

BRIDGEVIEW ZONING ORDINANCE

**VILLAGE OF BRIDGEVIEW
COOK COUNTY, ILLINOIS**

Compiled as of August 13, 2020

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ARTICLE I

COMPREHENSIVE AMENDMENT

A comprehensive amendment to the “Bridgeview Zoning Ordinance” passed by the Mayor and Board of Trustees of the Village of Bridgeview classifying, regulating and restricting the location of trades and industries and the location of buildings designed for specific uses; regulating and limiting the height and bulk of buildings hereafter erected or altered; regulating and limiting the intensity of the use of lot areas and regulating and determining the area of yards, courts and other open spaces within and surrounding such buildings; establishing the boundaries of districts for said purposes; establishing a Zoning, Planning and Development Commission providing for changes and amendments; and prescribed penalties for the violation of its provisions.

ARTICLE II

NAME AND TITLE

This Ordinance shall be known, cited and referred to as the "Bridgeview Zoning Ordinance."

ARTICLE III

PURPOSE AND INTENT

- 3.0 Purpose
- 3.1 Intent

3.0 PURPOSE.

This ordinance is adopted for the purpose of:

- 3.01 Promoting the public health, safety, comfort, morals, convenience, and general welfare;
- 3.02 Securing adequate natural light, pure air, and safety from fire and other dangers;
- 3.03 Conserving the taxable land and buildings throughout the Village of Bridgeview;
- 3.04 Enhancing aesthetic values generally throughout the Village of Bridgeview;
- 3.05 Providing that congestion in the public streets be lessened or avoided;
- 3.06 Providing that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided.

3.1 INTENT.

To these ends the ordinance is designed to set up and accomplish certain standards and objectives by:

- 3.11 Dividing the entire Village of Bridgeview into districts and redistricting and regulating therein the location, construction, reconstruction, alteration, and uses of buildings, structures and land, whether for residential, business, manufacturing, industrial or other specified uses;
- 3.12 Relieving street congestion through adequate requirements for off-street parking and loading facilities;
- 3.13 Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding such buildings;
- 3.14 Protecting residential, business, and manufacturing areas alike from harmful encroachment by incompatible uses and to insure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- 3.15 Preventing overcrowding of land with buildings and thereby insuring maximum living and working conditions and preventing blight and slums.
- 3.16 Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, or, property lines.
- 3.17 Prohibiting uses, buildings or structures incompatible with the character of the residence, business, or manufacturing districts.
- 3.18 Preventing additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.

- 3.19 Defining and limiting the powers and duties of the administrative officers and bodies as provided hereinafter.
- 3.20 Prescribing penalties for the violation of the provisions of this ordinance or of any amendment thereto.
- 3.21 Providing 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 existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued;
 - 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 of the municipality as the normal useful life of such buildings or structures.
- 3.22 Isolating or controlling the location of unavoidable nuisance-producing uses.
- 3.23 Protecting against noise, vibrations, noxious fumes, explosion hazards, and other undesirable industrial and commercial hazards.
- 3.24 Providing for the obtaining of permits and certificates.
- 3.25 Protecting the character and the stability of the residential, business and manufacturing areas and promoting the orderly and beneficial development of such areas.
- 3.26 Maximize revenues from commercial areas by limiting permissible uses to those that generate tax revenue and/or maintain the property tax base.
- 3.27 Provide for convenient locations for the public to shop, obtain services and conduct business.

ARTICLE IV

ZONING DISTRICTS AND MAP

- 4.0 Establishment of Districts
- 4.1 Zoning Map
- 4.2 Entire Area Zoned
- 4.3 Annexed Territory

4.0 ESTABLISHMENT OF DISTRICTS.

The Village of Bridgeview, for the purpose of this ordinance, is hereby divided into the following zoning districts:

- R-1 Single Family Residence District
- R-2 Single Family Residence District
- R-3 Multifamily Residence District
- R-4 Multifamily Residence District
- C Commercial District
- I-1 Limited Industrial District
- I-2 General Industrial District
- I-2A Intensive Industrial District

4.1 ZONING MAP.

- 4.11 Authorization. The location and boundaries of the districts established by this Ordinance are indicated upon the map entitled, "Official Zoning Map, Village of Bridgeview, Illinois," which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance. All notations, dimensions, and references pertaining to such district boundaries as are shown thereon shall be as much a part of this ordinance as if the full legal description were incorporated therein.
- 4.12 Location of map. The Official Zoning Map shall be located in the office of the Director of Buildings and Inspections Services and shall be the final authority as to the current zoning status of land and buildings, subject to such authorized amendments which may be in effect
- 4.13 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - A. Boundaries indicated as approximately following platted lot lines of streets, highways or alleys shall be construed to follow such center lines.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following village limits shall be construed as following village limits.
 - D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.
- G. Where a zoning district boundary line divides a lot in single ownership on the effective date of this ordinance, the regulations of this ordinance for either portion of such lot may, at the owner's discretion, apply to the entire area of the lot or twenty-five feet (25') beyond the zoning district boundary line, whichever is the lesser distance.
- H. All streets, alleys, public ways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways and railroad rights of way. The center line of a street, alley, public way or railroad right of way, unless otherwise specifically designated, shall be deemed to be the district boundary.
- I. Streets or alleys which are shown on the map and which have heretofore been vacated, or which are vacated hereafter, shall be in the same district as the land abutting both sides of the street or alley. If the land abutting each side of the street or alley was located in different districts before the street or alley was vacated, the center line of the vacated street or alley shall be the district boundary.
- J. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by the above subsections, the Zoning, Planning and Development Commission shall interpret the district boundaries.

4.14 Changes. If, by amendment to this ordinance, any change is made in any district boundary or in any other matter shown on the Official Zoning Map, such change shall be indicated on the map promptly after the amendment is adopted. The date of the latest updating of the Official Zoning Map shall be shown on the face of the map.

4.2 ENTIRE AREA ZONED.

It is the intent that the entire area of zoning jurisdiction, including all land and water areas, rivers, streets, alleys and railroad and other rights of way, be included in the districts established by this ordinance. If any area is not shown on the Official Zoning Map as being included in any district, it shall be deemed to be in the R-1 Single Family Residence District.

4.3 ANNEXED TERRITORY.

Any territory hereafter annexed shall, upon annexation, be automatically classified in the R-1 Single Family Residence District, until such territory is reclassified in a manner provided by law. If, within ninety (90) days after annexation no application for reclassification of the property has been filed, the Zoning, Planning and Development Commission shall, on its own motion, schedule a public hearing on the advisability of the zoning classification of the property and thereafter, if needed, make recommendations for the reclassification of the property. The owners of the annexed territory shall pay a fee sufficient to cover the cost of the public hearing. This Section shall not apply to territory annexed with a valid preannexation agreement adopted pursuant to Division 15.1 of Article 11 of the Illinois Municipal Code.

ARTICLE V

RESIDENTIAL DISTRICTS

- 5.0 Purpose
- 5.1 R-1 Single Family Resident District
- 5.2 R-2 Single Family Resident District
- 5.3 R-3 Multifamily Residence District
- 5.4 R-4 Multifamily Residence District

5.0 PURPOSE.

The Residential District regulations are intended to govern the location, intensity, and method of development of the residential areas of Bridgeview. The regulations of each district are designed to provide for the protection of existing residential areas and to provide for new residential growth in accord with the design and density objectives of the community. The residential uses have been grouped into the following four residential districts:

- R-1 Single Family Residence District
- R-2 Single Family Residence District
- R-3 Multifamily Residence District
- R-4 Multifamily Residence District

5.1 R-1 SINGLE FAMILY RESIDENCE DISTRICT.

5.11 Description of District. This district is the most restrictive of the residential districts and is composed of certain quiet, low-density residential areas of the Village, plus certain open areas where similar residential development appears likely to occur. It is the intent of this district to provide for an environment of predominantly low-density single unit dwellings, plus certain additional uses such as schools, parks, and certain public facilities which serve the residents living in the district. All commercial activities, including room renting or other home occupations are prohibited.

5.12 Uses Permitted. No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

- A. Residential Uses.
 - 1. Single Family detached dwellings.
 - 2. Home Occupations.

5.13 Special uses permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII:

- A. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:
 - 1. Public parks, public playgrounds, public golf courses and public community buildings.
 - 2. Public and private elementary schools.
 - 3. Public libraries, in conjunction with schools.

- B. Parish houses and convents, in conjunction with schools.
 - C. Essential services, such as gas regulator stations, telephone exchanges, electric substations.
 - D. Churches and other places of worship.
 - E. Country clubs, tennis clubs, swimming pools and similar recreational uses.
- 5.14 Temporary uses permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:
- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
 - B. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - C. Real estate subdivision sign, not to exceed one hundred (100) square feet for each face. Sign shall be non-illuminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one (1) year and shall not be more than two (2) successive periods at the same location.
 - D. Trailer, to be used during the construction of a residence by the trailer owner and not exceed one (1) year.
- 5.15 Accessory uses permitted. Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or conditional permitted use may be permitted; provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:
- A. Garages or other parking spaces for the exclusive use of residents or occupants of the premises.
 - B. Swimming pools, exclusively for the use of residents and their guests, and set back from every property line at least ten feet (10').
 - C. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and for commercial purposes.
 - D. Shed. As defined in Article XIII.
- 5.16 Prohibited uses. All uses not expressly authorized by the R-1 District.
- 5.17 Site and Structure requirements.

- A. Minimum lot Area. A separate ground area, of not less than ten thousand (10,000) square feet, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
- B. Minimum lot Width. A minimum lot width of seventy-five feet (75') shall be provided for each lot used for a permitted or special use.
- C. Front Yard. All structures shall be set back at least thirty feet (30') from the front lot line.
- D. Side Yard. All structures shall be set in from the side lot line a distance of not less than ten feet (10') on the least side, with the sum of the two (2) sides not less than twenty-five feet (25').
- E. Rear Yard. All structures shall be set in a distance of not less than forty feet (40') from the rear lot line.
- F. Maximum Height. No principal structure shall exceed two and one-half (2 ½) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 8.5.
- G. Floor Area Ratio. Not to exceed fifty percent (50%).
- H. Minimum Size of Dwelling. Each single family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand (1,000) square feet of floor area on the first floor if one story, or seven hundred and twenty (720) square feet of floor area on the first floor level if two story.

5.18 Special Provisions.

- A. Parking Requirements. In accordance with the applicable regulations set forth in Article X.
- B. Trucks. No truck or other type commercial vehicular equipment shall be parked or stored on a lot in the R-1 District, except when located in a garage or enclosed structure.
- C. Trailers and Boats. One travel trailer, camping trailer or boat shall be parked or stored on a lot in the R-1 District when located in a garage or enclosed structure or within the buildable area or in a rear yard.
- D. Tents. Tents shall not be erected, used, or maintained on any lot, except such small tents that are customarily used for temporary recreational purpose.

5.2 R-2 SINGLE FAMILY RESIDENCE DISTRICT.

5.21 Description of District. This District provides for the protection of certain older areas of the community developed principally for singles family uses. The purpose of this district is to stabilize and preserve the residential character of existing areas. Uses permitted in the R-2 District are the same as those permitted in the R-1 District, but bulk regulations permit higher densities in conformity with existing conditions.

5.22 Uses Permitted. No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

- A. Residential Uses.

1. Single family detached dwellings.
 2. Home Occupations.
- 5.23 Special uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII.
- A. Those special uses allowed in the R-1 District excluding country clubs, tennis clubs, swimming pools and similar recreational uses.
 - B. Accessory uses permitted in the R-1 District.
- 5.24 Temporary permit uses permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:
- A. Temporary permit uses permitted in the R-1 District.
- 5.25 Accessory uses permitted. Accessory uses, buildings or other structures customarily incidental to and commonly associated permitted; provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:
- A. Accessory uses permitted in the R-1 District.
- 5.26 Prohibited Uses. All uses not expressly authorized by the R-2 District.
- 5.27 Site and Structure Requirements.
- A. Minimum Lot Area. A separate ground area, of not less than seven thousand two hundred (7,200) square feet, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
 - B. Minimum Lot Width. A minimum lot width of sixty feet (60') shall be provided for each lot used for a permitted or special use.
 - C. Front Yard. All structures shall be set back at least thirty feet (30') from the front lot line.
 - D. Side Yard. All structures shall be set in from the side line a distance of not less than six feet (6') on the least side, with the sum of the two (2) sides not less than sixteen feet (16').
 - E. Rear Yard. All structures shall be set in a distance of not less than twenty five feet (25') from the rear lot line.
 - F. Maximum Height. No principal structure shall exceed two and one-half (2½) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 8.5.
 - G. Floor Area Ratio. Not to exceed fifty percent (50%).
 - H. Minimum Size of Dwelling. Each single family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least seven

hundred and twenty (720) square feet of floor area on the first floor if one story, or six hundred (600) square feet of floor area on the first floor level if two story.

5.28 Special Provisions. As are the special provisions in the R-1 District.

5.3 R-3 MULTIFAMILY RESIDENCE DISTRICT.

5.31 Description of District. This district is composed of certain medium density residential areas representing a compatible co-mingling of single family, two family and multifamily dwellings, including certain open areas where similar residential development appears likely to occur. It is the intent of this district to provide for an environment of medium density dwellings plus certain additional uses such as schools, parks, churches and certain public facilities which serve the residents living in the district. Large apartments, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space. In addition to large areas allocated for this district, it has useful application as a buffer or transition zone along major streets and bordering shopping centers.

5.32 Uses Permitted. No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

A. Residential Uses.

1. Single family detached dwellings
2. Two family dwellings
3. Multifamily dwellings

B. Those uses identified as special uses in the R-1 District excluding Country clubs, tennis clubs, swimming pools and similar recreational uses.

C. Small community residences provided that they are located not less than 1,000 feet from another community residence.

D. Large community residences provided that they are located less than 1,000 feet from another community residence.

E. The construction of multi-family rental dwelling units (apartment buildings) is prohibited after September 1, 2019. Rental of dwelling units in any condominium building constructed after September 1, 2019 is prohibited. Rental of dwelling units in a condominium building constructed prior to September 1, 2019 is prohibited unless the condominium unit was under a written lease agreement for a period of not less than 12 months executed by the landlord and tenant before September 1, 2019. A written lease agreement which meets these provisions may be extended, but only to the same tenant. Any condominium building constructed after September 1, 2019 shall provide in its condominium articles that rental of dwelling units is prohibited and that such prohibition cannot be changed without the approval of the Village of Bridgeview. The Village of Bridgeview may record a document which provides for public notice of such covenant and prohibition.

5.33 Special Uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII:

- A. Country clubs, tennis clubs, swimming pools, and similar recreational uses.

- B. Planned unit developments.
 - C. High schools or colleges.
 - D. Home occupations.
- 5.34 Temporary permit uses permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:
- A. Temporary permit uses permitted in the R-1 District.
- 5.35 Accessory uses permitted. Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or conditional permitted use may be permitted; provided they are operated and maintained under the same ownership and on the same lot as the permitted use, structures or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:
- A. Accessory uses permitted in the R-1 District.
 - B. Professional office of resident in his dwelling involving the employment of not to exceed one (1) person not a resident of the premises.
- 5.36 Prohibited Uses. All uses not expressly authorized by the R-3 District.
- 5.37 Site and Structure Requirements.
- A. Minimum lot area. A separate ground area of not less than seven thousand two hundred (7,200) square feet for single family use, nine thousand (9,000) square feet for two family use, twelve thousand (12,000) square feet for multi-family use with at least two thousand five hundred (2,500) square feet for each multi-family dwelling unit of one or two bedrooms, with an additional five hundred (500) square feet for each bedroom over two bedrooms in the multi-family units, and six thousand (6,000) square feet for other uses, shall be designated, provided and continuously maintained for each permitted or special use.
 - B. Minimum lot width. A minimum lot width of sixty (60) feet shall be provided for each lot used for a permitted or special use.
 - C. Front Yard. All structures shall be set back at least thirty feet (30') from the front lot line.
 - D. Side Yard. All structures shall be set in from the side lot line a distance of not less than five feet (5') on the least side, with the sum of the two sides not less than fifteen feet (15').
 - E. Rear Yard. All structures shall be set in a distance of not less than twenty-five feet (25') from the rear lot line.
 - F. Maximum Height. No principal structure shall exceed two and one-half (2½) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 8.5.
 - G. Floor area ratio. Not to exceed seventy percent (70%).

- H. Minimum Size of Dwelling. Each single family detached dwelling shall contain at least seven hundred and twenty (720) square feet of floor area on the first floor, each two family dwelling shall contain at least six hundred (600) square feet of floor area for each dwelling unit, and each multifamily dwelling shall contain at least six hundred (600) square feet of floor area for each dwelling unit.

5.38 Special provisions.

- A. Special provisions as required in the R-1 District.
- B. Screening. Where a multifamily dwelling use abuts or is across the street from a single family or two family use, a six foot (6') privacy fence shall be provided on the rear and side lot lines.

5.4 R-4 MULTIFAMILY RESIDENCE DISTRICT.

5.41 Description of District. This district provides for certain high density residential areas within the community. It is the intent of this district to create a predominantly residential environment of all types of residential structures, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. General commercial or industrial uses, except certain enumerated uses, are permitted. This district normally abuts major thoroughfares and expressways that provide direct access to the site.

5.42 Uses Permitted. No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses.

- A. Residential Uses:
 - 1. Single family detached dwellings.
 - 2. Two family dwellings.
 - 3. Multifamily dwellings.
- B. Those uses identified as special uses in the R-1 District excluding Country clubs, tennis clubs, swimming pools and similar recreational uses.
- C. Small community residences provided that they are located not less than 1,000 feet from another community residence.
- D. Large community residences provided that they are located not less than 1,000 feet from another community residence.
- E. The construction of multi-family rental dwelling units (apartment buildings) is prohibited after September 1, 2019. Rental of dwelling units in any condominium building constructed after September 1, 2019 is prohibited. Rental of dwelling units in a condominium building constructed prior to September 1, 2019 is prohibited unless the condominium unit was under a written lease agreement for a period of not less than 12 months executed by the landlord and tenant before September 1, 2019. A written lease agreement which meets these provisions may be extended, but only to the same tenant. Any condominium building constructed after September 1, 2019 shall provide in its condominium articles that rental of dwelling units is prohibited and that such prohibition cannot be changed without the approval of the Village of Bridgeview. The Village of Bridgeview may record a document which provides for public notice of such covenant and prohibition.

- 5.43 Special Uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII and only if the lot on which they are located abut 79th Street, 87th Street, or Harlem Avenue:
- A. Convalescent or nursing homes.
 - B. County clubs, tennis clubs, swimming pools and similar recreational uses.
 - C. Planned developments.
 - D. Hospitals, clinics and sanitariums.
 - E. Hotels and Motels.
 - F. Home occupations.
 - G. Nursery and Pre-Kindergarten Schools.
 - H. Nursing and Personal Care Facility.
 - I. Public and Private Elementary Schools.
 - J. Residential Care Facility.
 - K. Transitional Service Facility.
 - L. Any other facility in which individuals are permitted to stay overnight under the supervision of an owner/operator but have no legal right to possession of the premises or a part thereof.
- 5.44 Temporary permit uses permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:
- A. Temporary permit uses permitted in the R-1 District.
- 5.45 Accessory uses permitted. Accessory uses, buildings or other structures customarily incidental to and commonly associated with a principal or conditional permitted use may be permitted; provided they are operated and maintained under the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, and do not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:
- A. Accessory uses permitted in the R-3 District.
 - B. Multifamily uses may contain one or more of the hereinafter set forth accessory uses if each such use meets the following conditions:
 1. is provided for the convenience of the owner and/or tenants only;
 2. does not have a separate outside entrance; and,
 3. is not evident from the street.
- 5.46 Prohibited uses. All uses not expressly authorized by the R-4 District.
- 5.47 Site and structure requirements.

- A. Minimum lot area. A separate ground area of not less than seven thousand two hundred (7,200) square feet for single family use, eight thousand (8,000) square feet for two family use, ten thousand (10,000) square feet for multifamily use, with the minimum lot area per dwelling unit being not less than provided for in the following table:

<u>Number of bedrooms</u>	<u>Minimum lot area</u>
One bedroom	1,000 square feet
Two bedrooms	2,000 square feet
Three bedrooms	3,000 square feet
Each additional bedroom	1,500 square feet

And six thousand (6,000) square feet for other uses, shall be designated, provided and continuously maintained for each permitted or special use.

- B. Minimum lot width. A minimum lot width of sixty feet (60') shall be provided for each lot used for a permitted or special use.
- C. Front yard. All structures shall be set back at least thirty feet (30') from the front lot line.
- D. Side yard. All structures shall be set in from the side lot line a distance of not less than five feet (5') on the least side, with the sum of the two sides not less than fifteen (15) feet for one or one and one-half story structures; the least side shall be increased by two (2) feet and the sum of the two sides by three (3) feet for each additional story.
- E. Rear yard. All structures shall be set in a distance of not less than twenty-five feet (25') from the rear lot line for one or one and one-half story structures; the rear yard shall be increased by four (4) feet for each additional story.
- F. Maximum height. No principal structure shall exceed ten (10) stories or one hundred (100) feet in height, and no accessory structure shall exceed two (2) stories or twenty-five feet (25') in height, except as provided in Section 8.5.
- G. Floor area ratio. Not exceed two hundred fifty percent (250%).
- H. Minimum size of dwelling. Each single family detached dwelling shall contain at least seven hundred and twenty (720) square feet of floor area on the first floor, each two family dwelling shall contain at least six hundred (600) square feet of floor area for each dwelling unit, and each multifamily dwelling shall contain at least six hundred (600) square feet of floor area for each dwelling unit.

5.48 Special Provisions.

- A. Special provisions as required in the R-3 District.

ARTICLE VI

“C” COMMERCIAL DISTRICT

- 6.0 Purposes
- 6.1 Permitted Uses in the “C” Commercial District
- 6.2 Use Limitations in the “C” Commercial District
- 6.3 Bulk, Yard and Space Requirements in the “C” Commercial District

6.0 PURPOSES:

The “C” Commercial District regulations are intended to govern the location, intensity, and method of development of the commercial areas of Bridgeview.

6.1 “C” COMMERCIAL DISTRICT.

6.11 Description of District. This district shall be limited to commercial retail stores, service establishments, and professional offices that generate tax revenues, maintain the Village’s tax base, and allow for convenient locations for the public to shop, obtain services and conduct business. All tax-exempt uses, residential uses and uses otherwise permitted or allowed as a special use in a residential zoning classification are expressly prohibited.

6.12 Uses Permitted. No land shall be used or occupied and no building, structure or premises shall be premise shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

Construction, Special Trade Contractors:

- 1. Plumbing, Heating, and Air-Conditioning Contractors and Showrooms (171)
- 2. Painting & Paper Hanging Contractors & Showrooms (172)
- 3. Electrical Work Contractors (173)
- 4. Terrazzo, Tile, Marble, and Mosaic Work Contractors (1743)
- 5. Carpentry and Floor Work Contractors (175)
- 6. Roofing, Siding, and Sheet Metal Work Contractors (176)
- 7. Glass and Glazing Work Contractors and Showrooms (1793)
- 8. Special Trade Contractors not elsewhere classified (1799)

Printing, Publishing, and Allied Industries:

- 9. Commercial Printing (275) and Photocopying

Retail Trade:

- 10. Stationery and Office Supply Stores (5112)
- 11. Lumber and Other Building Materials Dealers (521) when conducted wholly within a building
- 12. Paint, Glass, and Wallpaper Stores (523)
- 13. Hardware Stores (525)
- 14. Retail Nurseries, Lawn, and Garden Supply Stores (526)
- 15. Department Stores (531)
- 16. Variety Stores (533)
- 17. Miscellaneous General Merchandise Stores (539)
- 18. Food Stores (54)
- 19. New and Used Motor Vehicle Dealers (551) provided that the lot area is not less than 2.0 acres
- 20. Retail Auto and Home Supply Stores (553), but not including service bays

- 20.1 Gasoline/Fuel Service Stations, including food service (554)
- 21. Boat Dealers (555)
- 22. Apparel and Accessory Stores (56)
- 23. Home Furniture and Home Furnishings Stores (571)
- 24. Household Appliance Stores (572)
- 25. Radio, Television, Consumer Electronics, and Music Stores (573)
- 26. Eating Places (5812), including carry-out and drive-thru windows but not including drive-in establishments
- 27. Drinking Places (5813) accessory to eating places
- 28. Drug Stores and Proprietary Stores (591)
- 29. Sporting Good Stores and Bicycle Shops (5941)
- 30. Book Stores (5942)
- 31. Stationery Stores (5943)
- 32. Jewelry Stores, but not pawn shops or “cash for gold” establishments (5944)
- 33. Hobby, Toy, and Game Shops (5945)
- 34. Camera and Photographic Supply Stores (5946)
- 35. Gift, Novelty, and Souvenir Shops (5947)
- 46. Luggage and Leather Goods Stores (5948)
- 37. Sewing, Needlework, and Piece Goods Stores (5949)
- 38. Florists (5992)
- 39. Tobacco Stores and Stands, but no smoking is allowed on the premises (5993)
- 40. News Dealers and Newsstands (5994)
- 41. Optical Goods Stores (5995)
- 42. Furrier Shops

Finance, Insurance, and Real Estate:

- 43. Depository and Nondepository Credit Institutions (60-61)
- 44. Security and Commodity Brokers, Dealers, Exchanges, and Services, including drive-thru windows (62)
- 45. Insurance Carriers, Agents, Brokers, and Services (63-64)
- 46. Real Estate Offices (65)
- 47. Holding and Other Investment Offices (67)

Services:

- 48. Veterinary Services for Animal Specialties (0742)
- 49. Grooming Services for pets (0752)
- 50. Medical and miscellaneous equipment rental and leasing (7352/7359)
- 51. Laundry, Cleaning, and Garment Services (721), but not including dry-cleaning plants (7216) or industrial launderers (7218)
- 52. Photographic Studios, Portrait (722)
- 53. Beauty Shops (723)
- 54. Barber Shops (724)
- 55. Shoe Repair Shops (725)
- 56. Tax Return Preparation Services (7291)
- 57. Advertising Services (731)
- 58. Mailing, Reproduction, Commercial Art and Photography, and Stenographic Services
- 59. Services to Dwellings and Other Buildings (734)
- 60. Employment Agencies (7361)
- 61. Computer Programming, Data Processing, and Other Computer Related Services (737)
- 62. Interior Decorating (7389)
- 63. Electrical Repair Shops (762), but not including refrigeration and air-conditioning service and repair shops (7632)
- 64. Watch, Clock, and Jewelry Repair (763)

65. Reupholstery and Furniture Repair (764)
66. Video Tape Rental and Sales (784)
67. Offices and Clinics of Doctors of Medicine, Dentists, Osteopaths, Chiropractors, Optometrists, Podiatrists, and Other Health Practitioners on an outpatient basis only (no overnight services shall be permitted) (801-804)
68. Legal Services (81)
69. Engineering, Architectural, and Surveying Services (871)
70. Accounting, Auditing, and Bookkeeping Services (872)
71. Management and Public Relations Services (874)
72. Commercial Dance Studios, Schools and Halls (7911)
73. Commercial Physical Fitness Facilities (7991)
74. Optical, Medical and Dental Laboratories (807)
75. Research, Development and Testing Services (873)
76. Passenger car leasing and passenger car rental, provided that it is located more than 300 feet from a traffic control signal.
77. Undertaking and Funeral Parlor

Transportation and Utility Services:

78. Travel Agencies (4724)
79. Tour Operators (4725)
80. Airline, Bus, and Railroad Ticket Offices (4729)
81. Offices of Communications and Utility Companies (48-49)

- 6.13 Special Uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII:

1. Adult Day Care Services (832)
2. Amusement and Recreation Services (7999)
3. Auto Supply and Parts Stores
4. Automotive Repair Shops (753)
5. Automotive Repair Shops not classified elsewhere (7539)
6. Billiard Parlor (7999)
7. Bingo Parlor (7999)
8. Bowling Alley (7933)
9. Car Washes (7542)
10. Child Day Care Services (835)
11. Drive-in Eating Places (5812)
12. Gasoline Service Stations, including food service (554)
13. Hotels and Motels (701)
14. Laundromats, Including Self-Service Laundry and Dry-cleaning (7215)
15. Loan Institutions when the Predominant Business is Short-Term Loans, Typically on Paychecks, Post-Dated Checks and Vehicle Titles (6141)
16. Massage Parlors (7299)
17. Motion Picture Theaters (7832)
18. New and Used Motor Vehicle Dealers (551) provided that the lot area is less than 2.0 acres
19. Nightclubs, Cabarets, Discotheques and Dance Clubs
20. Outdoor Automatic Teller Machines when not on the same property as a financial institution
21. Ticketed Outdoor Live Entertainment
22. Outdoor Seating Accessory To Permitted Eating Places
23. Commercial Physical Fitness Facilities
24. Teen Dances and parties open to the public for charge
25. Tire Retreading and Repair Shops (7534)
26. Top, Body and Upholstery Repair Shops and Paint Shops (7532)

- 27. Nursery schools, day nurseries and child care centers; at least one hundred and fifty (150) square feet of outdoor play area must be provided for each child that is cared for.
- 28. Cannabis Dispensing Organizations provided they otherwise comply with the provisions of Article XVI of the Bridgeview Zoning Ordinance.
- 29. Banquet Halls

6.14 Prohibited Uses. Any use which is not substantially similar to a permitted use identified in Section 6.12 and does not otherwise serve the purposes or conform to the general description of the “C” Commercial District.

6.2 USE LIMITATIONS IN THE “C” COMEMRCIAL DISTRICT.

The following limitations apply to all uses in the “C” Commercial District.

- 6.21 Noise. No use shall produce noise of such volume or pitch as to cause a nuisance in any residential district at any time or within any residential dwelling unit located in any district between the hours of 10:00 p.m. and 7:00 a.m.
- 6.22 Exterior Lighting. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in any residential district. No exterior light in or adjacent to any residential district shall be operated to produce an intensity of light exceeding one-half foot candle at any residential lot line.
- 6.23 Enclosed Structure. All business, service, storage, and display of goods, other than off-street parking and loading and the sale of motor vehicles fuels and related products when the same are allowed as a special use, shall be conducted within a completely enclosed building.
- 6.24 Outdoor Storage. Outdoor storage shall not be allowed as an accessory use.
- 6.25 Truck Parking. No parking of trucks shall be allowed between the hours of 10:00 p.m. to 7:00 a.m. except for trucks based on the property and used in conjunction with a permitted use thereon, and then such trucks may only be parked to the side or rear of the main structure on the property.

6.3 BULK, YARD AND SPACE REQUIREMENTS IN THE “C” COMMERCIAL DISTRICT.

The following requirements apply to all uses in the “C” Commercial District.

- 6.31 Height. The maximum height of any structure is 3 stories or 35 feet whichever is less. The maximum height of an accessory structure is 15 feet.
- 6.32 Front, Interior Side and Corner Side Yard Setbacks. No front, interior side and corner side yard setback is required.
- 6.33 Rear Yard Setback. The rear yard setback shall be a minimum of 10 feet.
- 6.34 Lot Coverage. The maximum total lot coverage is fifty percent (50%).
- 6.35 Floor Area Ratio. The maximum floor area ratio is three hundred percent (300%).

ARTICLE VII

INDUSTRIAL DISTRICTS

- 7.0 Purpose
- 7.1 I-1 Limited Industrial District
- 7.2 I-2 General Industrial District
- 7.3 I-2A Intensive Industrial District

7.0 PURPOSE.

The industrial District regulations are intended to govern the location, intensity and method of development of the industrial areas of Bridgeview. The regulations are designed to provide for the grouping together of industries that are compatible to one another and that are not objectionable to the community as a whole. The regulations preserve lands for industrial and allied uses and prohibit the intrusion of residential and other non-compatible uses into the industrial area. The performance of the industrial uses is regulated by establishing standards for the external effects of noise, smoke, vibration and other potential nuisances. It is not the purpose or intent of the I-2A zoning classification, or the Zoning Ordinance in general, to impose any limitations or restrictions on the content of any communicative materials, or to deny access to any sexually oriented materials protected by the United States Constitution or the Constitution of the State of Illinois. All industrial uses are contained in the following three industrial districts:

- I-1 Limited Industrial District
- I-2 General Industrial District
- I-2A Intensive Industrial District

7.1 I-1 LIMITED INDUSTRIAL DISTRICT.

7.11 Description of district. The I-1 Limited Industrial District is intended to provide lands for development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the operations of most manufacturing, wholesaling, and warehousing activities with adequate protection to adjacent district uses and sufficient control of external effects to protect one industry from another. Some retail uses are permitted that service the industrial uses within industrial area or that do not depend upon the direct visits of retail customers. No outdoor storage is allowed in this district and all industrial operations must be in an enclosed building. For purposes of this Section, operable licensed vehicles that are parked temporarily and are used by the business on the property are not outdoor storage.

7.12 Uses permitted. No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses (as described in the North American Industry Classification System, United States, 1997, as promulgated by the Executive Office of the President, Office of Management and Budget):

1. Construction (23).
2. Food Manufacturing (311) excluding Animal Slaughtering and Processing (3116) and Seafood Product Preparation and Packaging (3117).
3. Beverage and Tobacco Product Manufacturing (312).
4. Wood Product Manufacturing (321).
5. Printing and Related Support Activities (323).
6. Plastics and Rubber Products Manufacturing (326).
7. Nonmetallic Mineral Product Manufacturing (327).
8. Fabricated Metal Product Manufacturing (332).
9. Machinery Manufacturing (333).

10. Computer and Electronic Product Manufacturing (334).
11. Electrical Equipment, Appliance and Component Manufacturing (335).
12. Furniture and Related Product Manufacturing (337).
13. Miscellaneous Manufacturing (339).
14. Wholesale Trade, Durable Goods (421).
15. Whole Trade, Nondurable Goods (422).
16. Transit and Ground Passenger Transportation (485).
17. Postal Service (491).
18. Couriers and Messengers (492).
19. Warehousing and Storage (493).
20. Publishing Industries (511).
21. Motion Picture and Sound Recording Industries (512) excluding Motion Picture Theaters (512131) and Drive-In Motion Picture Theaters (512132).
22. Broadcasting and Telecommunications (513).
23. Information and Data Processing Services (514).
24. Real Estate (531).
25. Rental and Leasing Services (532).
26. Professional, Scientific and Technical Services (541).
27. Administrative and Support Services (561).
28. Retail sale of merchandise is permitted provided that the floor area devoted to retail use does not exceed 20% of the entire floor area and the retail use is in conjunction with a permitted use.
29. Commercial Physical Fitness Facilities and Recreational Sports Centers but excluding pool halls and billiard halls.
30. Commercial Instruction for Physical Fitness, Sports and Athletics but excluding pool halls and billiard halls.

7.13 Special Uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII:

- A. Agricultural, Food and Industrial Research and Development.
- B. Commercial Testing and Laboratories.
- C. Lumber and Other Building Material Dealers.
- D. Lumber and Other Construction Materials.
- E. Public Warehousing and Storage.
- F. Correspondence, Business, Secretarial and Vocational Schools.
- G. Job Training and Vocational Rehabilitation Services.
- H. Research, Development and Testing Services.
- I. Public Utility Yards and Facilities.
- J. Automotive Repair Shops (SIC 753).
- K. Automotive Repair Shops not Classified Elsewhere (SIC 7539).
- L. Truck Transportation (1997 NAICS 484).
- M. Medical Cannabis Facilities provided the facilities otherwise comply with the provisions of Article XVI.
- N. Cannabis Organizations provided they otherwise comply with the provisions of Article XVI of the Bridgeview Zoning Ordinance.

7.14 Temporary permit uses permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:

- A. Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

- B. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than five (5) successive periods at the same location
 - C. Real estate subdivision sign, not to exceed one hundred (100) square feet for each face. Sign shall be non illuminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than five (5) successive periods at the same location.
- 7.15 Accessory uses permitted. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.
- 7.16 Prohibited uses. All uses not expressly authorized by the I-1 Limited Industrial District.
- 7.17 Site and structure requirements.
- A. Minimum lot area. A separate ground area, of not less than twenty thousand (20,000) square feet, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
 - B. Minimum lot width. A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.
 - C. Front yard. All structures shall be set back at least fifty feet (50') from the front lot line.
 - D. Side yard. All structures shall be set in from the side lot line a distance of not less than ten feet (10') on the least side, with the sum of the two (2) sides not less than twenty-five feet (25')
 - E. Rear yard. All structures shall be set in a distance of not less than fifty feet (50') from the rear lot line.
 - F. Maximum height. No structure shall exceed one story or fifteen feet (15') in height, except as provided in Section 8.5.
 - G. Floor area ratio. Not to exceed forty per cent (40%).
 - H. Maximum lot coverage. Not more than forty per cent (40%) of the lot area may be occupied by buildings and structures, including accessory buildings.
- 7.18 Special provisions.
- A. Parking requirements. In accordance with the applicable regulations set forth in Article X.
 - B. Performance standards. Any use established in this district after the effective date of this ordinance shall be so operated as to comply with the performance standards governing noise, vibration, smoke and particulate matter, toxic matter, odorous matter, fire and explosive hazards, glare and radiation hazards, as set forth. Uses already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded or modified, provided that the additions or changes comply with said performance standards.

1. Noise. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed.

The flat network and the fast meter response of the used. Sounds of very short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the Preferred Frequencies (United States of America Standard S1, 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used in the table headed "Octave Bank, Preferred Frequencies." Octave band analyzers calibrated with the pre-1960 octave bands (U.S.A. Z24, 10-1953, Octave Bank Filter Set) shall be used with the tables headed "Octave Band, Pre-1960."

The following uses and activities shall be exempt from the noise level regulations:

- a. Noises not directly under the control of the property user.
- b. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m. Such activities are those which are temporary in nature or conducted infrequently.
- c. The noises of safety signals, warning devices, and emergency pressure relief valves.
- d. Transient noises of moving sources, such as automobiles, trucks, airplanes and railroads.

The decibel values of noise when measured in adjacent residence districts shall be reduced by five (5) decibels between the hours of 7:00 p.m. and 7:00 a.m. for the following described decibel limits.

The generation of noise shall not exceed the decibel limits prescribed below:

Maximum Permitted Sound Levels

Octave Band Pre-1960 <u>(Cycles per second)</u>	Decibels (Re.0002 Microbar) <u>Property Line</u>
20-75	72
75-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Above 4800	32

Octave Band Pre-1960 <u>(Cycles per second)</u>	<u>Property Line</u>
31.5	76
63	71
125	65
250	57
500	50
1000	45
2000	39
4000	34
800	32

Impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:

	<u>Property Line</u>
Overall Peak	80

2. Vibration. In this district, no activity or operation shall cause or create earth-borne vibrations in excess of the displacement values given below.

Measurements shall be made at or beyond the adjacent lot line, as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.

The maximum permitted displacements shall be permitted in each district by the following formula:

$$D = K \text{ over } f$$

D = displacement in inches

K = a constant to be determined by reference to the following tables

F = the frequency of the vibration transmitted through the ground, cycles per second.

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding paragraph and the appropriate K constant shown as follows:

Value of K to be used in vibration formula

<u>Location</u>	<u>K</u>
In any neighboring lot	
a) continuous	0.003
b) impulsive	0.006
c) Less than 8 pulses 24-hour period	0.015

3. Smoke and particulate matter. For the purpose of grading the density or equivalent opacity of smoke, the Ringlemann Chart described in the U.S Bureau of Mines Information Circular 8333 (May, 1967) shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2

on the Ringlemann Chart is prohibited at all times except as otherwise provided hereinafter.

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, wetting or other acceptable means.

No operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breeching or stack, particulate matter in the gases that exceeds 0.35 grains per standard cubic foot (70° F. and 14.7 psia) of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four (4) hour period which will result in the Ringlemann No. 2 shall be permitted.

The emission of smoke having a density or equivalent opacity in excess of Ringlemann No. 1 is prohibited. However, for two (2) minutes in any four (4) hour period, smoke up to and including Ringlemann No. 2 shall be permitted.

The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed 0.5 pounds per acre of lot area per hour.

4. Toxic matter. The release of airborne toxic matter shall not exceed 1/30th of the "threshold Limit Values for 1967" as adopted by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous twenty-four (24) hour period.

If a toxic substance is not listed, the applicant shall submit evidence that the proposed level will be safe and not detrimental to the public health or injurious to plant and animal life.

5. Odorous matter. When odorous matter is released from any operation, activity, or use, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.
6. Fire and Explosion Hazards.
 - a. Detonatable materials. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each industrial district.

Such materials shall include, but are not limited to all primary explosives, such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid.; propellants and components thereof, such as dry nitro-cellulose, black powder, boron hydrides, hydrazine and its derivatives, pyrotechnics and fireworks, such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty- five per cent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) ponds.

- b. Flammable solids. The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted only as a special use, with approval by the Chief of the Fire Department.

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intensive burning is permitted only as a special use, with approval by the Chief of the Fire Department, and provided that the following conditions are met:

Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having not less than two (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system.

- c. Flammable liquids and gases. Storage of flammable liquids and gases shall not be permitted above ground except as a special use with the permission of the Chief of the Fire Department, with the following additional conditions and exceptions:

The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Above ground flammable liquid and gas storage tanks shall not be less than one hundred feet (100') from all lot lines. Flammable liquids and gases in original sealed containers fifty-five (55) gallon liquid capacity or less may be stored or utilized without restriction.

Total Capacity of Flammable Materials Permitted
In Gallons

Above Ground	<u>(Within enclosed building)</u>	<u>Underground</u>
Materials having a closed cup flash point over 187°F., but less than 300°F.	20,000	100,000
From and including 105°F. to and including 187°F.	10,000	100,000
Materials having a closed cup flash point of less than 105°F.	3,000	100,000

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above.

- 7. Glare. Any operation or activity producing glare at night shall be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half foot candle when measured in a residence district.

8. Radiation hazards; release outside property lines prohibited. The release of radioactive materials or the emission of ionizing radiation outside of property lines is prohibited.

Unsealed radioactive materials prohibited. The manufacture, utilization or storage of unsealed radioactive materials is prohibited.

- C. Outdoor sales. All space used for the sale or lease of vehicles or other goods shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
- D. Outdoor storage. No outdoor storage shall be permitted.
- E. Enclosure of use. All industrial operations shall take place within completely enclosed buildings, unless otherwise specified.
- F. Where an industrial zoned building abuts or is across the street from a residential or commercial zoned building, a six foot (6') high privacy fence shall be provided at the rear and side lot lines in accordance with Section 8.7

7.2 I-2 GENERAL INDUSTRIAL DISTRICT.

7.21 Description of district. The I-2 General Industrial District is intended to provide lands for development by most types of industrial firms. The regulations are designed to permit operations in a clean and quiet manner and to protect adjacent district uses and industries within the district. Further development of residences is prohibited in this district to keep homes from absorbing any adverse effects of the industries and to conserve the supply of industrial land for industrial use.

7.22 Uses Permitted No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses (as defined in the North American Industry Classification System, United States, 1997, as promulgated by the Executive Office of the President, Office of Management and Budget):

1. Construction (23).
2. Food Manufacturing (311) excluding Animal Slaughtering and Processing (3116) and Seafood Product Preparation and Packaging (3117).
3. Beverage and Tobacco Product Manufacturing (312).
4. Textile Mills (313).
5. Textile Product Mills (314).
6. Apparel Manufacturing (315).
7. Leather and Allied Product Manufacturing (316)
8. Wood Product Manufacturing (321).
9. Paper Manufacturing (322).
10. Printing and Related Support Activities (323).
11. Chemical Manufacturing (325) excluding Explosives Manufacturing (32592).
12. Plastics and Rubber Products Manufacturing (326).
13. Nonmetallic Mineral Product Manufacturing (327).
14. Primary Metal Manufacturing (331).
15. Fabricated Metal Product Manufacturing (332).
16. Machinery Manufacturing (333).
17. Computer and Electronic Product Manufacturing (334).
18. Electrical Equipment, Appliance and Component Manufacturing (335).
19. Furniture and Related Product Manufacturing (337).
20. Miscellaneous Manufacturing (339).
21. Wholesale Trade, Durable Goods (421).

22. Whole Trade, Nondurable Goods (422).
 23. Transit and Ground Passenger Transportation (485).
 24. Postal Service (491).
 25. Couriers and Messengers (492).
 26. Warehousing and Storage (493).
 27. Publishing Industries (511).
 28. Motion Picture and Sound Recording Industries (512) excluding Motion Picture Theaters (512131) and Drive-In Motion Picture Theaters (512132).
 29. Broadcasting and Telecommunications (513).
 30. Information and Data Processing Services (514).
 31. Real Estate (531).
 32. Rental and Leasing Services (532).
 33. Professional, Scientific and Technical Services (541).
 34. Administrative and Support Services (561).
 35. Retail sale of merchandise is permitted provided that the floor area devoted to retail use does not exceed 20% of the entire floor area and the retail use is in conjunction with a permitted use.
 36. Athletic fields, arenas and stadiums, including for use in performing arts, theater, music, conventions, meetings and sports.
 37. Commercial Physical Fitness Facilities and Recreational Sports Centers but excluding pool halls and billiard halls.
 38. Commercial_Instruction for Physical Fitness, Sports and Athletics but excluding pool halls and billiard halls.
- 7.23 Special Uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII: Those uses identified as special uses in the I-1 Light Industrial District.
- 7.24 Temporary permit uses permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:
- A. Temporary permit uses permitted in the I-1 District.
- 7.25 Accessory uses. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the sale parcel, and do not include structures or features inconsistent with the permitted use or special use. Accessory uses, buildings and structures may be located on any property under the same ownership which is contiguous (or separated only by a public street or public utility right-of-way) to property under the same ownership where the permitted use is located.
- 7.26 Prohibited uses. All uses not expressly authorized by the I-2 General Industrial District.
- 7.27 Site and structure requirements.
- A. Minimum lot area. A separate ground area, of not less than twenty thousand (20,000) square feet, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
 - B. Minimum lot width. A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.
 - C. Front yard. All structures shall be set back at least thirty feet (30') from the front lot line.

- D. Side yard. All structures shall be set in from the side lot line a distance of not less than ten feet (10') on the least side, with the sum of the two (2) sides not less than twenty five feet (25').
- E. Rear yard. None required, except when abutting a residential district, adjoining a residential district, a rear yard of fifty feet (50') shall be provided.
- F. Maximum height. No structure shall exceed two and one half (2 ½) stories or thirty-five feet (35') in height when within two hundred feet (200') of any residential district. Beyond two hundred feet (200') from a residential district, one additional foot in height may be added for each two feet (2') of horizontal distance beyond two hundred feet (200'), except as provided in Section 8.5.
- G. Floor area ratio. Not to exceed one hundred fifty percent (150%).
- H. Maximum lot coverage. Not more than fifty per cent (50%) of the lot area may be occupied by buildings and structures, including accessory buildings.

7.28 Special provisions.

- A. Parking requirements. In accordance with the applicable regulations set forth in Article X.
- B. Performance standards. Any use established in this district after the effective date of this ordinance shall be so operated as to comply with the performance standards governing noise, vibration, smoke and particulate mater, toxic matter, odorous matter, fire and explosive hazards, glare and radiation hazards, as set forth.

Uses already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded or modified, provided that the additions or changes comply with said performance standards.

- 1. Noise. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed.

The flat network and the fast meter response of the sound level meter shall be used. Sounds of very short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the Preferred Frequencies (United States of America Standard S1, 6-1960, Preferred Frequencies for Acoustical Measurements) shall be used in the table headed "Octave Bank, Preferred Frequencies." Octave band analyzers calibrated with the pre-1960 octave bands (U.S.A. Z24, 10-1953, Octave Bank Filter Set) shall be used with the tables headed "Octave Band, Pre-1960."

The following uses and activities shall be exempt from the noise level regulations:

- a. Noises not directly under the control of the property user.
- b. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m. Such activities are those which are non-routine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.

- c. The noises of safety signals, warning devices, and emergency pressure relief valves.
- d. Transient noises of moving sources, such as automobiles, trucks, airplanes and railroads.

The decibel values of noise when measured in adjacent residence districts shall be reduced by five (5) decibels between the hours of 7:00 p.m. and 7:00 a.m. for the following described decibel limits.

The generation of noise shall not exceed the decibel limits prescribed below:

Maximum Permitted Sound Levels

Octave Band	Decibels
Pre-1690	(Re.0002 Microbar)
<u>(Cycles per Second)</u>	<u>Residence District</u>
20 – 75	72
75 – 150	67
150 – 300	59
300 – 600	52
600 – 1200	46
1200 – 2400	40
2400 – 4800	34
4800 – 10KC	32
Octave Band	
Pre-1960	
<u>(Cycles per Second)</u>	<u>Residence District</u>
31.5	76
63	71
125	65
250	57
500	50
1000	45
2000	39
4000	34
8000	32

Impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:

	<u>Property Line</u>
Overall peak	80

- 2. Vibration. In this district, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values given below.

Measurements shall be made at or beyond the adjacent lot line, as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.

The maximum permitted displacements shall be permitted in each district by the following formula:

$$D = \frac{K}{f}$$

D = displacement in inches
 K = a constant to be determined by reference to the following tables
 f = the frequency of the vibration transmitted through the ground, cycles per second.

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding paragraph and the appropriate K constant shown as follows:

Value of K to be used in vibration formula

Location	K
In any neighboring lot	
a) continuous	0.003
b) impulsive	0.006
c) Less than 8 pulses 24 – hour period	0.015

3. Smoke and particulate matter. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 (May, 1967) shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

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, wetting or other acceptable means.

No operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breeching or stack, particulate matter in the gases that exceeds 0.35 grains per standard cubic foot (70° F. and 14.7 psia) of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 2 is prohibited. However, for six (6) minutes in any one (1) hour period, when such density may be exceeded. The rate of emission of particulate matter from all stacks and vents within the boundaries on any lot shall not exceed three pounds per acre of lot area per hour.

4. Toxic matter. The release of airborne toxic matter shall not exceed 1/30th of the “Threshold Limit Values for 1967” adopted by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous twenty-four (24) hour period.

If a toxic substance is not listed, the applicant shall submit evidence that the proposed level will be safe and not detrimental to the public health or injurious to plant and animal life.

5. Odorous matter. When odorous matter is released from any operation, activity or use, the concentration of such odorous materials shall not exceed five times the odor threshold when measured outside this district.
6. Fire and Explosion Hazards.
 - a. Detonatable materials. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each industrial district.

Such materials shall include, but are not limited to all primary explosives, such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid.; propellants and components thereof, such as dry nitro-cellulose, black powder, boron hydrides, hydrazine and its derivatives, pyrotechnics and fireworks, such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides, unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five per cent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five pounds of such materials may be stored or utilized but not manufactured as a conditional use in accordance with State of Illinois Regulations on Explosives

- b. Flammable solids. Flammable materials or products shall be stored in a separate enclosure with three-hour fire resistant exterior walls and protected with an automatic fire extinguishing system. Flammable materials or products manufactured shall be in a separate enclosure (which may be connected to the storage area, but which must have three-hour fire resistant exterior walls separating it from the storage area.) The manufacturing area must also be protected by an automatic fire extinguishing system. The fire extinguishing system for both storage and manufacturing areas must be adequately designed for purposes of fire protection.

There shall be no outdoor storage of these materials.

- c. Flammable liquids and gases. The storage, utilization, or manufacture of flammable liquids above ground is prohibited. Above ground flammable gas storage tanks shall be permitted only as a special use with permission of the Fire Chief.

The quantity of flammable liquids or materials stored below ground shall be unrestricted.

7. Glare. Any operation or activity producing glare at night shall be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half foot candle when measured in a residence district. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

8. Radiation hazards; release outside property lines prohibited. The release of radioactive materials or the emission of ionizing radiation outside of property lines shall be prohibited.

Unsealed radioactive materials prohibited. The manufacture, utilization, or storage of unsealed radioactive materials is prohibited.

- C. Outdoor sales. All space used for the sale or lease of vehicles or other goods shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
- D. Outdoor storage. Outdoor storage shall be permitted
- E. Enclosure of use. All industrial operations shall take place within completely enclosed buildings, unless otherwise specified.
- F. Where an industrial zoned building abuts or is across the street from a residential or commercial zoned building, a six foot (6') high privacy fence shall be provided at the rear and side lot lines in accordance with Section 8.7.

7.3 I-2A INTENSIVE INDUSTRIAL DISTRICT.

7.31 Description of District. The I-2A district is designed and intended to provide locations for use by a variety of industrial and industrially compatible uses and that are incompatible with residential, public, quasi-public and institution land uses. The I-2A district is also designed and intended to minimize the secondary effects relating to the operation of adult uses through content neutral land use regulations.

7.32 Uses Permitted. No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

- A. Uses permitted in the I-2 General Industrial District
- B. Adult uses Article XIV.

7.33 Special Uses Permitted. The following uses shall be permitted only if specifically authorized by the Zoning, Planning and Development Commission as allowed in Article XII:

- A. Special Uses permitted in the I-2 General Industrial District.
- B. Fuel Dealers.
- C. Heavy Construction Equipment Rental and Leasing.
- D. Outdoor Uncontained Bulk Storage.
- E. Recycling Facility and any other use regulated by the Illinois Environmental Protection Agency but which does not require site approval.
- F. Scrap and Waste Materials.
- G. Truck Rental and Leasing.

- 7.34 Temporary Permit Uses Permitted. Upon application to and issuance by the Director of Buildings and Inspectional Services of a permit therefore, the following uses may be operated as temporary uses:
- A. Temporary building or yard for construction materials and/or equipment both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.
 - B. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of the permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
- 7.35 Accessory Uses Permitted. Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel and do not include structures or features inconsistent with the permitted use or special use.
- 7.36 Prohibited Uses. All uses not expressly authorized by the I-2A Intensive Industrial District.
- 7.37 Site and Structure Requirements.
- A. The same as subsection 7.27 for uses permitted in the I-2 General Industrial District.
 - B. The same as subsection 6.47 for adult uses.
- 7.38 Special Provisions.
- A. Parking requirements. In accordance with the applicable regulations set forth in Article X.
 - B. Performance standards. Any use established in this district after the effective date of this ordinance shall be so operated as to comply with the performance standards governing noise, vibration, smoke and particulate matter, toxic matter, odorous matter, fire and explosive hazards, glare and radiation hazards, as set forth in Section 7.1 of this ordinance.
 - C. Age limitation. Unless otherwise provided for, adult uses shall be limited to adults eighteen (18) years of age or older.
- 7.39 Locational Restrictions.
- A. Adult uses are prohibited uses except in the I-2A Intensive Industrial District Classification.
 - B. No lot or parcel being utilized for an adult use shall be permitted within one thousand (1,000) feet of a religious institution.
 - C. No adult use may be located within five hundred (500) feet of another adult use.
 - D. No adult use may be located within one thousand (1,000) feet of a public park or recreation area, public or private school, nursery school or child daycare center.

- E. No adult use shall be located within five hundred (500) feet of any residential use, or district zoned for a residential use.
- F. The distance limitations shall be measured in a straight line without regard to intervening structures or objects, from the nearest portion of the premises where the sexually oriented business is conducted to the nearest property line of any religious institution, adult use, public park or recreation area, public or private school, nursery school or child daycare center.

ARTICLE VIII

GENERAL PROVISIONS

- 8.0 Interpretation
- 8.1 Severability
- 8.2 Scope of Regulations
- 8.3 Lots
- 8.4 Open space for lots
- 8.5 Building height
- 8.6 Accessory buildings
- 8.7 Screening

8.0 INTERPRETATION.

- 8.01 Minimum requirements. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and welfare.
- 8.02 Conflicting laws. Where the conditions imposed by any provisions of these ordinance upon the use of land or buildings, the bulk of buildings, the floor area requirements, the lot area requirements and yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance, or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which h are more restrictive or which impose higher standards or requirements shall govern.
- 8.03 Existing agreements. This ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- 8.04 Existing violations. No building, structure or use, not lawfully existing at the time of the adoption of this ordinance, shall become or be made lawful solely by reason of the adoption of this ordinance, and to the extent that, and in any6 manner that said unlawful building, structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful hereunder.

8.1 SEVERABILITY.

The provisions of this zoning ordinance are severable in accordance with the following:

- 8.11 Ordinance provisions. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance which are not specifically included in said judgment.
- 8.12 Property application. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

8.2 SCOPE OF REGULATIONS.

The provisions of this zoning ordinance shall apply to all properties as hereinafter specifically provided:

- 8.21 New uses. No building or structure or part shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered, and no building, structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this ordinance for the zoning district in which such building, structure or land is located.
- 8.22 Existing uses. Except as may otherwise be provided, all structural alterations or relocation of existing buildings 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 districts in which such buildings, uses or land shall be located.
- 8.23 Non-conforming 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 Article IX.
- 8.24 Special uses. Where a structure and use thereof of land lawfully exists on the effective date of this ordinance, and is classified by this ordinance as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for an expansion or major alteration of such existing legal special use.
- 8.25 Lots of record. A lot of record at the time of the adoption of this ordinance in a residence district which is unable to meet the requirements of this ordinance as to area, lot width and yard requirements, may be used for a single family detached dwelling, provided it shall meet all the other requirements of this ordinance.
- 8.26 Contiguous parcels. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership at the time of or subsequent to the adoption of this ordinance or amendment, they shall be used as one zoning lot for such use.
- 8.27 Building permits. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within one hundred and eighty (180) 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 for which originally designated, subject thereafter to the provisions of Article IX. This Section shall also control building permits lawfully issued prior to the future amendments to this ordinance.
- 8.28 Home occupations. It is the intent of this Section to allow as home occupations only those uses that conform to the standards of this Section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations are intended to insure compatibility with other permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation.
- A. Location. A home occupation may be conducted in any dwelling unit or in any building or structure accessory to the dwelling unit in any zoning district in which dwelling units are permitted and in which home occupations are permitted accessory uses.

- B. Permitted uses. Home occupations shall include, but shall not be limited to, the following uses:
1. Beauty shops and barber shops limited to two (2) operators of whom one shall be a resident of the dwelling unit in which this home occupation is permitted.
 2. Babysitting services.
 3. Instruction in music, dance, home crafts and art; provided, that the total class size does not exceed four (4) students at any time.
 4. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents and urban planners.
 5. Offices of medical or dental practitioners.
 6. Offices of ministers, priests and rabbis.
 7. Offices or salesmen, sales representatives or manufacturer's representatives; provided, that no retail transactions shall be made on the premises except through telephone, telegraph or mail communication and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.
 8. Studios of artists, authors, composers, photographers and sculptors.
 9. Workrooms of dressmakers, seamstresses and tailors.
 10. Workrooms for home crafts, such as model making, rug weaving, lapidary work and cabinet making.
- C. Prohibited uses. Permitted home occupations shall not be deemed to include the following uses:
1. Animal hospitals
 2. Clinics, medical and dental.
 3. Eating and drinking establishments.
 4. General retail.
 5. Hospitals and sanitariums.
 6. Kennels.
 7. Rental and mobile homes, trailers and camper trailers.
 8. Stables.
 9. Undertaking establishments and funeral parlors.
- D. Standards. The following standards shall govern the operation of a home occupation:
1. The building or structure in which the home occupation is located shall be subject to the regulations of the zoning district in which located and to all ordinances and regulations of the village.
 2. The home occupation shall be conducted completely within the dwelling unit or within an accessory building or structure and in accordance with all ordinances and regulations of the village.
 3. No more than one person other than permanent residents of the dwelling unit shall be employed in the home occupation.

4. The home occupation shall be subordinate and incidental to the principal use of the building or structure for residential purposes, and not more than twenty five per cent (25%) of the gross floor area of the dwelling unit and accessory buildings or structures on the premises on which the home is located shall be devoted to the home occupation.
 5. The outside display of goods and the outside storage or equipment, materials or motor vehicles utilized in the home occupation shall be prohibited.
 6. Off-street parking for the home occupation shall be provided in accordance with the provisions of this ordinance.
 7. The home occupation shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond that which normally occurs in the zoning district in which located.
- E. Amortization. Any home occupation which existed lawfully at the time of the adoption of this Section, and which remains or becomes non-conforming upon the adoption of this Section, or any amendment hereto, may be continued for a period of one (1) year from the adoption of this Section or such amendment hereto, and may be continued thereafter only in strict conformance with the regulations set forth above.

8.3 LOTS.

- 8.31 Number of buildings on a lot. Except in the case of a planned development, not more than one principal detached single family residential building shall be located on a residential lot, nor shall a principal detached single family residential building be located on the same zoning lot with any other principal building.
- 8.32 Divisions of lots. No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership, unless all lots resulting from each such division shall conform with all the applicable regulations required by this ordinance.
- 8.33 Through lots. On vacant through lots, the front lot lines shall be along the street right of way designated by the Building Commissioner, except that when a front lot line has been established on one or more lots in the same block, and all have front lot lines established along the same street right or way line, the street right of way line designated as the front lot line for such lot or lots shall be the front line on all vacant through lots in such block. Only such obstructions as herein permitted in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except for lots backing to thoroughfares in subdivisions where No-Access strips have been provided on the recorded plats.
- 8.34 Corner lots. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right of way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.
- 8.35 Two uses on a lot. Where two or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.
- 8.36 Lots without street frontage. Every structure or group of structures, and every use or group of uses, shall be located upon a lot. Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted, provided that:

- A.. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot.
- B. Adequate provision is made for the unobstructed access of fire-fighting services, police protection, mail carrier letter service, rubbish collection and other governmental services.
- C. Adequate provision is made for the extension and maintenance of public and private utility services.
- D. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking or other reasons.
- E. The character of proposed structures and landscaping are of a quality which will minimize maintenance.

8.4 OPEN SPACE ON LOTS.

The following “general provisions” dealing with open spaces, lot coverage, yards, setbacks, vision clearance and permitted obstructions are provided for herewith.

- 8.41 Maintenance of open spaces. The maintenance of yards, courts, and other 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 on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.
- 8.42 Location of open spaces. All yards, courts and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.
- 8.43 Yards for existing buildings. No yards now or hereafter provided for a building existing on the effective date of the Zoning Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance for equivalent new construction. However, a yard adjoining a street may be reduced to provide right of way for a street widening.
- 8.44 Required setbacks. Minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard adjoining a street. In the districts where such lots are located, measured from the existing right of way line of the street or thoroughfare, or from the proposed right of way line as designated on the official map of the village, and as duly established by other ordinances of the village or as established by county or state highway authorities, whichever has the greater right of way width requirement.
- 8.45 Exceptions for established setbacks.
 - A.. Where fifty per cent (50%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
 - B. Where fifty per cent (50%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as herein required, then:
 - 1. Interior lots.

- a. Where a building is to be erected within one hundred feet (100') of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two existing buildings.
 - b. Where a building is to be erected within one hundred feet (100') of an existing building on one side only, it may be erected as close to the street as the existing building.
 - 2. Corner lots. The depth of the setback lines shall be as normally required in the district where the lot is located.
- 8.46 Vision clearance, corner lots. On corner lots, no structures or plant materials shall obstruct a clear path of motor vehicle drivers' vision of approaching vehicles within a triangular area determined by a diagonal line connecting two points measured thirty-five feet (35') equidistant from the street corner and the two intersecting street lines.
- A. In any commercial district, the distance may be reduced to ten feet (10') and shall not apply to that part of a building above the first floor.
- 8.47 Permitted obstructions in required yards. The followed shall not be considered to be obstructions when located in the required yards specified:
- A. In all yards:
 - 1. Open terraces not over four feet (4') above the average level of the adjoining ground, but not including permanently roofed-over terrace or porch.
 - 2. Awning and canopies, but not projecting more than ten feet (10') and at least seven feet (7') above the average level of the adjoining ground.
 - 3. Steps, four feet (4') or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
 - 4. Chimneys projecting eighteen inches (18") or less into the yard.
 - 5. Arbors, trellises, flag poles, fountains, sculptures, plant boxes and other similar ornamental objects.
 - 6. Fences and walls not exceeding thirty-nine (39") in height above natural grade level in front yards and not exceeding six feet (6') in height in side and rear yards; and open type fences exceeding five feet (5') in any side or rear yard, provided that visibility at right angles to any surface of such fence not be reduced by more than forty per cent (40%).
 - B. In front yards. One-story bay windows projecting three feet (3') or less into the yards; and overhanging eaves and gutters projecting three feet (3') or less into the yard.
 - C. In rear yards. Enclosed, attached or detached off-street parking spaces, open off-street parking spaces, accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies, breezeways and open porches; one-story bay windows projecting three feet (3') or less into the yard; overhanging eaves and gutters projecting three feet (3') or less into the yard. In any residential district, no accessory building shall be nearer than five feet (5') to the rear lot line, nor nearer than ten feet (10') to any principal building unattached.

- D. In side yards. Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty per cent (40%) of the required yard width, but in no case exceeding two feet (2').

8.5 BUILDING HEIGHT.

The following requirements qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

- 8.51 Public, semi-public hospitals, institutions, school, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty feet (60'), provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two feet (2') for every one foot (1') of building height greater than forty feet (40'); provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this ordinance.
- 8.52 Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, wireless towers, penthouses to house mechanical appurtenances, may be erected above the height limits herein prescribed.
- 8.53 Planned unit developments may exceed the height limits established for the district in which the structure is located.
- 8.54 Athletic fields, arenas and stadiums shall not be greater than 80 feet above ground provided that lighting towers may be erected above that height limit.

8.6 ACCESSORY BUILDINGS.

Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the principal use.

- 8.61 Location. When a side yard is required, no part of an accessory building shall be located closer than five feet (5') to the side of the lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet (5') to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residential district, no detached accessory building shall be closer than ten feet (10') to the principal building and each foot over twenty feet (20') in length that the wall of an accessory structure parallels and is next to the principal structure, the required distance between the structures shall be increased by an additional foot.
- 8.62 Time of construction. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- 8.63 Rear yard. No accessory building or buildings shall occupy more than forty per cent (40 %) of the area of a required rear yard.
- 8.64 Height in rear yards. No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet (15') in height.
- 8.65 Reversed corner lots. On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within five feet (5') of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.

8.66 Swimming pool. Non-commercial swimming pools in residence districts shall have a safety fence surrounding the pool.

8.7 SCREENING.

When required by this ordinance, screening shall be designed, planted or constructed, and maintained in accordance with the following conditions:

8.71 Front property line.

A. Evergreen planting

1. Initial height: not less than one foot (1').
2. Permanent height: not more than two feet six inches (2'6").

B. Masonry wall

1. Height: not more than two feet (2').
2. Density: solid or pierced.

C. Other

1. As approved by the Zoning, Planning and Development Commission.

8.72 Side or rear property line.

A. Evergreen Planting

1. Initial Height: not less than three feet (3').
2. Permanent height: at least five feet six inches (5'6").
3. Density: plant material shall be planted so that within five (5) years, vision and lights shall be obscured by the plantings.

B. Masonry wall or wood fence

1. Height: at least five feet six inches (5'6").
2. Density: so that vision and lights shall be obscured.

C. Other

1. As approved by the Zoning, Planning and Development Commission.

8.73 Materials. All materials shall conform to the following requirements.

A. Plant materials shall be permanent type evergreens hearty to Illinois climate.

B. Wood and masonry materials shall be new materials in good condition, and properly installed and with initial maintenance materials applied.

- 8.74 Time of installations.
- A. New development. All screening shall be installed, constructed or provided before the property is occupied or used.
 - B. Existing uses. All uses actually established and in operation on the effective date of this ordinance shall be made to comply with the screening requirements within a period of three (3) years from the effective date of this ordinance.
- 8.75 Maintenance. All screening materials shall be properly and adequately maintained and kept free of trash and litter.
- 8.76 Modifications. The Zoning, Planning and Development Commission may authorize a modification, reduction, or waiver of the foregoing screening requirements if it should find that, in the particular case appealed, the peculiar nature of the business, trade, industrial or other use, or the exceptional situation or condition, would justify such action.

ARTICLE IX

NON-CONFORMING USES

- 9.0 Statement of Purpose
- 9.1 Authority to Continue Non-Conforming Buildings, Structures and Uses.
- 9.2 Non-Conforming Use of Buildings or Structures
- 9.3 Non-Conforming Use of Land

9.0 STATEMENT OF PURPOSE.

The purpose of this Section is to provide for the regulation of non-conforming uses, buildings and structures, and to specify those circumstances and conditions under which those non-conforming buildings, structures and uses may be continued.

9.1 AUTHORITY TO CONTINUE.

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 of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow.

- 9.11 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.

9.12 Additions and enlargements.

- A. A non-conforming 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, shall not be added to or enlarged in any manner unless such non-conforming building or structure and use thereof, including all additions and enlargements thereto is made to conform to all the regulations of the district in which it is located.
- B. A non-conforming building or structure, which is non-conforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all regulations of the district into which it is moved.

- 9.13 Moving. No building or structure which does not conform to all of the regulations 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.

- 9.14 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 per cent (50%) of the cost of restoration of the entire 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 per cent (50%) 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 year from the date of the partial destruction and is diligently prosecuted to completion.

- 9.15 Discontinuance of use of non-conforming building or structure. A building, 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, unoccupied, and not used on the effective date of this ordinance, or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of one hundred eighty (180) days, 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.
- 9.16 Expansion 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, 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.

9.2 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:

- 9.21 Expansion of non-conforming use. The non-conforming use of 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.
- 9.22 Discontinuance. If a non-conforming use 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, is discontinued for a period of ninety (90) days, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
- 9.23 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.
- 9.24 Elimination of a non-conforming use. In all residence districts, any use which lawfully exists at the adoption of this ordinance, but is permitted only in a business district, and which is located in a building, all or substantially all designed or intended for a residential purpose, shall be entirely discontinued and shall thereafter cease operation within one year from the date of the adoption of this ordinance.

9.3 NON-CONFORMING USE OF LAND.

The non-conforming use of land not which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions.

- 9.31 Expansion. A non-conforming use of land shall not be expanded or extended beyond the area it occupies.
- 9.32 Discontinuance. If a non-conforming use of land is discontinued for a period of three consecutive months, 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.
- 9.33 Change of use. A non-conforming use of land shall not be permitted in the district in which the land is located.
- 9.34 Elimination of non-conforming use of land. The non-conforming use of land shall be discontinued and cease in accordance with the following:

- A. Where no building or structure is employed in connection with such use, discontinued within six (6) months.
- B. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation on the effective date of this ordinance of not more than \$10,000, discontinued within one year.
- 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 on the effective date of this ordinance of more than \$10,000, discontinued within three 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.

ARTICLE X

PARKING

- 10.0 Minimum Parking Requirements
- 10.1 Computation
- 10.2 Parking Design and Maintenance
- 10.3 Drive-Thru Lane Design Requirements

10.0 MINIMUM PARKING REQUIREMENTS.

For the following uses, the following minimum number of off-street parking spaces or stacking spaces shall be provided:

- 10.01 Residential.
 - A. Multiple Family Dwellings 2 for each dwelling unit
 - B. Single Family Dwellings 2 for each dwelling unit
 - C. Transitional Service Facilities and Community Residences 1 for each 3 residents plus 1 for each employee on the major shift
- 10.02 Retail Trade.
 - A. All Retail Trade Uses not otherwise listed 1 for each 250 square feet of net floor area
 - B. Gasoline Service Stations, not including mini-marts 2 for each service bay plus 1 for each employee
 - C. Car Washes 4 for each manual washing rack or bay plus 1 for each employee plus 5 stacking spaces for each automated washing rack or bay
 - D. Eating and Drinking Places 1 for each 65 square feet of gross floor area but in no event less than 12 parking spaces
 - E. Drive-In Facilities 8 stacking spaces for the first drive-in window plus 2 stacking spaces for each additional drive-in window
- 10.03 Finance, Insurance, and Real Estate. 1 for each 250 square feet of net floor area
- 10.04 Business and Professional Offices. 1 for each 350 square feet of net floor area

10.05	Services.	
A.	All Services not otherwise listed	1 for each 250 square feet of net floor area
B.	Motion Picture Theatres	1 for each 4 seats up to 400 seats, plus 1 for each 6 seats over 400 seats
C.	Research and Development Laboratories and Commercial Testing	1 for each 1.5 employees on the major shift plus 1 for each company vehicle
D.	Physical Fitness Facilities	1 for each 200 square feet of gross floor area
E.	Membership Sports and Recreation Clubs	1 for each 200 square feet of gross floor area
F.	Health Service Offices	6 for each licensed practitioner, not including nurses and assistants, plus 1 for each employee
G.	Nursing and Personal Care Facilities	1 for each 3 beds plus 1 for each employee and full-time volunteer
H.	Hospitals	1 for each 2 beds plus 1.5 for each emergency room bed plus 1 for each employee and full-time volunteer
I.	Elementary Schools	1 for each employee plus 4 for visitors and guests
J.	Secondary Schools	1 for each 8 students plus 1 for each employee
K.	Libraries and Information Centers	1 for each 750 square feet of gross floor area
L.	Vocational Schools, except Correspondence Schools	1 for each student of design capacity plus 2 for each 3 employees
M.	Child and Adult Day Care Services and Nursery Schools	1 for each employee plus 1 for each 5 children or adults
N.	Museums and Art Galleries	1 for each 400 square feet of gross floor area
O.	Undertaking and Funeral Establishments	1 for each seat in each chapel or parlor plus 1 for each employee plus 1 for each company vehicle
P.	Golf Courses, including all related facilities	60 for each nine holes plus 1 for each 2 employees
Q.	Religious Organizations	1 for each 2 persons of design capacity

	R.	Other Membership Organizations	1 for each 3 persons of design capacity
	S.	Bowling Alleys	5 per lane plus 1 for each employee, plus 50% of the space otherwise required for accessory use
	T.	Billiard Parlors or Tables	2 per table plus 1 for each employee
	U.	Hotels/Motels	1 per guest room plus 1 for each employee plus specified requirements for restaurants, bars, meeting rooms, and related facilities
	V.	Beauty Shops and Barber Shops	3 parking spaces for each chair or position where customers are serviced
	W.	Laundromats	1 parking space for every 4 Machines
10.06		Public Administration.	1 for each 250 square feet of gross floor space
10.07		Uses Conducted Outside Structures.	1 for each 1,500 square feet of outdoor area devoted to such use plus spaces as otherwise required for any aspect of the use conducted within a structure
10.08		Construction, Manufacturing, Transportation, and Public Utilities.	
	A.	Production and Assembly	1 for each 1.5 employees plus 1 for each company vehicle
	B.	Warehouse and Storage	1 for each 2,000 square feet of gross floor area
	C.	Office and other activities	1 for each 350 square feet of gross floor area
10.1		COMPUTATION.	
10.11		Unspecified Uses. When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might be reasonably and permissibly be devoted shall be required.	
10.12		Fractional Spaces. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction shall require one additional parking space.	
10.13		Capacity Calculations. When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Building Code.	
10.14		Bench Seating. In stadia, auditoria, houses of worship, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of seating facility shall be counted as one seat for the purpose of determining the requirement for off-street parking facilities under the Zoning Ordinance.	
10.15		Population Calculations. When parking spaces are required on the basis of the number of employees, customers, students, or similar measure, the maximum number for which the structure	

is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern.

10.2 PARKING DESIGN AND MAINTENANCE.

All parking facilities shall meet the following requirements of design, construction and maintenance:

- 10.21 Access to Street. No curb cut across public property shall exceed 30 feet without the written approval of the Director of Buildings and Inspectional Services. All parking lots shall be so located and designed as to provide access to adjacent streets with the least interference with through traffic movements. No access shall be provided through a zoning district other than the district in which the parking lot is located. No access shall be provided through a zoning lot other than the zoning lot served by such access except across a permanent recorded access easement.
- 10.22 Turn-Around Area. All parking lots and garages, other than a parking lot to a single family or 2-family dwelling, shall be provided with a turn-around area or other means to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- 10.23 Surfacing. All new and existing parking areas shall be improved with paved brick, asphalt or concrete surface over a proper base. All construction shall meet the minimum standards for structural materials derived from The Illinois Department of Transportation Design Manual, current edition. Individual stalls shall be clearly identified by painted markings 4" to 6" in width.
- 10.24 Drainage. All parking areas shall provide adequate drainage of water to the storm sewer system. Storm water run-off shall be detained on site in accordance with applicable Village standards and ordinances of the Metropolitan Water Reclamation District of Greater Chicago.
- 10.25 Screening and Landscaping. All parking areas shall be screened on each side abutting any property situated in a residential district or improved with a residence by a wall, fence or densely planted hedge not less than 5 feet nor more than 6 feet in height. Where a public alley exists between the parking area and the residential district, and is used for ingress and egress to the parking area, screening and landscaping shall be used only where in the opinion of the Director of Buildings and Inspectional Services it is safe to do so.
- 10.26 Lighting. Fixed lighting shall be provided for all parking lots and garages accommodating more than 10 vehicles. Any lighting used to illuminate any parking area shall be directed away from adjoining properties. In no case shall lighting exceed 3 foot candles measured at any lot line.
- 10.27 Use. No off-street parking lot or garage shall be used for any purpose other than the temporary storage of motor vehicles related to the premises on the zoning lot. The storage of merchandise and the sale or commercial repair of vehicles are prohibited.
- 10.28 Maximum Number of Spaces. The total number of parking spaces provided for a single family or multifamily dwelling shall not exceed that required by more than 50 percent or 4 spaces, whichever number is greater.
- 10.29 Car Stops. Concrete bumpers shall be installed not less than 24 inches from any public sidewalk, building, or landscaping where determined necessary by the Director of Buildings and Inspectional Services.
- 10.2.10 Sidewalks. Public sidewalks of concrete must be installed on all rights-of-way adjacent to parking areas.
- 10.2.11 Maintenance. All parking lots shall be properly maintained at all times so as to be free of pot holes, broken curbs, and other damaged or neglected features.

10.2.12 Area and Access. Every parking stall shall be at least 9 feet in width. All parking stalls and aisles shall conform to the following specifications:

<i>Angle of Parking (degrees)</i>	<i>Stall Width Parallel to Aisle</i>	<i>Stall Depth Perpendicular to Aisle</i>	<i>Aisle Width (One Way)</i>
0	20.0'	9.0'	13.0'
45	12.7'	16.5'	13.0'
60	10.4'	18.0'	16.0'
75	9.3'	18.5'	22.0'
90	9.0'	17.5'	26.0'

All parking stalls shall access directly upon an aisle or driveway of such design as to provide safe and efficient means of vehicular access. All two-way parking aisles must be at least 26 feet in width. Dead end parking aisles of less than 26 feet in width and parking stalls where vehicles must back onto a public street for access are prohibited. No driveway across public property at the right-of-way line of a street shall exceed a width of 30 feet. No loading area shall be counted as a parking stall. Storm water retention or detention is prohibited in a parking lot if the water level for a 100-year rainfall intensity will exceed 6 inches in any part thereof.

10.2.13 Accessible Parking. Accessible parking shall be provided in conformance with the following table:

<i>Total Parking Spaces in Lot</i>	<i>Required Minimum Accessible Spaces</i>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2%
Medical facilities specializing in treatment of persons with mobility impairments	20%
Outpatient medical facilities	10%

Accessible parking spaces shall be located on level pavement on the shortest accessible route to an accessible entrance. Each accessible parking space shall be 16-foot wide with either an 8-foot or a 5-foot wide diagonally striped access aisle. Accessible parking signs shall be installed and maintained to identify accessible parking spaces and the fine for a violation.

10.2.14 Change in Use. Whenever the use of any property, or any structure, or part thereof, is changed to another use which requires a greater minimum number of off-street parking spaces, such change in use is prohibited unless additional off-street parking is provided to conform to the minimum requirements.

10.2.15 Location. Required parking spaces shall be located on the same zoning lot as the use which they serve or within 300 feet of such use provided such off-lot parking spaces are located in the same or a less restrictive zoning district and are located on property which is under the same ownership as the use served or under a lease with a term of not less than 20 years. In the event that such spaces

cease to be under such control or cease to be used, then the use on the zoning lot shall be terminated or reduced in conformity with the number of required parking spaces available.

10.2.16 Loading. All loading shall be conducted on the property and not on any public street, alley or right-of-way. Off-street loading spaces shall be provided as required by the Director of Buildings and Inspectional Services in order to provide on-site loading to all buildings. Except as permitted by the Director of Buildings and Inspectional Services, parking spaces and parking aisles may not be used for vehicles engaged in loading.

10.3 DRIVE-THRU LANE DESIGN REQUIREMENTS.

10.31 Stacking lanes. A minimum of four (4) stacking spaces within the site shall be provided for each drive-thru window before the order board. A minimum of three (3) stacking spaces shall be provided between the order board and the transaction window and an additional stacking space shall be provided after the last transaction window.

10.32 Stacking space size. Each stacking space shall be a minimum of twenty feet (20') in length and ten feet (10') in width along straight portions and a minimum of twelve feet (12') in width along curved segments.

10.33 Stacking lanes location. Stacking lanes shall be delineated from traffic aisles with striping, curbing, landscaping or alternate paving materials. The entrance to a stacking lane shall be a minimum of sixty feet (60') from the curb line of a public street. Stacking lanes shall be designed to prevent circulation congestion on site and on adjacent public streets. The circulation shall:

- A. separate drive-thru traffic from site traffic;
- B. not impede or impair access into or out of parking spaces;
- C. not impede or impair vehicle or pedestrian movements; and
- D. minimize conflicts between pedestrian and vehicular traffic with physical and visual separation;
- E. not interfere with required loading and trash storage areas;
- F. provide an emergency by-pass or exit if curbed;
- G. not enter or exit directly into a public right-of-way; and
- H. integrate with the on-site circulation pattern.

10.34 Menu boards and speakers. Outdoor service facilities, such as menu boards and speakers, shall be a minimum of one hundred feet (100') from the property line of residential uses. Speakers shall be located and volume shall be adjusted to prevent sound from being heard in adjacent residential properties.

ARTICLE XI

PLANNED DEVELOPMENTS

- 11.0 Purpose
- 11.1 Procedure
- 11.2 Standards for Planned Developments
- 11.3 Conditions on Planned Developments
- 11.4 Affidavit of Compliance with Conditions; Fee
- 11.5 Effect of Approval of a Planned Development
- 11.6 Limitations on Planned Development Permits
- 11.7 Amendments to Planned Development Permits

11.0 PURPOSE.

Planned developments are a distinct category of special use. The planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in recognition of the fact that traditional use, bulk, space, and yard regulations which may be useful in protecting the character of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach. Through the flexibility of the planned development technique, the Village seeks to achieve the following specific objectives:

- 11.01 Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.
- 11.02 Efficient use of land resulting in smaller networks of utilities and streets while lowering development and housing costs.
- 11.03. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
- 11.04 Combination and coordination of architectural styles, building forms, and building relationships.
- 11.05 Preservation and enhancement of desirable site characteristics such as natural topography, vegetation, and geologic features, and the prevention of soil erosion.
- 11.06 Provision for the preservation and beneficial use of open space.
- 11.07 An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.
- 11.08 Encouragement of land uses that promote the public health, safety and general welfare.

11.1 PROCEDURE.

- 11.11 Application. Applications for a planned development shall be filed with the Zoning, Planning and Development Commission and shall contain a Final Plan detailing:
 - A. categories of uses to be permitted; and
 - B. general location of residential and nonresidential land uses; and
 - C. overall maximum density of residential uses and intensity of nonresidential uses; and

- D. the general architectural style of the proposed development; and
 - E. general location and extent of public and private open space including recreational amenities; and
 - F. general location of vehicular and pedestrian circulation systems; and
 - G. staging of development; and
 - H. nature, scope, and extent of public dedications, improvements, or contributions to be provided by the applicant.
- 11.12 Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning, Planning and Development Commission.
- 11.13 Subdivision. When a subdivision of land is proposed in connection with a planned development, review of the final plat of the proposed subdivision shall be carried out simultaneously with review of the Final Plan.
- 11.14 Action by Zoning, Planning and Development Commission. Within 60 days after the conclusion of the public hearing, the Zoning, Planning and Development Commission shall transmit to the Mayor and Board of Trustees its recommendation either granting the application for planned development; granting the application subject to conditions, or denying the application. The failure of the Zoning, Planning and Development Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the proposed planned development.
- 11.15 Action by Mayor and Board of Trustees. Within 45 days after the receipt of the recommendation of the Zoning, Planning and Development Commission, or its failure to act as above provided, the Mayor and Board of Trustees shall either deny the application or, by ordinance duly passed, shall approve the planned development, with or without modifications or conditions. The failure of the Mayor and Board of Trustees to act within such 45 days, or such further time to which the applicant may agree, shall be deemed a decision denying the planned development.

11.2 STANDARDS FOR PLANNED DEVELOPMENTS.

No planned development shall be granted pursuant to this Section unless the application shall establish that:

- 11.21 Special Use Permit Standards. The proposed development will meet each of the standards made applicable to special uses pursuant to Article XII of the Zoning Ordinance.
- 11.22 Unified Ownership Required. The entire property proposed for planned development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.
- 11.23 Minimum Area. The district regulations of the Zoning Ordinance establishing standards for particular types of planned developments specify the minimum area required for some planned developments. In addition to meeting that specific standard, or where no specific standard is set, the applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established pursuant to this Section.
- 11.24 Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed, or released without the express consent of

the Mayor and Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

11.25 Public Open Space and Contributions. Whenever the development will create a need for land for public purposes of the Village within the proposed planned development, the Mayor and Board of Trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition, the Mayor and Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned development, whether or not such proposed development would be otherwise subject to such ordinances.

11.26 Common Open Space.

A. Amount, Location, and Use. The failure of a planned development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to the Zoning Ordinance. When common open space is provided in a planned development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

B. Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.

C. Ownership and Maintenance. The Final Plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.

D. Property Owners' Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

1. the by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the Final Plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being a violation of the requirements of this subparagraph; and
2. the association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned development designated to have the exclusive use of the proposed open space or improvements; and
3. the association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and

4. membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and
5. every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois; and
6. the association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue; and
7. the Village must be given the right to enforce the covenants; and
8. the Village must be given the right, after 10 days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property for any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

11.27 Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or man-made buffers. Every planned development having 20 or more acres shall provide a perimeter landscaped open space along each of its boundaries; each such open space shall have a minimum depth equal to the minimum front yard required in the district in which it is located or which it abuts, whichever is greater.

11.28 Private Streets and Sidewalks. Private streets are prohibited unless expressly approved by the Mayor and Board of Trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association. A sidewalk shall be provided along at least one side of every street in or abutting a planned development; provided, however, that such sidewalk may be constructed in a street right-of-way or as a specific element of the design of the planned development.

11.29 Utilities. All utility lines shall be installed underground.

11.3 CONDITIONS ON PLANNED DEVELOPMENTS.

The Zoning, Planning and Development Commission may recommend and the Mayor and Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the Zoning Ordinance upon the premises benefited by a planned development as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services; provided, however, that such conditions shall not be used as a device to approve a planned development that is intended to be temporary in nature. Such conditions shall be expressly set forth in the ordinance granting the planned development. Violation of any such condition or limitation shall be a violation of the Zoning Ordinance and shall constitute grounds for revocation of the planned development approval.

11.4 AFFIDAVIT OF COMPLIANCE WITH CONDITIONS; FEE.

Whenever any planned development granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Director of Buildings and Inspectional Services so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Director of Buildings and Inspectional Services, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

11.5 EFFECT OF APPROVAL OF A PLANNED DEVELOPMENT.

The approval of a planned development shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village.

11.6 LIMITATIONS ON PLANNED DEVELOPMENT PERMITS.

Subject to an extension of time granted by the Director of Buildings and Inspectional Services no permit for a planned development shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

A planned development permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

Except when otherwise provided in the Ordinance approving a planned development, a planned development permit shall be deemed to relate to, and be for the benefit of, the use and property in question rather than the owner or operator of such use or property

11.7 AMENDMENTS TO PLANNED DEVELOPMENT PERMITS.

A planned development permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Article for its original approval.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

- 12.0 Organization
- 12.1 Office of the Director of Buildings and Inspectional Services
- 12.2 Zoning, Planning and Development Commission
- 12.3 Mayor and Board of Trustees
- 12.4 Zoning Certificates
- 12.5 Certificates of Occupancy
- 12.6 Variations
- 12.7 Appeals
- 12.8 Special Use Permits
- 12.9 Amendments
- 12.10 Temporary Permits
- 12.11 Fees
- 12.12 Penalties

12.0 ORGANIZATION.

The administration of this ordinance is vested in three offices or agencies of the village government, as follows:

- 12.01 The office of the Director of Buildings and Inspectional Services.
- 12.02 The Zoning, Planning and Development Commission.
- 12.03 The Mayor and Board of Trustees.

12.1 OFFICE OF THE DIRECTOR OF BUILDINGS AND INSPECTIONAL SERVICES.

- 12.10 The Director of Buildings and Inspectional Services and his authorized organizational personnel, shall administer and enforce this ordinance, and, in addition thereto and in furtherance of said authority, shall:
 - A. Issue all zoning certificates, and make and maintain records thereof.
 - B. Issue all certificates of occupancy, and make and maintain records thereof.
 - C. Conduct inspections of buildings,, structures and land to determine compliance with this ordinance, and notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
 - D. Order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by statute or by this ordinance to ensure compliance with or to prevent violation of its provisions.
 - E. Prepare and cause to be published, on or before March 31 of each year, a map showing the existing zoning uses, divisions, restrictions, regulations and classifications in effect on the preceding December 31.
 - F. Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, special use permits, planned unit developments, variations, appeals and applications therefore.

- G. Provide and maintain a source of public information relative to all matters arising out of this ordinance.
- F. Receive, file and forward to the Zoning, Planning and Development Commission all applications for special use permits, for planned unit development approvals and for amendments to this ordinance.
- G. Receive, file and forward to the Zoning, Planning and Development Commission all applications for appeals, variations and other matters on which the Board is required to pass under this ordinance.
- H. Initiate, direct and review, from time to time, a study of the provisions of this ordinance and make recommendations to the Zoning, Planning and Development Commission as such study requires.
- I. Keep the Board of Trustees advised of zoning activities.
- J. Decide or make recommendations on all matters under this ordinance upon which the Director of Buildings and Inspectional Services is required to act.

12.2 ZONING, PLANNING AND DEVELOPMENT COMMISSION.

- 12.21 Jurisdiction and Authority. The Zoning, Planning and Development Commission shall have the following jurisdiction and authority:
- A. To hear and decide appeals from, and to review orders, decisions, or determinations made by the Director of Buildings and Inspectional Services and to that end have the power of the Director of Buildings and Inspectional Services with respect to such order, decision, or determination.
 - B. To hear, review, and offer its recommendations to the Mayor and Board of Trustees on applications for variations from the requirements of the Zoning Ordinance.
 - C. To prepare and recommend a comprehensive plan, including an official map, to the Mayor and Board of Trustees, which, upon its adoption by the Mayor and Board of Trustees, shall be known as the "Official Comprehensive Plan" of the Village.
 - D. To review, prepare, and recommend to the Mayor and Board of Trustees changes in and amendments to the Official Plan, including the official map.
 - E. To initiate, hear, review, and offer its recommendations to the Mayor and Board of Trustees on applications for amendments to the Zoning Ordinance.
 - F. To hear, review, and offer its recommendations to the Mayor and Board of Trustees on applications for special use permits.
 - G. To hear, review, and offer its recommendations to the Mayor and Board of Trustees on applications for planned development approval.
 - H. To hear, review and offer its recommendations to the Mayor and Board of Trustees on applications for subdivisions, condominium conversions, annexations, and screenings.
 - I. To hear, review, and offer its recommendations to the Mayor and Board of Trustees on such other matters as may be referred to it by the Mayor and Board of Trustees.

- 12.22 Creation; Membership. The Zoning, Planning and Development Commission shall consist of seven members appointed by the Mayor with the advice and consent of the Board of Trustees. The members shall serve for one-year terms and until their successors have been appointed and qualified.
- 12.23 Chairman. The Mayor, with the advice and consent of the Board of Trustees, shall name one member of the Zoning, Planning and Development Commission as Chairman, to preside at all meetings and hearings and to fulfill the customary functions of that office. In the absence of the Chairman, a Temporary Chairman elected by the Board of Appeals shall act as Chairman and shall have all the powers of the Chairman.
- 12.24 Secretary, Recording Secretary and Minutes. The Mayor shall name a Secretary to the Zoning, Planning and Development Commission. The Secretary shall provide for the keeping of minutes of the proceedings of the Zoning, Planning and Development Commission, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary may delegate duties to a Recording Secretary, who may be either an employee in the Building Department or another Village employee as designated by the Mayor. All permanent records of the Zoning, Planning and Development Commission, including but not limited to records of meetings, hearings, and proceedings, shall be kept by the Recording Secretary at the Village Hall.
- 12.25 Quorum, Necessary Vote, Absent Members and Conflicts. No business shall be transacted by the Zoning, Planning and Development Commission without a quorum, consisting of four members, being present. The concurring vote of at least four members of the Zoning, Planning and Development Commission shall be necessary to pass any motion in favor of the applicant. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision denying the application. If less than a quorum is present, the hearing may be adjourned from time to time.
- No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he has reviewed the entire record of any such portion of the hearing during which he was absent and has fully informed himself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.
- No member of the Zoning, Planning and Development Commission shall participate in the hearing or disposition of any matter in which that member has a property or pecuniary interest.
- 12.26 Meetings; Hearings; Procedures. Regular meetings of the Zoning, Planning and Development Commission shall be held at the call of the Chairman or as provided by rule of the Zoning, Planning and Development Commission. Special meetings shall be called at the request of the Chairman or of any two members of the Zoning, Planning and Development Commission or of the Mayor and Board of Trustees. All testimony at any hearing of the Zoning, Planning and Development Commission shall be given under oath. The Zoning, Planning and Development Commission shall adopt its own rules of procedure for the conduct of its business. Any rule so adopted that relates solely to the conduct of the Zoning Board of Appeal's hearing and that is not mandated by the Zoning Ordinance may be waived by the Chairman.
- 12.27 Record. The transcript of testimony, if any; the minutes of the Secretary; all applications, requests, exhibits, and papers filed in any proceeding before the Zoning, Planning and Development Commission; and the decision of the Zoning, Planning and Development Commission shall constitute the record. The Zoning, Planning and Development Commission may rely on the personal knowledge of its members, on its inspections of the property, and on any reports available to it; provided, however, that reliance on any specific factual matter or report shall be made a matter of record at the public hearing and every party shall be afforded reasonable time to respond to it.

- 12.28 Decisions. Every recommendation or decision of the Zoning, Planning and Development Commission shall be set forth in its minutes and may include findings of fact; may refer to all the evidence in the record and to the exhibits, plans, or specifications upon which such recommendation or decision is based; may specify the reason or reasons for such recommendation or decision; may contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief or setting forth the recommendation of the Zoning, Planning and Development Commission; and may expressly set forth any limitations or conditions recommended or imposed on any relief granted or recommended or work or uses authorized.

In any case where the Zoning Ordinance provides that the failure of the Zoning, Planning and Development Commission to act shall be deemed a recommendation for grant or denial of an application, such failure shall be considered to be a decision of the Zoning, Planning and Development Commission rendered on the day following the expiration of such fixed period, notwithstanding the absence of required findings and conclusions.

- 12.29 Appeals. An appeal from any final decision of the Zoning, Planning and Development Commission may be taken in the manner provided in Article III of the Illinois Code of Civil Procedure pertaining to administrative review.

12.3 MAYOR AND BOARD OF TRUSTEES.

- 12.31 Jurisdiction. The Mayor and Board of Trustees reserves to itself the final power to determine and approve all zoning applications, including zoning amendments, rezonings, map amendments, amendments to the Zoning Ordinance, variations, special uses, and planned developments.

- 12.32 Public Hearings. The Mayor and Board of Trustees reserve the right to designate another body, including itself, to hear and conduct any public hearing on a zoning application.

- 12.33 Application. The Mayor and Board of Trustees has the right to make a zoning application with regard to any specific property within the Village and with regard to any zoning amendments, rezonings, map amendments, amendments to the Zoning Ordinance, variations, special uses, and planned developments.

- 12.34 Requirements. The requirements of the Zoning Ordinance shall not apply to any zoning application made by the Village.

- 12.35 Ordinance Approval. In the event that the Mayor and Board of Trustees passes an ordinance approving a zoning application, such passage shall be conclusive evidence that all procedural requirements and findings required by the Zoning Ordinance have been met, except with regard to published notice.

12.4 ZONING CERTIFICATES.

- 12.41 Certificates required. No building or structure shall be erected, constructed, reconstructed, enlarged, moved or structurally altered, nor shall any excavation or grading for any building or structure be done, without a building permit. No building permit, and no other permit pertaining to the use of land, buildings, or structures, shall be issued by any employee of the village unless the proposed building or structure and the proposed use thereof comply with all the provisions of this ordinance, nor shall any such permit be issued unless the application for such permit has affixed to it or stamped thereon a certificate of the Building and Zoning Commissioner certifying such compliance. Any permit or zoning certificate issued in conflict with the provisions of this ordinance shall be void.

- 12.42 Application. Every application for a building permit shall also be deemed an application for a zoning certificate, shall be made in duplicate in such form as the Director of Buildings and Inspectional Services may from time to time provide, and shall include:

- A. Plans in duplicate, drawn to scale, showing the actual shape and Dimensions of the lot to be built upon; the sizes and locations on the lot of buildings and structures already existing, if any; the location and dimensions of the proposed building or alteration, the location and dimensions of all proposed off-street parking and loading spaces and access-ways thereto; and such other matters as the Director of Buildings and Inspectional Services may deem necessary to determine conformance with this ordinance.
- B. Information describing the existing and proposed use of each building and land area on the lot; the number of families or dwelling units proposed to be accommodated; and such other matters as the Director of Buildings and Inspectional Services may deem necessary to determine conformance with this ordinance.
- C. A certificate of a registered architect or a registered structural engineer licensed by the State of Illinois, or, if no architect or engineer was employed, affidavits of the owner and builder that the proposed construction and the proposed use thereof comply with all the provisions of this ordinance, or stating the extent of non-compliance. Where the use requires compliance with manufacturing performance standards herein set forth, the certification of a professional engineer, licensed in the State of Illinois and having an expertise in such standards, shall be required.

12.43 Action by Director of Buildings and Inspectional Services. Within fifteen (15) days after the receipt of an application for a zoning certificate, the Director of Buildings and Inspectional Services shall issue the certificate, provided all applicable provisions of this ordinance are complied with, or the Director of Buildings and Inspectional Services shall refuse to issue a zoning certificate and shall advise the applicant in writing of the reasons for the refusal. If the Director of Buildings and Inspectional Services fails to act within fifteen (15) days, the applicant may then file with the Director of Buildings and Inspectional Services a written demand that action be taken immediately. If the Director of Buildings and Inspectional Services fails to act within three (3) days after receipt of said written demand, the applicant may treat the application as denied and may appeal from such denial to the Zoning, Planning and Development Commission.

12.44 Period of validity. No building permit shall be valid for a period longer than one hundred eighty (180) days from the date of its issuance unless the work authorized by it is substantially under way by the end of said period.

12.5 CERTIFICATE OF OCCUPANCY.

12.51 Certificate required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Director of Buildings and Inspectional Services. No such certificate shall be issued unless the proposed use or occupancy complies with all the provisions of this ordinance. Any certificate of occupancy issued in conflict with the provisions of this ordinance shall be void.

12.52 Application. Every application for a building permit shall also be deemed an application for a certificate of occupancy. Where no building permit is required, and application for a certificate of occupancy shall be made to the Director of Buildings and Inspectional Services in such form as he may, from time to time, provide.

12.53 Issuance. No certificate of occupancy for a building, structure or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending issuance of a regular certificate, a temporary certificate may be issued, to be valid for a period not to exceed six (6) months from its date, during the completion of any addition or during partial occupancy of the premises. A certificate of occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate

cannot be issued, not later than fifteen (15) days after the Director of Buildings and Inspectional Services is notified in writing that the building or premises is ready for occupancy.

- 12.54 Period of validity. No certificate of occupancy shall be valid for a period longer than ninety (90) days from the date of its issuance unless the use or occupancy authorized by it shall have been established within such period.

12.6 VARIATIONS.

- 12.61 Authority. In specific cases in which there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance, the Zoning, Planning and Development Commission shall have the power and duty to determine and vary the applications of such regulations, in harmony with their general purpose and intent, but only in accordance with the requirements hereinafter set forth.

- 12.62 Application and notice of hearing. An application for a variation shall be filed in duplicate with the Village Clerk, who shall forward a copy of the application to the Zoning, Planning and Development Commission without delay. The application shall be in such form, contain such information and be accompanied by such plans as the Board may by rule require. The Board shall hold a public hearing on such application not more than sixty (60) days after its filing.

- A. Notice of the time and place of such public hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village. The published notice may be supplemented by such additional form of notice as the Board may provide by rule.
- B. The application shall give notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and to all persons residing on or in possession of portion of the premises whose names are listed on mailboxes, bells or signs on the same premises of all lots lying within one hundred fifty feet (150') of the property lines of the lot for which the variation is sought.

All such notices shall be in writing and shall give the number of the appeals as assigned, the place and purpose of such hearing and the date and time, if known, shall be given not more than thirty (30) days not less than fifteen (15) days in advance of such hearings.

The notice shall be delivered personally or it may be sent by certified or registered mail, properly addressed with sufficient postage affixed thereon, with a return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of the owners of the properties required to be served, the method of service, and the names and addresses of the persons so served with copies of the notice. The affidavit shall be filed with the Chairman of the Zoning, Planning and Development Commission and shall be a presumption of the giving of said notices.

12.63 Standards.

- A. The Zoning, Planning and Development Commission shall not vary the provisions of this ordinance as authorized in this Section unless it shall have made findings based upon the evidence presented to it in the following 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; or,
 3. That the variation, if granted, will not alter the essential character of the locality.

- B. A variation shall be permitted only if the evidence, in the judgment of the Zoning, Planning and Development Commission, sustains each of the three conditions enumerated above.
- C. For the purpose of supplementing the above standards, the Zoning, Planning and Development Commission, in making this determination whenever there are practical difficulties or particular hardship. Shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence.
 1. That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owners 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 out of the property;
 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 unduly 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 and air to adjacent property; or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- D. The Zoning, Planning and Development Commission may require each condition and restriction upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

12.64 Authorized variations. Variations from the regulations of this ordinance shall be recommended by the Zoning, Planning and Development Commission only in accordance with the standards set out in this Section, and may be recommended only in the following instances, and in no others:

- A. To permit any yard or setback less than a yard or a setback required by the applicable regulations.
- B. To permit the use of a lot or lots of record on the effective date of this ordinance for a use otherwise prohibited solely because of insufficient area or width of the lot or lots.
- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required.
- E. To increase the maximum distance that required parking spaces are permitted to be located for the use served.

- F. To increase the gross area of a sign.
- G. To increase the required maximum height of any structure or portion thereof.
- H. To permit a floor area ratio in excess of that permitted by the applicable requirements.
- I. To increase the percentage of lot area which may be occupied by buildings and structures, including accessory buildings.

12.65 Effective period. After recommendation by the Zoning, Planning and Development Commission, the Mayor and Board of Trustees of Trustees may grant a variation, but no order of the Mayor and Board of Trustees of Trustees granting a variation shall be valid for a period longer than one hundred eighty (180) days from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. The Zoning, Planning and Development Commission may recommend, and upon such recommendation, the Board of Trustees may grant, one extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application, and good cause shown, without notice or hearing. If any of the benefits conferred by any variation, whether heretofore or hereafter granted, are abandoned, or are not utilized for any continuous period of one year, said variation shall, to the extent of such abandonment or non-utilization, become void.

12.66 Decisions. Not more than sixty (60) days after the close of the public hearing, the Zoning, Planning and Development Commission shall make its findings of fact and its recommendation, in writing, and shall forthwith transmit a copy thereof to the applicant, and copies to the Mayor and Board of Trustees of Trustees for its final approval and decision. The concurring vote of four (4) members of the Zoning, Planning and Development Commission shall be necessary to recommend a variation.

12.7 APPEALS.

12.71 Authority. The Zoning, Planning and Development Commission shall hear appeals from an administrative order, requirement or determination under this ordinance, and in connection therewith, shall make findings of fact and recommendations to the Mayor and Board of Trustees of Trustees. Final determinations and final decisions on appeals shall be made by said Board of Trustees.

12.72 Scope of appeals. An appeal, in which it is alleged that there is error in any decision made by the Building Zoning Commissioner under this ordinance, may be taken to the Board by any person or governmental agency aggrieved by such decision or by any department, officer, board or bureau of the village. Such an appeal shall be taken, within such times as shall be prescribed by the Board by rule, by filing with the Village Clerk a notice of appeal in such form as the Board may provide by rule. The Director of Buildings and Inspectional Services shall, without delay, forward to the Board a copy of the notice of appeal, together with all of the papers constituting the record upon which the decision appealed from was made.

12.73 Stay of proceedings. An appeal shall stay all proceedings in furtherance of the decision appealed unless the Director of Buildings and Inspectional Services certifies to the Board, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed unless by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Director of Buildings and Inspectional Services and on due cause shown.

12.74 Hearing. The Board shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, including the appellant, the Director of Buildings and Inspectional Services and any other affected party who has requested in writing that he be so notified.

12.75 Decisions. The Zoning, Planning and Development Commission shall make its findings of fact and its recommendation on the appeal within a reasonable time, but in no event more than sixty (60) days after the filing of the notice of appeal, and shall promptly forward a copy of said findings of fact and recommendation to the parties, and copies to the Mayor and Board of Trustees of Trustees for its final approval and decision. The Zoning Board may affirm or may , upon the concurring vote of four (4) members, reverse, wholly or in part, or modify, the decision of the Director of Buildings and Inspectional Services, as in its opinion ought to be done, and to that end shall have all the powers of the Director of Buildings and Inspectional Services. All findings and recommendations, after hearing of the Zoning, Planning and Development Commission on appeals form an administrative order, requirement, decision or determination of the Director of Buildings and Inspectional Services, shall, in all instances, be advisory in nature, and shall be subject to review, determination and final decision by the Board of Trustees.

12.8 SPECIAL USE PERMITS.

12.82 PURPOSE. Special uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

12.83 Procedure.

- A. Application. Applications for special use permits shall be filed with the Zoning, Planning and Development Commission.
- B. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning, Planning and Development Commission.
- C. Action by Zoning, Planning and Development Commission. Within 60 days after the conclusion of the public hearing, the Zoning, Planning and Development Commission shall transmit to the Mayor and Board of Trustees its recommendation either granting the application for a special use permit; granting the application subject to conditions, or denying the application. The failure of the Zoning, Planning and Development Commission to act within such 60 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the proposed special use permit.
- D. Action by Mayor and Board of Trustees. Within 45 days after the receipt of the recommendation of the Zoning, Planning and Development Commission, or its failure to act as above provided, the Mayor and Board of Trustees shall either deny the application or, by ordinance duly passed, shall grant the special use permit, with or without modifications or conditions. The failure of the Mayor and Board of Trustees to act within such 45 days, or such further time to which the applicant may agree, shall be deemed a decision denying the special use permit.

12.84 Standards for Special Use Permits. No special use permit shall be granted pursuant to this Section unless the applicant shall establish that:

- A. Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which the Zoning Ordinance was enacted and for which the regulations of the district in question were established.
- B. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

- C. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
 - D. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
 - E. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
 - F. No-Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
 - G. Compliance with Standards. The proposed use and development complies with all standards imposed on that use and any district where it is a permitted use.
- 12.85 Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Zoning, Planning and Development Commission shall consider:
- A. Public Benefit. Whether and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
 - B. Alternative Locations. Whether and to what extent, such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
 - C. Mitigation of Adverse Impacts. Whether and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
- 12.86 Conditions on Special Use Permits. The Zoning, Planning and Development Commission may recommend and the Mayor and Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the Zoning Ordinance upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services; provided, however, that such conditions shall not be used as a device to grant a permit for a special use that is intended to be temporary in nature. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of the Zoning Ordinance and shall constitute grounds for revocation of the special use permit.

Whenever any special use permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Director of Buildings and Inspectional Services so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Director of Buildings and Inspectional Services, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

12.87 Effect of Issuance of Special Use Permit. The grant of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village.

12.88 Limitations on Special Use Permits Subject to an extension of time granted by the Director of Buildings and Inspectional Services no special use permit shall be valid for a period longer than one year unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

Except when otherwise provided in the Ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and property in question rather than the owner or operator of such use or property.

12.89 Amendments to Special Use Permits. A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section for its original approval.

12.9 AMENDMENTS.

12.91 Authority. The regulations and districts established by this ordinance may be amended, from time to time, by the Mayor and Board of Trustees through the enactment of an amending ordinance. No such amendment shall be made without a public hearing before the Zoning, Planning and Development Commission and after a report of findings and recommendations has been submitted to the Mayor and Board of Trustees by the Zoning, Planning and Development Commission.

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

Applications for amendments shall include a drawing of the property proposed for rezoning showing the dimensions of the property and also showing all streets, alleys and other properties within one hundred fifty feet (150') of the property proposed for rezoning.

12.93 Processing. The process for obtaining an amendment shall be as follows:

- A. An application for an amendment shall be filed with the Village Clerk, and thereafter entered into the records of the first meeting thereafter of the Mayor and Board of Trustees.
- B. A copy of such application shall thereafter be forwarded by the Village Clerk to the Planning Commission with a request to hold a public hearing and submit to the Mayor and Board of Trustees a report of its findings and recommendations.
- C. The Zoning, Planning and Development Commission shall hold a public hearing within sixty (60) days after receiving the application from the Mayor and Board of Trustees.

1. Notice of the time and place of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the village.
2. The applicant shall give notice to the persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and to all persons residing on or in possession of the premises whose names are listed on mail boxes, bells or signs on the said premises, of all lots lying within one hundred fifty feet (150') of the property lines of the lot for which the amendment is sought.

All such notices shall be in writing and shall give the number, if any, assigned to the application, the place and purpose of such hearing and the date and time, if known, shall be given not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing. The notices shall be delivered personally or may be sent by certified or registered mail, properly addressed, with sufficient postage affixed thereon, with return receipt requested. The applicant shall file a sworn affidavit with copies of the notices with the Village Clerk, showing the names and addresses of the persons to whom the notices have been sent. Said affidavit shall be a presumption of the giving of said notices.

- D. The Zoning, Planning and Development Commission shall, within sixty (60) days after the hearing, transmit a written report giving its findings and recommendations to the Mayor and Board of Trustees.

12.94 Decisions. The Mayor and Board of Trustees, upon report of the Zoning, Planning and Development Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Illinois Statutes, or may refer it back to the Zoning, Planning and Development Commission for further consideration.

If no action is taken by the Mayor and Board of Trustees within six (6) months after the report of the Zoning, Planning and Development Commission, the application shall be deemed to have been denied and shall not thereafter be granted.

In case a written protest against any proposed amendment, signed and acknowledged by owners of twenty per cent (20%) of the frontage proposed to be altered, or by the owners of twenty per cent (20%) of the frontage immediately adjoining, or by owners of twenty per cent (20%) of the frontage directly opposite the frontage to be altered, is filed with the Village Clerk, the amendment cannot be passed except on the favorable vote of two-thirds (2/3) of all members of the Mayor and Board of Trustees.

12.10 TEMPORARY PERMITS.

12.10.1 Authority. The Director of Buildings and Inspectional Services is authorized by this ordinance to issue a "temporary permit" for uses specifically authorized in particular zoning districts as temporary permit uses.

12.10.2 Application. An application for a "temporary permit" shall be made to the Director of Buildings and Inspectional Services in writing on a form provided by the village. The Director of Buildings and Inspectional Services in writing on a form provided by the village. The Director of Buildings and Inspectional Services shall issue a permit only after he is satisfied that the use allowed by the "temporary permit" will not adversely affect the public health, safety or general welfare of the Village and/or immediate neighborhood.

12.10.3 Hearing. The Director of Buildings and Inspectional Services may if he so desires, hold a public hearing on the request for a "temporary permit," or may contact the property owners affected by the proposed use regarding their opinion of the use.

12.10.4 Conditions. The Director of Buildings and Inspectional Services may require that certain conditions relating to the public health, safety or general welfare be complied with before the issuance of a “temporary permit.”

12.10.5 Decisions. The Director of Buildings and Inspectional Services shall render a written decision on the application for a “temporary permit” within a reasonable time and promptly forward a copy of the decision to the petitioner. Appeals from the decision of the Director of Buildings and Inspectional Services can be made to the Zoning, Planning and Development Commission.

12.11 FEES.

The Mayor and Board of Trustees shall establish a schedule of fees, charges and expenses required for building permits, zoning certificates, certificates of occupancy, variations, special use permits, temporary use permits, amendments, planned unit development approvals and other matters pertaining to this ordinance. Until all such required fees have been paid, no application for any of the above shall be deemed to have been filed, and no action shall be taken on such application.

All fees shall be paid to the Village Clerk and none shall, in any event, be refunded.

12.12 PENALTIES.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any provision of this ordinance, shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

The owner or tenant of any building, structure or land, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XIII

RULES AND DEFINITIONS

- 13.0 Rules
- 13.1 Definitions

13.0 RULES.

The rules and definitions contained in this Section shall be observed and applied in the interpretation of all other sections herein, except when the context clearly indicates otherwise.

- 13.01 Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.
- 13.02 The word “shall” is mandatory and not discretionary.
- 13.03 The word “may” is permissive.
- 13.04 The word “lot” shall include the words “plot,” piece” and “parcel”; the word “building” includes all other structures or improvements of every kind, regardless of similarity to buildings; and the phrase “used for “ shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
- 13.05 The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- 13.06 The masculine gender includes the feminine and neuter.

13.1 DEFINITIONS.

The following words and terms, when used in this ordinance, shall have the meaning set forth, except where otherwise specifically indicated.

ACCESSORY BUILDING OR USE. An accessory building or use is one which: is subordinate to and serves a principal building or principal use, contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served 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 locate elsewhere than on the same zoning lot with the building or use served. Provided, however, no use that would otherwise be considered an accessory use shall be so deemed if that use is identified separately under the Village of Bridgeview Zoning Ordinance as a principle or special use. Occupies not more than ten per cent (10%) of the area of the lot on which the main building is situated, and which is not higher than the principal building, and which conforms to all setback requirements, and in residentially zoned districts shall not exceed fifteen feet (15’) in height.

ADJACENT. Lying near or in the immediate vicinity.

ADJOINING. Touching or contiguous.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at an adult-use dispensing organization or use at an adult-use processing organization, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary

activities to provide cannabis and cannabis-infused products to licensed adult-use cannabis business establishments, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to adult-use purchasers, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

ADULT-USE CANNABIS INDUSTRIAL ORGANIZATION: An adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, or adult-use cannabis transporting organization.

ADULT-USE CANNABIS INFUSER ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

ADULT-USE CANNABIS ORGANIZATION: An adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, adult-use cannabis dispensing organization or adult-use cannabis transporting organization.

ADULT-USE CANNABIS PROCESSING ORGANIZATION or PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTATION ORGANIZATION: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of an adult-use cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include the commercial feeding of garbage or offal to swine or other animals.

AGRICULTURAL BUILDING OR STRUCTURE. For the purpose of this ordinance, and “agricultural building or structure” shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

ALLEY. A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

APARTMENT. One or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed or occupied as a dwelling unit of a single family, an individual or a group of individuals.

APARTMENT BUILDING. A multifamily dwelling originally designed and constructed to accommodate three or more apartments, designed with more than one dwelling unit connecting to a common corridor or entranceway, in contrast to single or two family dwellings converted for multifamily use.

ALTERATION. A change in size, shape, character, occupancy or use of a building or structure.

AUTO REPAIRS, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, and overall painting or vehicles.

AUTO REPAIRS, MINOR. Incidental repairs, replacement of parts and motor service to automobiles, but excluding any operation specified under “Automobile Repair, Major.”

AUTOMOBILE LAUNDRY. A building, or a portion thereof, which contains facilities for washing more than two automobiles, using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories and minor auto repair, but not including a bulk plant, conduct of major auto repairs, automobile wrecking, automobile sales or automobile laundries; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

AUTOMOBILE SALVAGE YARD. Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

BANQUET HALL: A business conducted on premises which is not the primary activity thereon used for the catering of private parties reserved by individuals, businesses, or groups to accommodate private functions including, but not limited to, banquets, weddings, graduations, birthdays, anniversaries, religious events, school events, and other similar celebrations, and such use may include kitchen facilities for the preparation or catering of food, or outdoor gardens or reception facilities where there is service for consumption of food at tables of a full multiple course meal at a prearranged fixed unit price, or hors d’oeuvres, and buffet or smorgasbord; provided that each of such private parties is prearranged under the sponsorship of a particular person or organization. Live music or other entertainment is permitted. The sale, furnishing, or BYOB of alcoholic beverages for on-premises consumption is not permitted.

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

BILLBOARD. See, SIGN, ADVERTISING.

BLOCK. That property abutting on one side of a street between two (2) nearest intersecting streets, railroad rights of way or natural barriers; provided, however, that where a street curves so that any two chords thereof form an angle of one hundred and twenty (120) degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

BOARD. The Zoning, Planning and Development Commission.

BOARDING HOUSE OR LODGING HOUSE. A building or premises where meals are regularly served by pre-arrangement for definite periods for compensation for three (3) or more persons, not a family, but not exceeding twelve (12) persons, not open to transient guests, in contradistinction to hotels or restaurants open to transients.

BOUNDARY LINE. A line on the Zoning District Map designating the edge of a use district. Such a boundary line may be a boundary line for two use districts depending on the particular use district located on each side of said line.

BUILDABLE AREA. The space remaining on the zoning lot after the minimum open space requirements of this ordinance have been complied with.

BUILDING. A structure having a roof, supported by columns or walls. For the shelter. Support or enclosure of persons. Animals or chattels; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

BUILDING LINE. A line between which and any street line of a district, lot, tract or parcel of land, no buildings or parts of buildings may be erected, altered or maintained.

BUILDING LINE SETBACK. The distance between the building line and the street right of way line.

BUILDING, NON-CONFORMING. See NON-CONFORMING BUILDING..

BUILDING, PRINCIPAL. A non-accessory building in which a principal use on the zoning lot on which it is located is conducted.

BUILDING, UNIT GROUP. Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as universities, hospitals, institutions, churches, and temples, and industrial plants and shopping centers.

DIRECTOR OF BUILDINGS AND INSPECTIONAL SERVICES. The individual appointed by the Mayor by and with the consent of the Board of Trustees, to administer and enforce the zoning ordinance.

BULK. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another, and includes the following: size and height of buildings; location of exterior walls at all levels in relation to lot lines, streets or to other buildings; gross floor area of building in relation to lot area (floor area ratio); all open spaces allocated to buildings; and. amount of lot area per dwelling unit.

BULK PLANT. A bulk storage plant shall mean any place where flammable liquids of 10,000 gallons or more are received by tanker, barge, pipeline, tank car, tank vessel or truck and are stored or blended in bulk for the purpose of distributing such liquids by tank truck, pipeline, tank car, tank vessel or container.

BUSINESS. The work “business” or the word “commerce” when used in this ordinance, means the engaging in the purchase, sale, barter or exchange of goods, wares or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises.

CANNABIS DISPENSING ORGANIZATION: Any adult-use cannabis dispensing organization or medical cannabis dispensing organization.

CANNABIS INDUSTRIAL ORGANIZATION: Any facility operated by an adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, adult-use cannabis transporting organization, medical cannabis cultivation center, medical cannabis craft grower, medical cannabis processing organization, medical cannabis infuser organization, or medical cannabis transporting organization.

CANNABIS ORGANIZATION: Any adult-use cannabis organization or medical cannabis organization.

CARPORIT. A roofed automobile shelter with one or more open sides.

CAPACITY IN PERSONS. The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort and safety.

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

COMMON OPEN SPACE. Land unoccupied by structures, buildings, streets, rights of way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned development. Common open spaces may contain structures for recreational use. No area within thirty feet (30') of any building or structure, except a structure used for recreational use, shall be includable as common open space.

COMMUNITY RESIDENCE. A group or specialized residential care home serving unrelated persons with disabilities living in a family-like setting and constituting a single housekeeping unit. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, for runaway youth, delinquent youth in need of supervision, persons whose primary reason for placement is substance or alcohol abuse, or for treatment of a communicable or other disease.

COMMUNITY RESIDENCE-SMALL. A community residence serving 8 or fewer persons with disabilities in a family-like atmosphere.

COMMUNITY RESIDENCE-LARGE. A community residence serving 9 to 15 persons with disabilities.

CORNER LOT. See LOT, CORNER.

COURT. An open unoccupied space other than a yard, on the same lot with a building, which is totally or partially enclosed by a building or buildings and is completely open to the sky.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the "curb level".

DENSITY. The numerical value obtained by dividing the total dwelling units in a development by the gross area of the tract of land upon which the dwelling units are located.

DISTRICT. A portion of the incorporated territory of Bridgeview within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

DRIVE-IN-ESTABLISHMENT. An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

DRIVE-THRU WINDOW. A window which provides service by a person or a mechanical device directly to a customer in a motor vehicle.

DWELLING. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one family dwelling units, two family dwelling units and multifamily dwelling units, but not including hotels, boarding or lodging house.

DWELLING UNIT. One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

DWELLING, ATTACHED (Group, row or town houses.) A dwelling containing two (2) or more dwelling units and joined to other dwellings by party wall or walls, originally constructed for said purpose.

DWELLING, CONVERTED. Any building which was originally designed and constructed as one, two or three family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

DWELLING, DETACHED. A dwelling which is surrounded on all sides by open space on the same lot.

DWELLING, MULTIFAMILY. A dwelling containing three (3) or more dwelling units, originally constructed for said purpose, and not including converted dwellings.

DWELLING, SEMI-ATTACHED. A dwelling which is joined to another dwelling by a garage, carport, recreation structure or other non-residential facility.

DWELLING, SINGLE FAMILY. A dwelling containing accommodations for and occupied by one family only.

DWELLING, TWO FAMILY. A building designed exclusively for occupancy by two families living independently of each other.

DWELLING, GROUND FLOOR AREA. The first floor area in square feet measured from the outside of the exterior walls, but excluding cellars, basements, open porches, breezeways, garages and other infrequently used spaces.

EDUCATIONAL INSTITUTION. A public, parochial, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

ELEEMOSYNARY AND PHILANTHROPIC USES. A building or group of buildings supported by and devoted to charity.

FAMILY. An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than three persons (excluding servants) not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

FENCE. Any construction of wood, metal, wire mesh, masonry or other material, erected for the purpose of assuring privacy or protection.

FLOOR AREA. (For determining floor area ratio.) The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level, off-street parking space, elevator shafts, and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet, ten inches (7'10") or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses.

The "floor area" of structures, devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of the height of such structures in feet; ten feet (10') in height shall be deemed to be equal to one floor (if a structure measures more than five feet (5') over such floor equivalent, it shall be construed to have an additional floor.)

FLOOR AREA RATIO. The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot.

FRONTAGE. All the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, BUS OR TRUCK. A building which is used or intended to be used for the storage of motor vehicles; trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half tons capacity.

GARAGE, PRIVATE. A detached accessory building or portion of the main building, designed, arranged, use or intended to be used for the storage of passenger automobiles of occupants of the premises.

GARAGE, PUBLIC. A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half tons capacity.

HEIGHT OF BUILDING. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

HOME OCCUPATION. An accessory use of a dwelling unit which is utilized for gainful employment involving the manufacture, provision or sale of commodities and/or services by a member of the family who is residing in the dwelling unit in which the home occupation is being conducted.

HOTEL. A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding house, a lodging house or an apartment hotel, which are separately defined.

HOTEL, APARTMENT. A hotel in which at least ninety per cent (90%) of the hotel accommodations are occupied by permanent guests.

HOSPITAL OR SANITARIUM. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week, of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital" as used in this ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts or other types of cases necessitating restraint of patients and the term "hospital" shall not include convalescent, nursing, shelter or boarding houses.

JUNK YARD. Any parcel of land where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

JUNKER. An automobile, truck or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or such a vehicle which does not comply with state or village laws or ordinances.

KENNEL, COMMERCIAL. Any lot or premises or portion thereof on which more than four (4) dogs or cats, or other household domestic animals over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

LIMITED ACCESS HIGHWAY. A traffic way, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LOADING AND UNLOADING SPACE, OFF-STREET. An open, hard-surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers. Such space is not less than ten feet (10') in width thirty five feet (35') in length, and fourteen feet (14') in height, exclusive of access aisles and maneuvering space.

LOT. A parcel of land occupied or to be occupied by one building and accessory buildings and uses, or a unit group of buildings and including the open spaces required under these regulations. A lot may be land so recorded on official records or it may include parts or a combination of such lots when adjacent to one another, provided such ground is used for only one improvement, or may be a parcel of land described by metes and bounds.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lot line.

LOT, CORNER. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty (120°) degrees or less measured on the lot side.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or building and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot other than a corner lot having frontage on two (2) or more streets. An alley shall not be considered a street.

LOT, FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this Section.

LOT, INTERIOR. A lot other than a corner or reversed corner lot.

LOT, REVERSED CORNER. A corner lot at right angles or approximately right angles to the general pattern of the area.

LOT LINE, FRONT. The front property line of a zoning lot.

LOT LINE, INTERIOR. A side lot line common with another lot.

LOT LINE, REAR. The rear lot line is the lot line or lot lines most nearly parallel to the most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

LOT OF RECORD. A lot which is a part of a subdivision, the plat of which has been legally recorded.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

MARQUEE OR CANOPY. A roof like structure of a permanent nature which projects from the wall of a building and overhangs the public way.

MASTER PLAN. The officially adopted Master Plan of the Village of Bridgeview.

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed medical cannabis dispensing organizations, per the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

MEDICAL CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to registered qualifying patients, per the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

MEDICAL CANNABIS INDUSTRIAL ORGANIZATION: A medical cannabis cultivation center, medical cannabis processing organization, medical cannabis infuser organization, or medical cannabis transporting organization.

MEDICAL CANNABIS INFUSER ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Compassionate Use of Medical Cannabis Program Act, as amended, and regulations promulgated thereunder.

MEDICAL CANNABIS ORGANIZATION: A medical cannabis cultivation center, medical cannabis processing organization, medical cannabis infuser organization, medical cannabis dispensing organization, or medical cannabis transporting organization.

MEDICAL CANNABIS PROCESSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Compassionate Use of Medical Cannabis Program Act, as amended, and regulations promulgated thereunder.

MEDICAL CANNABIS TRANSPORTING ORGANIZATION: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a medical cannabis business establishment, per the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

MOBILE HOME. Any vehicle or similar portable structure designed, used or so constructed as to permit its being used as a conveyance upon the public streets and to permit the year-round occupancy thereof for one or more persons.

MOBILE HOME PARK. A parcel or tract of land developed with facilities for locating here or more mobile homes, provided each mobile home contains kitchen, flush toilet and shower or bath, and that such mobile home park shall be for use only by non-transient dwellers remaining continuously for more than one month, whether or not a change is made. It shall not include a sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale.

MOTOR VEHICLE REPAIR, MAJOR AND MINOR. See AUTO REPAIR, MAJOR AND MINOR.

MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than fifty per cent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

MOTOR VEHICLE. Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

NON-CONFORMING BUILDING. A building or structure or portion thereof lawfully existing at the time of adoption of this ordinance, or amendment thereto, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

NON-CONFORMING USE. A use which lawfully occupies a building or land at the time of adoption of this ordinance, or amendment thereto, and which does not conform with the use regulations of the district in which it is located.

NURSERY, CHILD CARE. An establishment for the part time care of five (5) or more children or pre-elementary school age, in addition to the members of the family residing therein,

NURSING HOME. A home for the aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those members of the immediate family residing on the premises, are received, kept or provided with food and shelter or care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

OPEN SALES LOT. Land used or occupied for the purpose of buying or selling merchandise stored or displayed out of doors prior to sale. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats and monuments.)

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matters, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include:

- Closed cup flash point is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.
- Decibel is a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.
- Earthborne vibrations is the periodic displacement, measured in inches, of earth. Continuous vibrations include those of a frequency greater than ten (10) per hour. Impulsive vibrations include those of a frequency greater than eight (8) per twenty-four (24) hours, but less than ten (10) per hour.
- Foot candle is a unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candle power.
- Free burning implies a rate of combustion described by material which burns actively, and easily supports combustion.
- Frequency signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.
- Impact noise is a short duration sound which is incapable of being accurately measured on a sound level meter.
- Impulsive noise is a sound which is no longer than two (2) seconds in duration, followed by no less than a two second rest.
- Intense burning implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
- Moderate burning implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.
- Noxious matter is a material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
- Octave band is a prescribed interval of sound frequencies which permits classifying sound according to its pitch.
- Odor threshold is the lowest concentration of odorous substance in the air that will produce a response in the normal human nose.
- Odorous matter is any matter or material that yields an odor which is offensive in any way.
- Particulate matter is dust, smoke, or any other form of airborne pollution in the form of minute separate particles.
- Ringelmann Chart is one which is described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

- Slow burning or incombustible implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of 1200°F. shall be designated “incombustible”.
- Smoke is small gasborne particles other than water that form a visible plume in the air.
- Sound level of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.
- Toxic matter are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

PLANNED UNIT DEVELOPMENT. A tract of land which is developed as a unit under single ownership or unified control, which includes two (2) or more principal building or uses, and is processed under the planned development procedure of this ordinance.

PORCH. A roofed-over structure projecting out from the wall or wall of a main structure and commonly open to the weather in part.

PROPERTY LINE. An imaginary line at the edge or boundary of a zoning lot.

PUBLIC WAY. Any sidewalk, street, alley, highway or other public thoroughfare.

PUBLIC UTILITY. Any person, firm or corporation duly authorized to furnish under public regulation to the public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

RAILROAD RIGHT OF WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

RELIGIOUS INSTITUTION. A building in which persons regularly assemble for religious worship or intended primarily for purposes connected with such worship.

RESERVOIR PARKING. Off-street parking spaces or lot area allocated to temporary standing motor vehicle awaiting entrance to a particular establishment.

REST HOME OF NURSING HOME. A private home for the care of children or the aged or infirm or any other person in need of nursing care. Such home does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

RESEARCH LABORATORY. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of product, except as incidental to the main purpose of the laboratory.

RESTAURANT. A business where the dispensing of edible foodstuff and/or beverages on the premises is the principal business operation; including a café, cafeteria, coffee shop, lunch room, tea room and dining room, but not including a drive-in restaurant.

RESTAURANT, DRIVE-IN OR CARRY OUT. A restaurant, whose principal business operation is the dispensing of edible foodstuff and/or beverages, ready for consumption on the premises, in automobiles, at outdoor tables, or at stand-up counters, or to be carried off the premises. One or more of the following conditions shall prevail: 1) the total seating area located within the enclosed portion of the premises shall be less than fifty percent (50%) of the total floor area; or 2) the total automobile parking spaces on the premises shall exceed the total indoor seats provided for customers.

RETAIL, RETAIL STORE. Sale to the ultimate consumer for direct consumption and not for resale.

SCHOOL. A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including pre-kindergarten, kindergarten, elementary school and junior and senior high schools, but not excluding trade, business or commercial schools.

SETBACK. The minimum horizontal distance between the street wall of a building and the street property line.

SIGN. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

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

SIGN, FLASHING. Any illuminated sign on which the artificial light is not maintained stationary and/or is constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any revolving, illuminated 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 and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. In the case of a sign with two (2) visible surfaces, the gross surface area shall be the sum of both sides of the sign.

SIGN, GROUND. A sign which is supported by one or more uprights or braces in or upon the ground.

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

SIGN, PROJECTING. A sign which is affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure more than eighteen inches (18")

SPECIAL USE. A specific use of land or buildings, or both, described and permitted herein, subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a permitted use.

STORAGE, OUTDOOR. The outdoor accumulation of vehicles, equipment or products, or materials for permanent or temporary holding. No unlicensed vehicle shall be permitted as "outdoor storage" under any zoning classification unless that vehicle is classified as an "antique".

STORY. That portion of a building included between the surface of any floor and the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

STORY, HALF. That portion of a building 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 feet (4 ½') above the finished floor of such story. In the case of one family dwelling, two family dwellings and multifamily dwellings less than three (3) stories in height, a half-story in a sloping roof shall not be counted as a story for the purposes of this ordinance. In the case of multifamily dwellings three (3) or more stories in height, a half-story shall be counted as a story.

STREET. All property dedicated or intended for public highway, freeway or roadway purposes or subject to public easements, including the sidewalk and parkway areas.

STREET FRONTAGE. All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead end street, all of the property along one side of a street between an intersecting street and the end of such dead end streets.

STREET LINE. The division line between private property and a dedicated street or way, usually uninterrupted from corner to corner in any given block.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, to advertising signs, billboards, back stops for tennis courts and pergolas.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

TERRACE, OPEN AND PATIO. A level plane or platform which, for the purpose of this ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

THROUGH LOT. A lot having its front and rear lot lines on adjacent and substantially parallel streets, otherwise known as a double-frontage lot.

TRAILER. A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and has been or reasonable may be equipped with wheels or other devices for transporting the structure from place. The term trailer shall include "camp car" and "house car". A permanent foundation shall not change its character unless the entire structure is erected in accordance with the village building code.

TRAILER, HOUSE. See MOBILE HOME.

UNIFIED CONTROL. The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned development.

USE. The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

USE, LAWFUL. The use of any 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 examined.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be either a permitted use or a special use.

USE, SPECIAL. See SPECIAL USE.

USED CAR LOT. A zoning lot on which used or new cars, trailers or trucks are displayed for sale or trade outside of buildings.

UTILITY SHED. A free standing metal or wood shelter not more than eighty-four inches (84") in height, consisting of four walls and a roof with an access door and having a maximum floor area of one hundred (100) square feet when located on a lot improved with a single family or two family residence and having a maximum square foot floor area limitation of thirty (30) square feet per dwelling unit, up to a maximum floor area of one

hundred eighty (180) square feet when located on a lot improved with a multifamily structure, such shed to be utilized for storage of domestic articles regularly used by the occupants of the premises.

VALUATION. For the purpose of this ordinance, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation.

VILLAGE PLANNER. The individual appointed by the Mayor by and with the consent of the Board of Trustees, to function, when authorized by ordinance or by the Mayor, in the administrative review of specific planning and zoning applications.

WHOLESALE. Sale for resale, not for direct consumption.

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

YARD, FRONT. A yard extending across the full width of the zoning lot in accordance with the setback requirements of this ordinance. (See definition of “setback”.)

YARD, REAR. A yard extending across the rear of the lot between the side yards. Double frontage and reverse corner lots will have no rear yard.

YARD, SIDE. A yard extending from the rear line of the front yard to the lot line most nearly parallel to that rear line.

ZONING LOT. A parcel of land of sufficient size to meet the minimum requirements of this ordinance concerning use, coverage, width, area, yards and other open space and having frontage on an improved public street.

ZONING MAP. The map or maps incorporated into this ordinance as a part hereof, designating zoning districts.

ARTICLE XIV

ADULT USES

- 14.0 Definitions
- 14.1 Registration
- 14.2 Exterior Display
- 14.3 Existing Adult Uses

14.0 DEFINITIONS.

- 14.01 Adult Bookstore means an establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for rent, sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities,” or “specified anatomical areas;” or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.
- 14.02 Adult Entertainment Cabaret means a public or private establishment which (i) features nude or semi-nude dancers, strippers, male or female impersonators; (ii) not infrequently features entertainers who display “specified anatomical areas”; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designated primarily to appeal to the prurient interest of the patron; or (iiii) entertainers who engage in or are engaged in explicit simulation of “specified sexual activities”.
- 14.03 Adult Motion Picture Theater means a building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- 14.04 Adult Use means adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.
- 14.05 Specified Sexual Activities means (i) human genitals in the state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse or sodomy; and (iii) fondling or other erotic touching of human genitals, public region, buttock or female breasts.
- 14.06 Specified Anatomical Areas means: (a) a less than completely and opaquely covered: (i) human genitals, public region, (ii) buttock; and (iii) female breasts below a point immediately above the top of the areola; and, (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 14.07 Semi-Nude means a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breasts without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human make genitals in a discernibly turgid state even if completely and opaquely covered.

14.1 REGISTRATION.

The owner of a building or premises, his agent for the purposes of managing, controlling or collecting rents or any other person managing or controlling a Building or premises any part of which contains an adult use, shall register the following information with the Village Clerk:

- A. The address of the premises;
- B. The name of the owner of the premises and names of the beneficial owners if the property is in a land trust;
- C. The address of the owner and the beneficial owners;
- D. The name of the business or establishment;
- E. The name(s) and address(es) of the owner, beneficial owner or the major stockholders of the business or establishment;
- F. The date of initiation of the adult use;
- G. The nature of the adult use;
- H. If the premises or building is leased, a copy of said lease must be attached.

14.2 EXTERIOR DISPLAY.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

14.3 EXISTING ADULT USES.

Any adult use which existed lawfully, but which became nonconforming upon the adoption of this Section to the Zoning Ordinance, may be continued as hereinafter provided:

- A. Upon written notice from the Village to the owners or interests therein that any building, structure, lot or regulated use is nonconforming under the provisions of the Zoning Ordinance as amended, the owners or interests therein shall, within two months from the date of such notice, apply to the Village Clerk for a Certificate of Non conformance.
- B. Failure to apply for a Certificate of Nonconformance within two months of the notice provided in (A) above will require the amortization of the nonconformance within six months of the notice provided for in (A).
- C. Nonconformances that have applied for the Certificate of Nonconformance from the Village Clerk shall be discontinued within one year of the notice provided in (A) above.

ARTICLE XV

COMMUNITY RESIDENCES

- 15.0 Responsibility
- 15.1 Application for Community Residence Permits
- 15.2 Community Residence Permits

15.0 RESPONSIBILITY.

The primary responsibility for enforcement of all regulations in the Zoning Ordinance pertaining to community residences, certifications and the issuance of administrative permits, shall be in the Mayor and Board of Trustees. The primary responsibility for the issuance of a building permit, construction and compliance with all building regulations including issuance of an occupancy permit that construction complies with the Building Code shall remain with the Director of Buildings and Inspectional Services.

15.1 APPLICATION FOR COMMUNITY RESIDENCE PERMITS.

In every application for a community residence permit or certification, the applicant shall demonstrate that it has either obtained or is eligible for state or local licensing or certification to operate the proposed community residence, or that the proposed community residence is licensed or certified or eligible for licensing or certification. Applicants to operate community residences for which the state does not require licensing or certification shall obtain a special use permit prior to obtaining an occupancy certificate. The Mayor and Board of Trustees shall issue such permits or certifications administratively. The Mayor and Board of Trustees may revoke a certificate of occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residences, is revoked. A certificate of occupancy is not transferable to another operator or to another location.

15.2 COMMUNITY RESIDENCE PERMITS.

No building permit or occupancy permit, administrative or otherwise, shall be issued unless it is found that such application conforms with the following standards:

- 15.21 That it complies with zoning requirements.
- 15.22 That it meets all the qualifications for a group home set forth in law.
- 15.23 That it complies with the current Building Code, Fire Prevention Code and Property Maintenance Code.
- 15.24 That it complies with all state and federal building and occupancy requirements.
- 15.25 That it is duly licensed and certified by the state.
- 15.26 That it would not create an institutional setting.
- 15.27 That adequate off-street parking is provided.
- 15.28 That parking on streets will not interfere with other resident street parking.
- 15.29. That the building is so designed that it will fit in with the character of the neighborhood in which it is being located; that is, provide a home-like atmosphere.

ARTICLE XVI

CANNABIS ORGANIZATIONS

- 16.0 Purpose and Applicability
- 16.1 Procedure
- 16.2 Cannabis Organization Components
- 16.3 Cannabis Industrial Organizations
- 16.4 Cannabis Dispensing Organizations
- 16.5 Locational Restrictions
- 16.6 Additional Requirements

16.0 PURPOSE AND APPLICABILITY.

It is the intent and purpose of this article to provide regulations regarding the operation of cannabis organizations within the corporate limits of the Village of Bridgeview. Such organizations shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act, as may be applicable, as may be amended from time to time (the "Acts"), regulations enacted pursuant to authority granted through the Acts, and the regulations provided herein. In the event that the Acts are amended, the more restrictive of the state or Village regulations shall apply.

16.1 PROCEDURE.

Cannabis organizations shall be located in such zoning districts as are authorized by this Bridgeview Zoning Ordinance, and applications for such use shall be processed in accordance with the provisions of Section 12.8 of the Bridgeview Zoning Ordinance. No cannabis organization shall be sited, opened or operated unless specifically authorized under and pursuant to the Acts and this Bridgeview Zoning Ordinance.

16.2 CANNABIS ORGANIZATION COMPONENTS.

In determining compliance with Section 12.8 of the Bridgeview Zoning Ordinance, the following components of the cannabis organization shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of other properties in the vicinity:

- 16.2.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- 16.2.2 Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
- 16.2.3 Hours of operation and anticipated number of customers/employees.
- 16.2.4 Anticipated parking demand based and available private parking supply, including any unique demand for handicapped parking.
- 16.2.5 Traffic generation and adjacent roadway capacity.
- 16.2.6 Site design, including access points, internal site circulation and commercial vehicle loading, unloading and parking.
- 16.2.7 Proposed signage plan.
- 16.2.8 Proximity to a public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, a public park, or any property lawfully used in a residential manner or any residential zoning district.

- 16.2.9 Compliance with all requirements provided in Section 16.3 (Cannabis Industrial Organization) or Section 16.4 (Cannabis Dispensing Organization), as applicable.
- 16.2.10 Other criteria determined to be necessary to assess compliance with subsection 12.84 and 12.85 of the Bridgeview Zoning Ordinance.

16.3 CANNABIS INDUSTRIAL ORGANIZATIONS.

In those zoning districts in which cannabis industrial organizations may be located, the proposed organization must comply with the following:

- 16.3.1 No retail sale or distribution of cannabis or cannabis infused products shall be permitted on the premises of a cannabis industrial organization.
- 16.3.2 The on-site consumption of cannabis or a cannabis-infused products shall be prohibited on the premises of a cannabis industrial organization.
- 16.3.3 At least 75% of the floor area of any tenant space occupied by a cannabis industrial organization shall be devoted to the activities of the organization.
- 16.3.4 Any cannabis transporting organization shall be the sole use of the tenant space of the building in which it is located.
- 16.3.5 For purposes of determining required parking, cannabis industrial organizations shall be classified as "Production and Assembly" per Section 10.08 of the Bridgeview Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 16.2 of the Bridgeview Zoning Ordinance.

16.4 CANNABIS DISPENSING ORGANIZATIONS.

In those zoning districts in which cannabis dispensing organizations may be located, the proposed organization must comply with the following:

- 16.4.1 A cannabis dispensing organization may not be located in a house, apartment, condominium or a building devoted in whole or in part to a residential use.
- 16.4.2 A cannabis dispensing organization may not have drive-thru service.
- 16.4.3 Space occupied by a cannabis dispensing organization shall not be occupied or shared by any other business or tenant, or used for any other purpose other than a cannabis dispensing organization.
- 16.4.4 The on-site consumption of cannabis or cannabis-infused products shall be prohibited on the premises of a cannabis dispensing organization.
- 16.4.5 Cannabis dispensing organization shall only operate between the hours of 8:00 AM and 9:00 PM.
- 16.4.6 A cannabis dispensing organization may not engage in any activity authorized to be conducted by or in a cannabis industrial organization.
- 16.4.7 At least 90% of the floor area of any facility occupied by a cannabis dispensing organization shall be devoted to the activities of the cannabis dispensing organization. For purposes of calculating the total square footage dedicated to retail sales, that portion of the floor area dedicated to the distribution of cannabis or cannabis infused products shall be excluded from this calculation; all floor area dedicated to the sale of other cannabis products and/or paraphernalia shall be included.

16.4.8 For purposes of determining required parking, cannabis dispensing organizations shall be classified as "Health Services Offices" per Section 10.05 of the Bridgeview Zoning Ordinance except that 6 parking spaces shall be provided for each cannabis dispensing organization agent working on the property, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 16.2 of the Bridgeview Zoning Ordinance.

16.5 LOCATIONAL RESTRICTIONS.

The following locational restrictions shall govern cannabis organizations in addition to those set forth in the Acts and this Article XVI:

16.5.1 All cannabis organizations are prohibited, and no person shall locate, operate, own, suffer, or allow to be operated a cannabis organization in any residential zoning district.

16.5.2 No other cannabis organization, of any type, shall be allowed, and no person shall locate, operate, own, suffer, or allow to be operated a cannabis organization within any zoning district unless specifically authorized in accordance with the provisions of this chapter.

16.5.3 The operation of any cannabis organization in violation of the provisions of this article is hereby declared a public nuisance and may be abated by all available remedies afforded under the law.

16.6 ADDITIONAL REQUIREMENTS.

Petitioner shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees and customers of the cannabis organizations. Said improvements may be required by the Village in excess of those security measures required by the Acts.