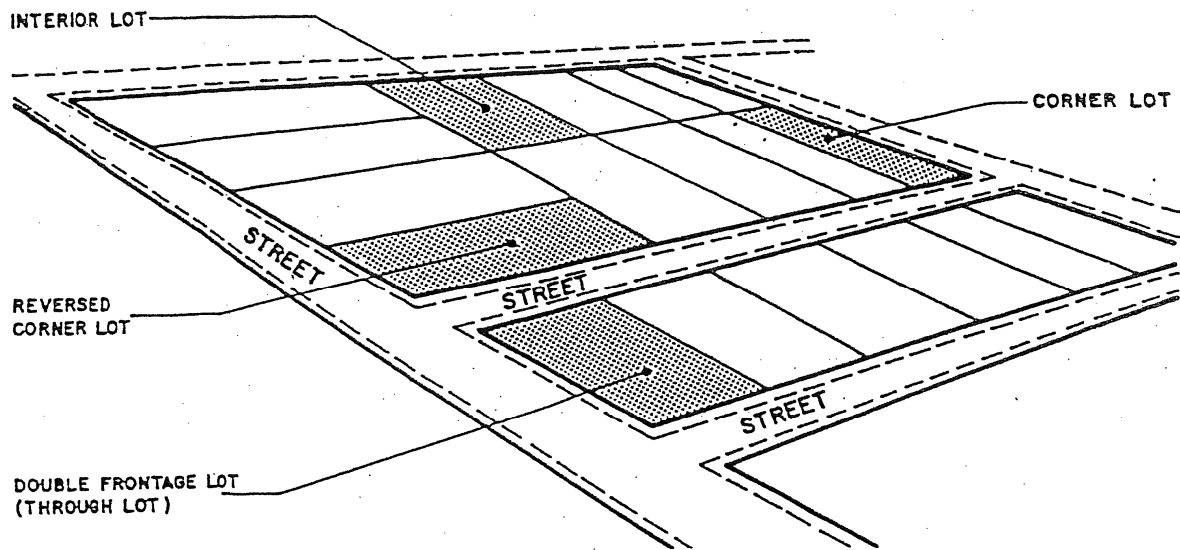
Each owner of an Antenna, Antenna Structure, or Telecommunications Tower regulated under this Ordinance, and including those previously existing structures which would have been regulated under this Ordinance, shall on an annual basis, furnish the Village of Itasca, with such information as is required by the Village of Itasca to aid with the administration of this Ordinance, such as changes in availability of space on any Telecommunications Tower for collection of additional Antennas, plans to abandon a position on a Telecommunications Tower, thereby leaving space for the possible collocation of another Antenna, plans and/or willingness to modify said Telecommunications Tower and Antenna Structure so as to provide for the possibility of collocation, or intentions to abandon a Telecommunications Tower structure, or other non-proprietary information as may be required by the Village of Itasca. Upon written notice from the Village of Itasca to the owner thereof, the effective date of this Ordinance, which Telecommunications Tower and/or Antenna Structure would otherwise be regulated by this Ordinance, shall register with the Village of Itasca, and shall provide such non-proprietary information as is deemed useful by the

SECTION 15

TELECOMMUNICATIONS TOWERS AND ANTENNAS

Village of Itasca for administration of this Chapter. This Section is specifically deemed to have retroactive effect.

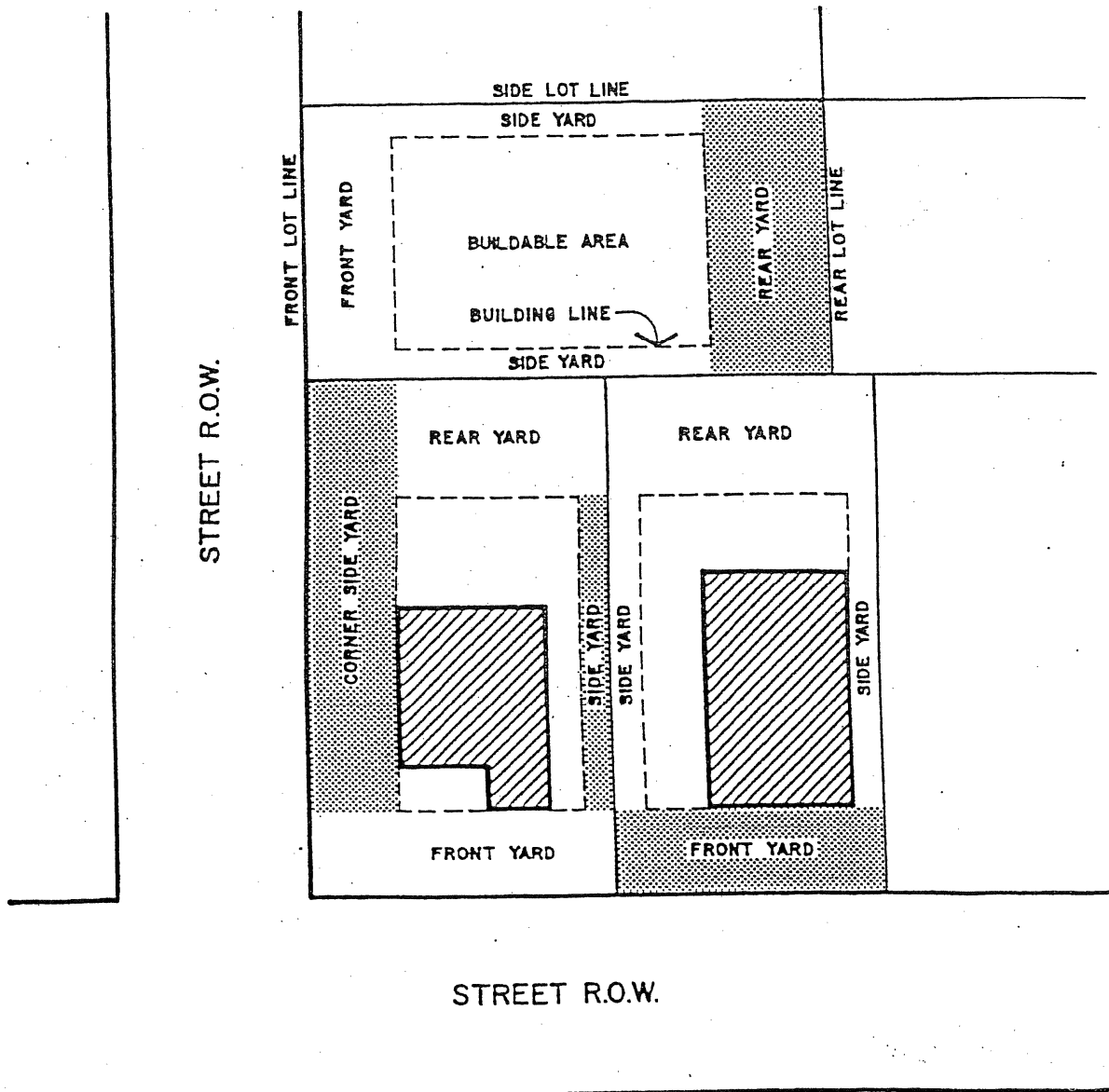
ILLUSTRATIONS



RESIDENTIAL LOT TYPE (EXAMPLES)

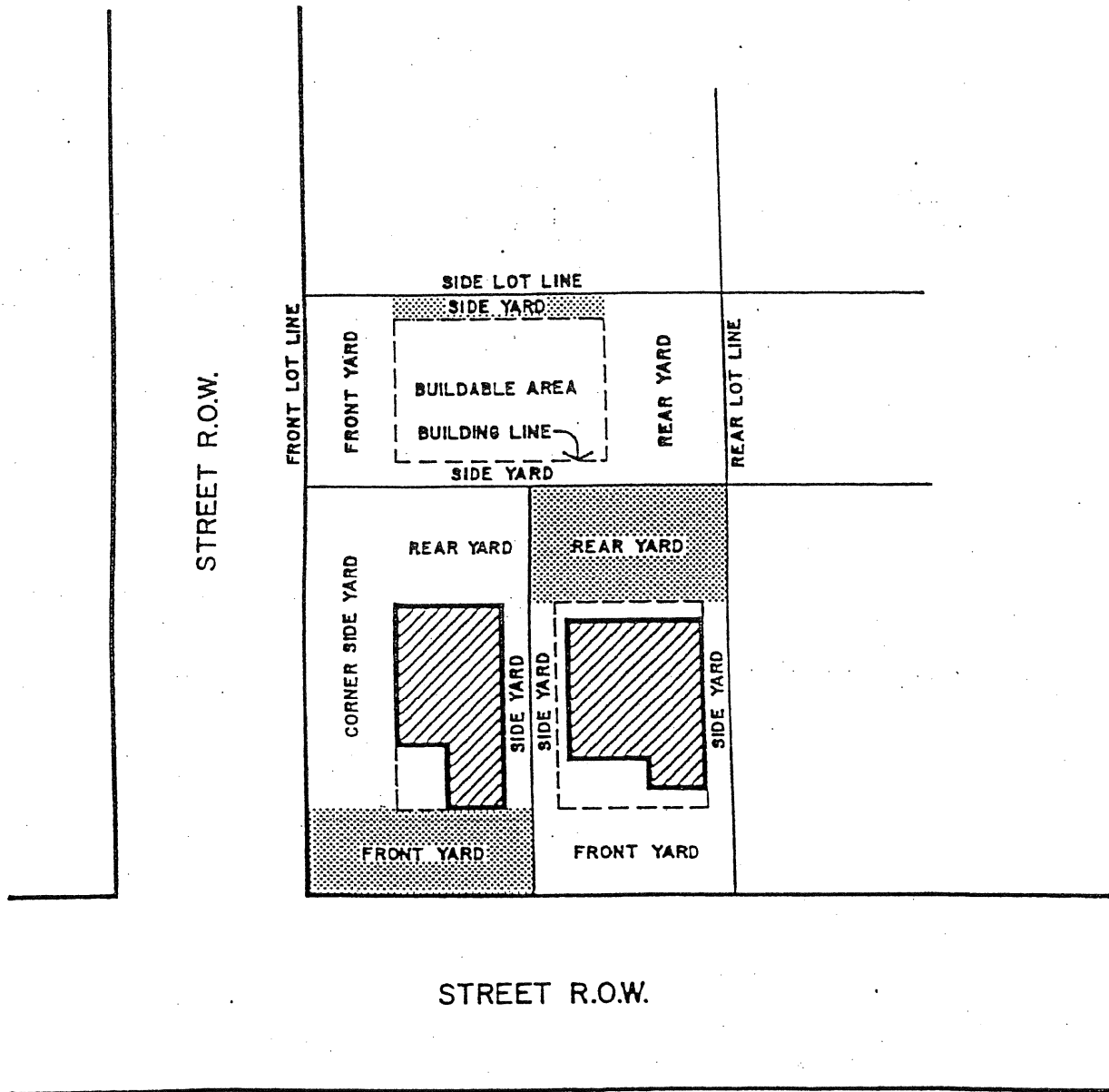
SEE ZONING ORDINANCE FOR YARD REQUIREMENTS

ILLUSTRATIONS



R-1 SINGLE FAMILY RESIDENCE DISTRICT
 (16,000 SQ. FT.)
 SEE ZONING ORDINANCE FOR YARD REQUIREMENTS

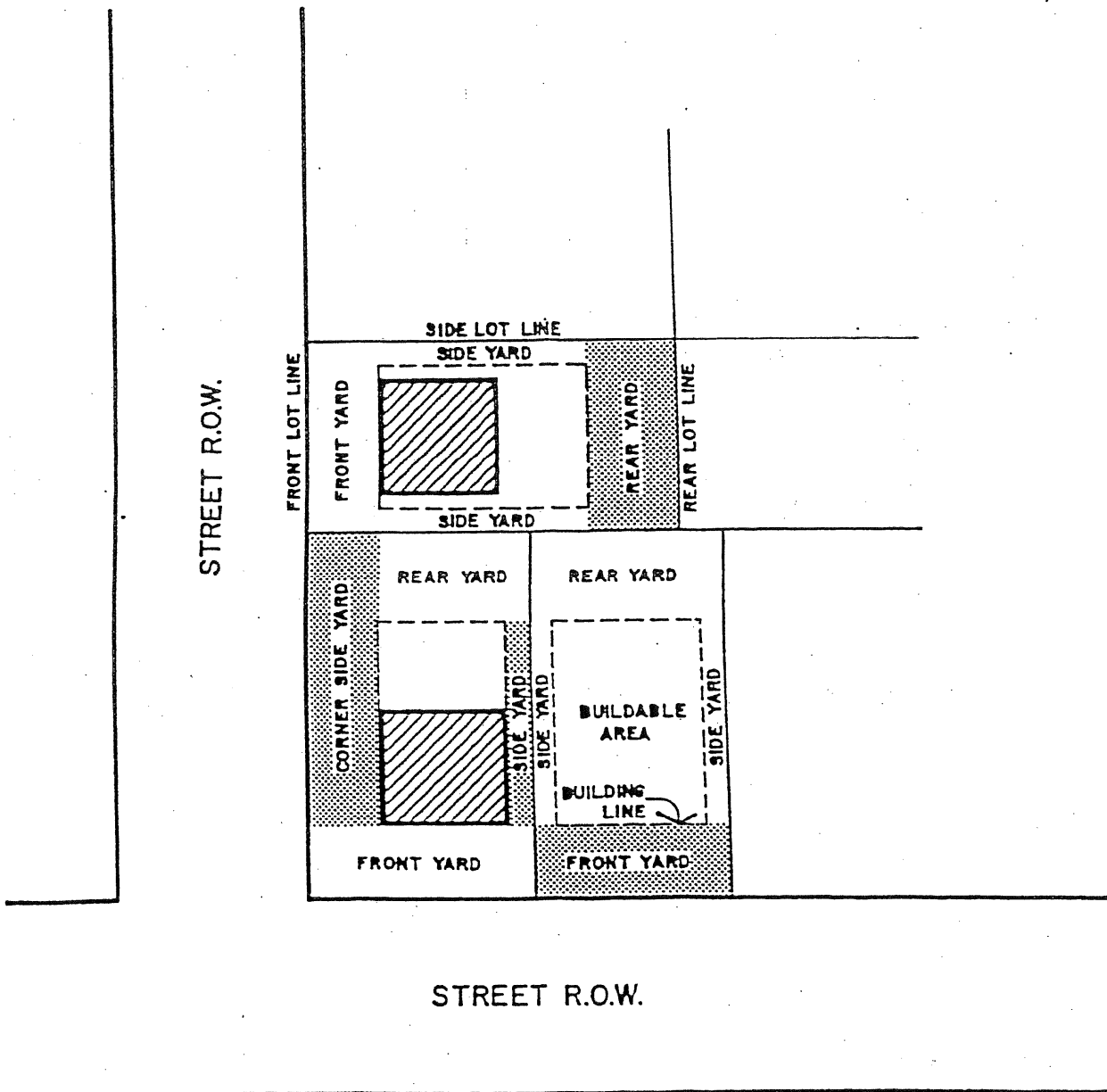
ILLUSTRATIONS



R-2 SINGLE FAMILY RESIDENCE DISTRICT

(9,100 SQ. FT.)

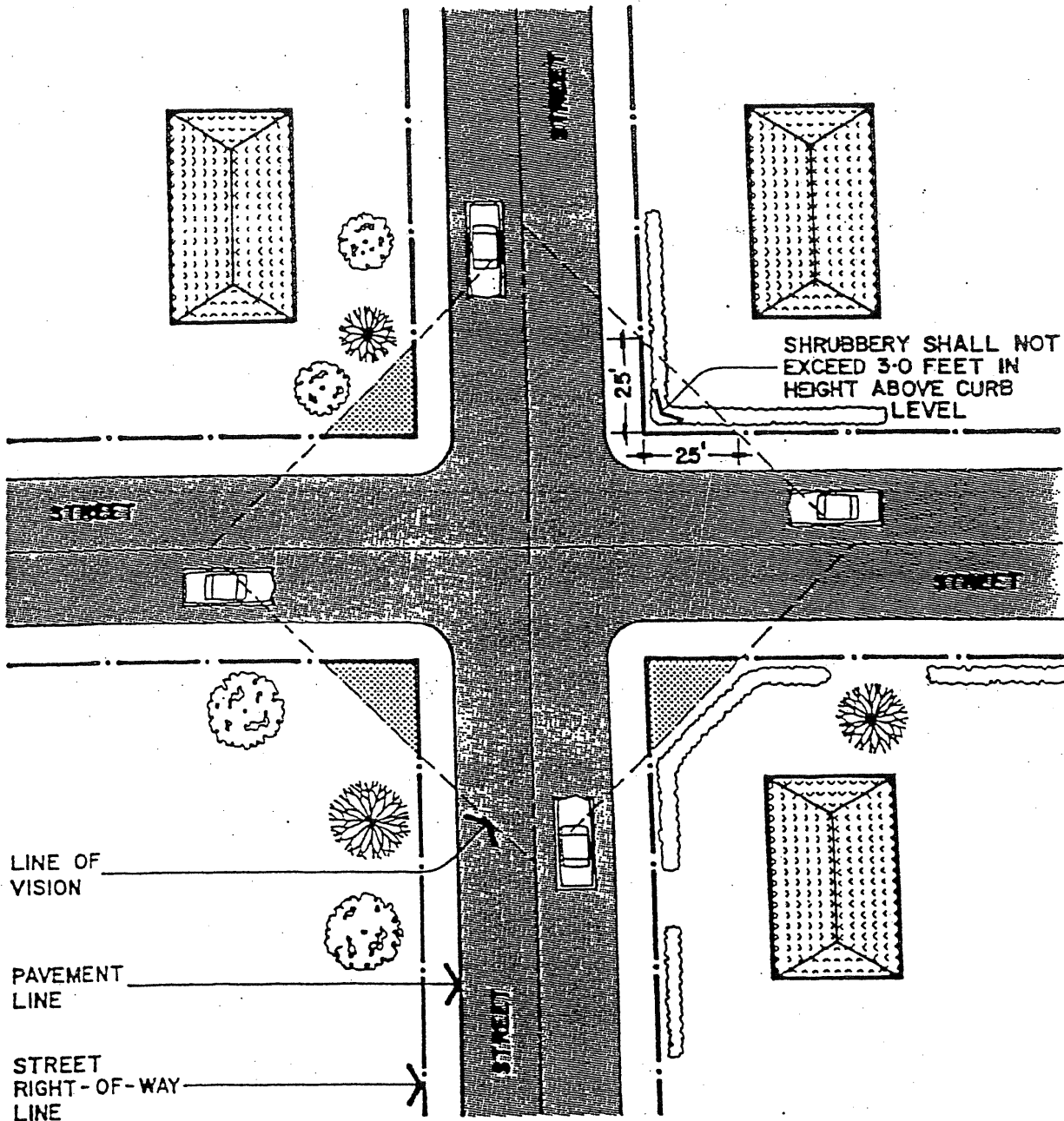
SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



R-3 GENERAL RESIDENCE DISTRICT

(8,100 SQ. FT.)

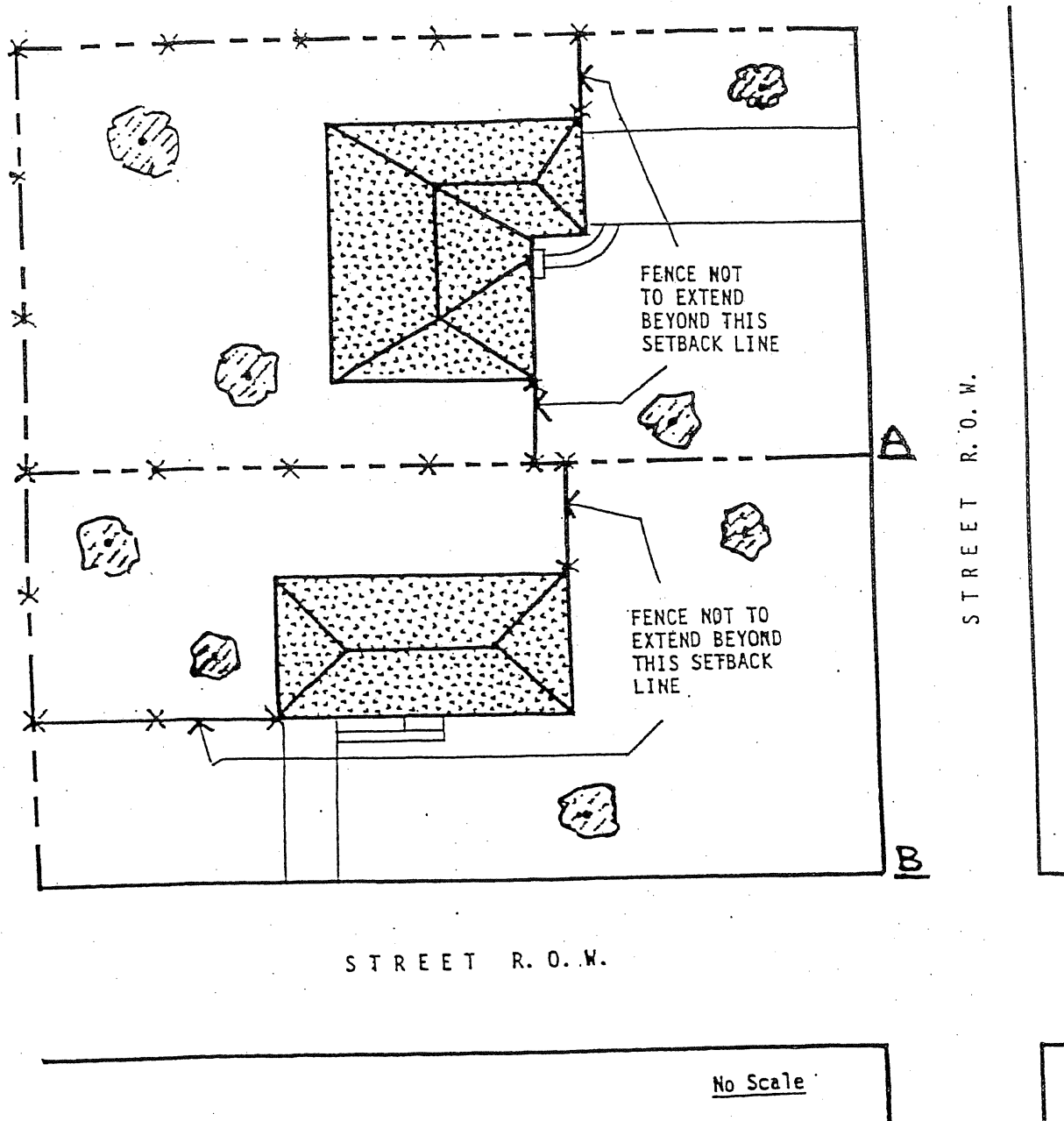
SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



VISION CLEARANCE

SEE ZONING ORDINANCE - SECTION 4-06 LOT COVERAGE

ILLUSTRATIONS



FENCE LOCATION

See Zoning Ordinance Section 4.20 Fences.

ILLUSTRATIONS

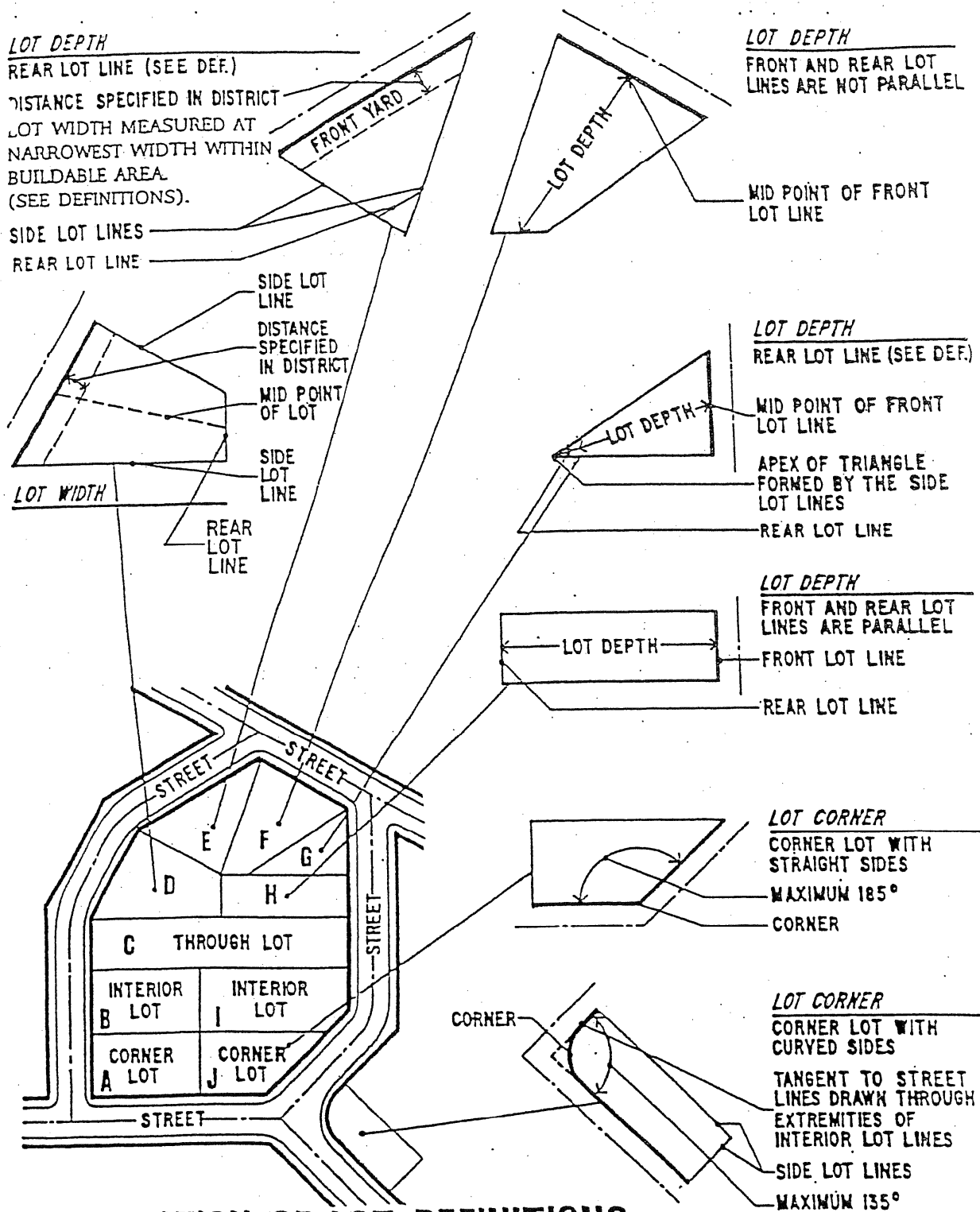
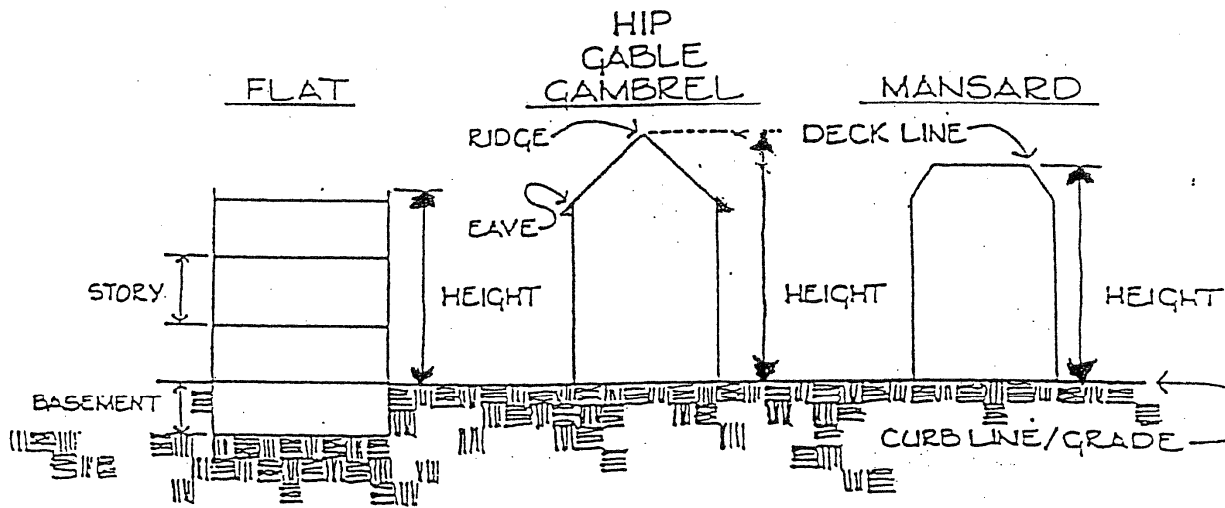


ILLUSTRATION OF LOT DEFINITIONS

SEE ADDITIONAL EXAMPLE OF LOT WIDTH, DEPTH, YARDS REQUIRED AND BUILDABLE AREA

ILLUSTRATIONS



No Scale

BUILDING HEIGHT

See Zoning Ordinance Section 3.02