

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

June 5, 2020

COMBINED PLANNING/ZONING BOARD AGENDA **Tuesday, June 9, 2020**

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of May 5, 2020 Minutes
 - 2. Review of Zoning Code

- B. New Business

BOARD OF APPEALS

- A. Old Business
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

Combined Planning and Zoning Board
Tuesday, May 5, 2020 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:01 p.m. on Tuesday, May 5, 2020 via the Zoom Application by Chairperson Steve Woodward. Members present via Zoom were Chairperson Steve Woodward, Dirk Downen, Rita Green (absent), Kevin, Groth, Gary Henning, Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson. Guests present: Tim Pruett from Rhutasel, Trustee Mike Blaies and Trustee Mike Heap.

PLAN COMMISSION:

A. Old Business:

1. Approval of February 25, 2020 and April 14, 2020 Minutes: Gary Henning motioned to approve the February 25, 2020 minutes and Gary Mack seconded the motion. All voting yea, the motion carried. Gary Henning motioned to approve the April 14, 2020 minutes and Dirk Downen seconded the motion. All voting yea, the motion carried.
2. Edison Estates Engineering Plans: Tim Pruett advised the Village sent the plans to TWM for their review. He addressed all of their comments. Zoning Administrator Matt Trout said he and Public Works Director John Tolan were present at the fire flow testing performed by Ehret. No-one felt confident with that test, so the Village asked Boyer Fire Protection to conduct the test. Matt advised the Boyer representative was very confident we would get our numbers. Tim advised the result was 1,007 gallons per minute at 36 psi. Lee asked if everything was document, and Matt said yes. Matt also stated this was done more to protect everyone to make sure we had the correct flow. Gary Henning asked if the first test failed, and Matt said no. We were not confident with the human errors. Tim felt the Ehret guy didn't run this test on a regular basis or write anything down. Based on what he told us, the result came in anywhere from 980 – 1250. Tim felt there was a better way to do this test. Lee believed Boyer was a better choice to conduct the test since that firm is a fire engineering firm and Ehret is a plumbing company. Matt explained Ehret was just the first name that came to them.

Matt stated Rhutasel redid the drainage reports which consisted of changing the size of the pipe coming out of the detention area, and adding different riprap for maintenance purposes. All of the Village concerns have been addressed. Both Matt and John are satisfied with the changes that have been made. Gary Mack asked what the minimal amount of flow is to put out fire, and Lee advised for a subdivision it is 1,000 gallons permit at 20 psi for 2 hours.

Dirk Downen left the meet at 6:17 p.m. and came back on at 6:20 p.m. Tim Pruett left the meeting at 6:20 p.m.

Gary Mack motioned to approve the Edison Estates Engineering Plans and Gary Henning seconded the motion. ROLL CALL VOTE: Gary Mack – yea; Gary Henning – yea; Dirk Downen – absent from vote; Rita Green – absent; Kevin Groth – yea; Lee Smith – yea; Steve Woodward -yea. With 5 yeas, 0 nays and 2 absent, motion carries.

Matt advised he is still trying to think of a way we can work on the zoning code. He will see if we can set it up in the board room and distance everyone.

B. New Business:

BOARD OF APPEALS:

A. Old Business: None.

B. New Business: None.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Gary Mack motioned to adjourn the meeting at 6:23 p.m. and Gary Henning seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

ARTICLE III – PLANNED DEVELOPMENTS

40-3-1 **DEFINITION.** As used in this subchapter, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

- (A) Common open space is reserved;
- (B) Various housing types and other structures and uses may be mixed;
- and/or
- (C) Overall average density does not exceed the usual zoning district limit.

~~(Sec. 155.050)~~

40-3-2 **OBJECTIVES.** This Section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following additional objectives:

- (A) To provide a regulatory mechanism whereby the Village can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) To permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) To preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) To encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) To ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) To facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

~~(Sec. 155.051)~~

40-3-3 **COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.**

Except as specifically provided otherwise in this Chapter, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including the Zoning Code and the Subdivision Code. ~~(Sec. 155.052)~~

40-3-4 **DISTRICTS WHERE ALLOWED.**

Planned Developments may be built in any Zoning District, but only upon approval by the Village Board after a hearing before the **Combined Planning and Zoning Board**. ~~(Sec. 155.053)~~

40-3-5 **PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.**

The Planned Development concept is intended to afford both the developer and the Village considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

Formatted: Font: Bold

ZONING CODE 40-3-6

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the **Village Board**, provided that in approving such mixed uses, the **Village Board** may attach any conditions necessary to protect the public welfare.

Formatted: Font: Bold

Formatted: Font: Bold

(B) **Lot and Structure Requirements.** In Planned Developments, the **Village Board** may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

Formatted: Font: Bold

(C) **Accessory Uses.** In PDs the **Village Board** may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

Formatted: Font: Bold

(D) **Location of Parking/Loading Spaces.** By permission of the **Village Board**, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Section 40-15-1 et seq.**
(~~Sec. 155.054~~)

Formatted: Font: Bold

40-3-6 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) Filing development plan with the Zoning Administrator;
- (B) Review of plans by Combined Planning and Zoning Board;
- (C) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (D) Public hearing by the Combined Planning and Zoning Board as per the requirements of **Section 40-19-1 et seq.**;
- (F) Recommendation of the Combined Planning and Zoning Board regarding approval/rejection of the development plan and advisory report;
- (G) Approval of Village Board;
- (H) Recording of development plan with the County Recorder of Deeds.

(~~Sec. 155.055~~)

40-3-7 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

- (A) **Written Documents.**
 - (1) Legal description of the total site proposed for development;
 - (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
 - (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

ZONING CODE 40-3-8

- (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, and the like.
- (6) Data indicating:
 - (a) Total number and type of proposed dwelling units;
 - (b) Gross and net acreage of parcel;
 - (c) Acreage of gross and usable open space; and
 - (d) Area of any commercial uses.

(B)

Graphic Materials.

- (1) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (2) Proposed lot lines and plot designs;
- (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and nonresidential) and other structures and facilities;
- (4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.
- (11) Appropriate seals of the licensed surveyor, engineer, or architect.

~~(Sec. 155.056)~~

40-3-8 ADVISORY REPORT: CRITERIA CONSIDERED. The Combined Planning and Zoning Board shall submit to the Village Board a written advisory report concerning acceptance/rejection of the Development Plan. In making its recommendation, the Combined Planning and Zoning Board shall consider the following criteria:

40-36

[2014]

ZONING CODE 40-3-9

(A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D) The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E) Any other reasonable criteria that the ~~Zoning Board of Appeals~~ Combined Planning and Zoning Board may devise.

~~(Sec. 155.057)~~

Formatted: Not Highlight

40-3-9 DECISION BY VILLAGE BOARD. After the Combined Planning and Zoning Board has conducted a public hearing and submitted its advisory report, the Village Board shall, by resolution, either approve or disapprove each and every PD Development Plan. However, the Village Board shall not approve any PD unless:

(A) The developer has posted a performance bond or deposited funds in escrow in the amount equal to 50 percent of the cost of constructing the required improvements as certified by a registered professional engineer of Illinois;

(B) The Village Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-10** shall not be deemed as noncomplying.)

~~(Sec. 155.058)~~

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

40-3-10 CHANGES IN APPROVED PLANS. No changes shall be made to any approved PD Development Plan, except as follows:

(A) Minor changes, which do not substantially affect the design or intent of the final development plan and are required by engineering or other circumstances not foreseen at the time the final development plan was approved, shall be submitted to the Village upon written application to the Zoning Administrator.

(B) Approval or denial of all minor changes shall be returned in writing to the applicant by the Zoning Administrator.

(C) All other changes shall require a public hearing before the Combined Planning and Zoning Board and a resolution by the Village Board.

(D) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan.

~~(Sec. 155.059)~~

ZONING CODE 40-3-11

40-3-11 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his or her discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

Formatted: Font: Bold

ZONING CODE 40-3-12

- ____(A) The approval of the PD shall be automatically revoked;
(B) Any zoning permits shall automatically become null and void; and
(C) All regulations applicable before the PD was approved shall automatically
be in full effect.
~~(Sec. 155.060)~~

40-3-12 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the Village shall be exempt from all of the provisions of this subchapter. ~~(Sec. 155.061)~~

40-3-13 SCHEDULE. Every applicant for Planned Development approval shall comply with the schedule requirements of this Section.

(A) The required procedures are as follows:

- ____(1) Filing development plan with the Zoning Administrator;
- ____(2) Review of plans by Combined Planning and Zoning Board;
- ____(3) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- ____(4) Public hearing by the Combined Planning and Zoning Board as per the requirements of Section 40-19-1 et seq.;
- ____(5) Recommendation of the Combined Planning and Zoning Board regarding approval/rejection of the development plan and advisory report;
- ____(6) Approval of Village Board;
- ____(7) Recording of development plan with the County Recorder of Deeds.

Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

____(B) Written Documents

- ____(1) Legal description of the total site proposed for development;
- ____(2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- ____(3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- ____(4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- ____(5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, and the like.
- ____(6) Data indicating:
 - ____(a) Total number and type of proposed dwelling units;
 - ____(b) Gross and net acreage of parcel;
 - ____(c) Acreage of gross and usable open space; and
 - ____(d) Area of any commercial uses.

ZONING CODE 40-3-12

(C) Graphic Materials.

(1) Existing site conditions, including contours at ten (10) foot intervals and locations of watercourses, flood plains, unique natural features, and wooded areas. **Provide prior to the Final Plat being approved for the development:**

(2) Proposed lot lines and plot designs;

(3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and nonresidential) and other structures and facilities;

(4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;

(5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);

(6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

(7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines. **Provide prior to the Final Plat being approved for the development:**

(8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

(9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;

(10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.

(11) Appropriate seals of the licensed surveyor, engineer, or architect.

(D) Residential Development. For Residential Planned Development proceed to Chapter 34, Subdivision Code of the Village of Freeburg Code of Ordinances.

Formatted: Justified, Indent: First line: 0.5"

Formatted: Left, Tab stops: 0.78", Left

ZONING CODE 40-3-12

40-4-0 PRINCIPLE and ACCESSORY USE DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Formatted: Font: Bold
Formatted: Indent: First line: 0", Tab stops: 0.78", Left

AGRICULTURE. Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture or animal/poultry husbandry. The term encompasses the farmhouse and accessory uses and structures customarily incidental to agricultural activities.

AGRICULTURAL IMPLEMENT SALES. Establishment or place of business primarily engaged in sale from the premises of tractors, tools, equipment, feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Uses also include hay, feed and grain stores and tree service firms.

Formatted: Font: Bold, Italic, Underline

AMUSMENT FACILITY. A commercially operated park having various devices for entertainment such as Go-Carts, roller coaster, water slides, and miniature golf courses and usually booths for the sale of food and drink.

ANIMAL HOSPITAL. See Veterinarian.

ASSISTED LIVING FACILITIES. Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including community residences, group community residences, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Formatted: Left, Indent: First line: 0", Tab stops: 0.78", Left
Formatted: Font color: Black

AUTOMOTIVE SERVICE. An establishment or place of business primarily engaged in automotive related sales or services.

(1) CAR WASH. An establishment or place of business primarily containing equipment for washing motor vehicles manually or automatically.

Formatted: No underline

(2) DETAILING. The act of performing a thorough cleaning, restoration, and finishing of a motor vehicle, to produce a show quality cleanliness and polish.

Formatted: Font: Bold, Italic, Underline
Formatted: Font: Italic, Underline

(3) MOTOR VEHICLE SALES AND SERVICE. An establishment or place of business primarily engaged in the sale and leasing of automobiles, vans and/or trucks less than two tons, including incidental parking and servicing of vehicles available for sales or lease.

Formatted: Left, Indent: First line: 0.5"
Formatted: No underline

(4) PARTS AND SUPPLY STORE. An establishment or place of business primarily engaged in the sale of merchandise that is associated with the use, repair or upkeep of automobiles.

Formatted: Font: Bold, Italic, Underline
Formatted: Font: Bold, Italic, Underline
Formatted: No underline

(5) REPAIR SHOP. An establishment or place of business primarily engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, transmissions, glass, and engines or engine parts, but excluding dismantling or salvage.

(6) PAINT OR BODY SHOP. The Use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding or storage of automobiles not in operable condition.

(7) SERVICE STATION. An establishment or place of business primarily engaged in gasoline or diesel fuel sales at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is rendered: Sale, replacement or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes fuel pumps, or other automotive parts or accessories.

Formatted: No underline

(8) TIRE SHOP. An establishment or place of business primarily engaged in the

ZONING CODE 40-3-12

sale of tires and services relating to the repair or purchase of tires for automobiles.

BAKERY. An establishment or place of business primarily engaged in the making or selling of bread, cakes, cookies, and other baked goods.

BANKS and OTHER FINANCIAL INSTITUTIONS. See Financial Services.

BAR OR TAVERN. An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises with a city village and state approved liquor license, including taverns, bars, cocktail lounges, and similar uses in which over 50 percent of the total revenue is generated from alcoholic beverages.

Formatted: No underline

BED AND BREAKFAST ESTABLISHMENT. A bed and breakfast (or B&B) establishment is a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfast establishments are private homes with five (5) or fewer guestrooms. Bed and breakfast establishments are classified as either: a) bed and breakfast home or b) bed and breakfast inn and as further defined in 50 Illinois Compiled Statutes 820/1 et seq.

Formatted: Underline

Formatted: Font: Bold, Italic, Underline

BEEKEEPING. The occupation of owning and breeding bees for their honey.

BOWLING ALLEY. A building containing long and narrow lanes in which the game of bowling is played.

Formatted: Font: Bold, Italic, Underline

Formatted: Left, Indent: First line: 0.5"

BUSINESS OR VOCATIONAL SCHOOL. A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing and repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zoning district. Incidental instructional services in conjunction with other primary use shall not be considered a business or vocational school.

CEMETERY. A place for the burial of deceased human beings.

CHURCH OR PLACE OF WORSHIP. A building or set of buildings used for the purpose of worship and customarily related activities.

CLINIC. A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons, but who are not provided with room or board nor kept overnight on the premises.

CLUB/LODGE. A non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

CO-BRANDING OR CO-BRANDING FACILITY. The pairing of two nationally branded businesses in a single establishment. The most common co-branded developments consist of a fast-food restaurant franchise and a major branded fuel station. Co-branded facilities may also contain as a planned use a convenience store, car wash, ATM machine or drive through service. Parking, signage, landscaping and design continuity shall be in accordance with the village's minimum requirements.

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMUNITY CENTER. A public building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

COMMUNITY GROUP RESIDENCE. A dwelling unit occupied as a single housekeeping unit in a family-like environment by persons with disabilities (the residents) plus support staff, if any. Residents are supervised by a sponsoring entity or its staff which furnishes habilitative services to the group home residents as an alternative to institutional care. Inter-relationships between residents are an essential component of a group home. A group

Formatted: Underline

ZONING CODE 40-3-12

home is a relatively permanent living arrangement where tenancy is measured in years. A group home shall be considered a residential use of property for purposes of all zoning and building codes. (Ord. No. 1187; 09-19-05)

COMMUNITY RESIDENCE. A family-like living arrangement of no more than eight (8) unrelated persons with disabilities in need of the mutual support furnished by other residents of the community residence as well as the support services provided by the operator, if any, of the community residence. A type of community residence is a group home. (Ord. No. 1187; 09-19-05)

Formatted: No underline

CONSTRUCTION SALES AND SERVICE. An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

CONVENIENCE SHOP. A building or premises or portion thereof used for retail sales of general convenience service goods to include the retail sale of alcoholic beverages, packaged food, cold drinks, and household convenience goods, not for consumption on the premises where it is sold. Convenience Shops also are to include Small Drug Stores and Laundromats.

Formatted: No underline

CONVALESCENT CARE. An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

DANCE HALL. A business or establishment that offers, for its patrons, dancing accommodations exceeding 20 percent of the total floor area of the establishment. Uses shall include nightclubs, private clubs or other uses offering dancing accommodations for patrons of any age. The definition does not include establishments that offer illicit sexual services under the guise of a dance hall.

Formatted: Justified

Formatted: Justified, Indent: First line: 0"

DANCE STUDIO OR SCHOOL. A facility for teaching or rehearsing the art of dance or tap. A dance studio or school typically includes a smooth or hardwood flooring. The definition does not include establishments that offer illicit sexual services under the guise of dance studio or school.

DAY CARE CENTER, COMMERCIAL. An establishment for the part-time care and/or instruction at any time of day of four (4) or more unrelated children of pre-elementary or elementary school age.

Formatted: Indent: First line: 0.5"

DRIVE-IN AND DRIVE-THROUGH RESTAURANT. An establishment where the product is delivered to customers in motor vehicles either parked nearby or directly through a window. A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food restaurant offering quick food service, where food is generally served in disposable wrapping or containers.

Formatted: Left, Indent: First line: 0.5"

Formatted: Indent: First line: 0.5"

DRIVE-THROUGH BANKS. See Financial Services.

DRUG STORE (PHARMACY). A business or establishment where primarily medicinal drugs are dispensed and sold.

Formatted: Font: Bold, Italic, Underline

Formatted: Font: Bold, Italic, Underline

DRY CLEANING/LAUNDRY PICK-UP. An establishment or business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

Formatted: No underline

DRY CLEANING PLANT. An establishment that is primarily engaged in the large-scale

ZONING CODE 40-3-12

washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.

DWELLING, CONDOMINIUM. A single unit under individual ownership within a multifamily structure and located on a lot having common ownership. A structure containing two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multifamily dwelling.

Formatted: No underline
Formatted: Font: Italic

DWELLING, EXHISTING RESIDENTIAL. A structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, whether single family or multifamily.

Formatted: Font: Bold, Italic, Underline
Formatted: Font: (Default) Tahoma, 11 pt

DWELLING, LOFT. A dwelling unit placed between the roof and the uppermost story of a nonresidential or mixed-use building.

Formatted: Font: Italic

DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY. A dwelling containing one (1) dwelling unit and intended for the occupancy of one (1) family.

DWELLING, SINGLE-FAMILY ATTACHED (VILLA). Single-Family dwellings sharing a common wall but situated on separate lots that are owned and occupied exclusively by separate parties.

Formatted: Font: Italic

(1) The term "Villa" refers to one side of a single-family attached dwelling (villa) that contains only two single-family units.

(2) The term "two-villa building" refers to an entire single-family attached dwelling (villa) that contains only two single-family units with a common wall between them, which common wall is centered on the boundary line between the two lots on which the villas are respectively located.

DWELLING, TWO-FAMILY. A dwelling containing two (2) dwelling units.

DWELLING UNIT. Two (2) or more rooms designed or used as living quarters by one (1) family or for a community residence. A **DWELLING UNIT** always includes a bathroom and a kitchen. (Ord. No. 1187; 09-19-05)

FINANCIAL SERVICES. An establishment that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and may include these services to patrons and customers through an accessory drive-through when permitted as a special or planned use. Financial services do not include pawn shops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short-term consumer loans secured by personal property, certificates of title to such property estimated tax refunds or other such collateral. These uses are prohibited money changing/money brokering uses.

Formatted: Font: Bold
Formatted: No underline
Formatted: Justified

FOOD STORE. An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed. Also referred to as a grocery store.

Formatted: No underline

FREIGHT TERMINAL. As applied to motor carriers subject to 65 ILCS 5/1-100 et seq., a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

FUNERAL HOME SERVICES. An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals. Also referred to as a funeral parlor.

FURNITURE, APPLIANCE OR EQUIPMENT SALES/LEASE. See Commercial

ZONING CODE 40-3-12

Use/Establishment.

GARDEN CENTER, GREENHOUSE OR PLANT NURSERY. A tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

GOLF COURSE (REGULATION SIZE). Golf courses of regulation size of either nine or 18 holes, but not including commercially operated golf driving ranges, nor miniature golf courses. **GOLF COURSE** shall include associated club house or country club, pro shop and cart rental operation.

GOVERNMENT/PUBLIC BUILDINGS. Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, police, fire and utility billing offices.

HEALTH CLUB or FITNESS CENTER. An establishment having members who pay a fee to use its health and fitness facilities and equipment for the purpose of physical exercise. Also referred to as a fitness center or gym.

HOME OCCUPATION. Any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Chapter.

HOSPITAL. An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond **twenty-four (24) hours** by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

HOTEL or MOTEL. A series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests for periods of not more than 28 consecutive days and not customarily including individual cooking or kitchen facilities; said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

INSTITUTION. A building occupied by a non-profit corporation or a non-profit establishment but not including places of public assembly.

JUNK YARD. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastic, rags, and rubber tires. (A lot on which three or more inoperable or abandoned vehicles are stored shall be deemed a junk yard.)

KENNEL, COMMERCIAL (INDOOR). Any structure or lot on which **five (5)** or more domesticated animals over **four (4) months** of age are kept.

LIMOUSINE BUSINESS. A business with privately owned vehicles intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge, but is prearranged for a designated destination(s).

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

LONG TERM CARE FACILITY. A building used as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care.

Formatted: Justified

Formatted: Justified

ZONING CODE 40-3-12

LUMBER OR BUILDING MATERIALS SALES. Establishments or places of business primarily engaged in the retail or wholesale sale of materials used in the construction and maintenance of structures, as well as construction activities and the outdoor storage of construction equipment or materials on lots other than construction sites. Uses may include lumber yards, building materials stores, and tool and equipment rental or sales.

Formatted: No underline

MANUFACTURED HOME. A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. A **MANUFACTURED HOME** should not be confused with a camping trailer or recreational vehicle.

Formatted: No underline

MANUFACTURING. An economic activity involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, at a scale and intensity that is compatible with the surrounding uses and the intent of the village's industrial districts.

MASSAGE ESTABLISHMENT (THERAPEUTIC). An establishment licensed by the State of Illinois that offers therapeutic massage. The definition does not include establishments that offer illicit sexual services under the guise of therapeutic massage.

MEDICAL OR DENTAL OFFICE. An office occupied and maintained for the provision of services by a person licensed by the state to practice in the healing arts for humans, such as a physician, surgeon, dentist, optometrist or associated rehabilitation, fitness and recreation offices.

MODULAR HOME. A substantially constructed factory fabricated building unit transported to a building site, mounted on a permanent foundation and designed for residential use as a "single-family dwelling" unit. **MODULAR HOME** shall not be construed to include "mobile homes," "immobilized mobile homes," "manufactured housing," or "prefabricated housing."

Formatted: No underline

~~**NURSERY SCHOOL or DAY CARE CENTER.** An establishment for the part time care and/or instruction at any time of day of four or more unrelated children of pre-elementary or elementary school age.~~

Formatted: No underline

NURSING HOME. A place, whether operated for profit or not, or a county home for the infirm and chronically ill which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act.

OFFICE, GENERAL. Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

OFFICE, DATA STORAGE. An office wherein data and records are processed and stored relative to an ongoing business; provided, however no customers or clients of the business shall be allowed to patronize the premises. (Ord. No. 1535; 01-05-15)

Formatted: Justified

PARKING GARAGE. A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation.

PERSONAL SERVICES. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barbershops, shoe repair shops, and tailor shops.

PET CARE and PET RELATED SALES AND SERVICE. The care or grooming of

ZONING CODE 40-3-12

domestic animals.

PLACES OF PUBLIC ASSEMBLY. A facility maintained by a not-for-profit community or neighborhood association, religious institution, or by a public agency or political subdivision primarily as a community gathering place for members or other people for the social, educational, spiritual or religious needs of the community or neighborhood. Such use may include community buildings, auditoriums, and gymnasiums (including those accessory to schools or other primary uses), churches, temples, synagogues and other places of worship. However, a place of public assembly shall not include an undertaker's chapel, funeral building, a religious educational institution, parochial or other school, day care center, shelter for the homeless, or other similar social service use. Such uses shall be considered permitted accessory used to the place of public assembly, and shall only be permitted within those districts where they are reflected in TABLE 40-4-00, as well as subject to those supplemental regulations set fourth in this chapter applicable to such uses.

Formatted: Left

POLE BARN. A typically metal clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors with no foundation. Such structures are normally used for agricultural operations, for construction trade storage, or for general storage and not intended for human inhabitation.

PREFABRICATED DWELLING A partially constructed factory fabricated building unit which will be substantially assembled on-site, utilizing pre-manufactured component parts. This term shall not be construed to include "mobile homes," "immobilized mobile homes," or "modular homes."

PRINT SHOP. A small business that prints and copies items such as, but not limited to documents and cards for customers.

Formatted: Font: (Default) Tahoma

PRINTING AND PUBLISHING FACILITY. Establishments primarily engaged in printing by the lithographic process usually performed on a job or custom basis; but in some cases lithographed calendars, maps, posters, decalcomanias, or other products are made for sale. Offset printing, photo-offset printing, photolithographing and publishing are also included. Establishments primarily engaged in publishing and printing newspapers and periodicals are also included.

PRIVATE CLUB AND LODGES. An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit.

Formatted: Font: (Default) Tahoma, 11 pt, Bold, Underline

Formatted: Font: (Default) Tahoma, 11 pt

PROFESSIONAL SERVICES. An office (other than a service office and other than an office for care and/or treatment of or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, or engineers qualified to perform services of a professional nature, or the offices of a governmental agency; and where there is no storage, sale or display of merchandise on the premises.

Formatted: Font: Bold, Italic, Underline

PUBLIC PARKS & RECREATION. A park, playground or community facility, owned by or under the control of a public agency or homeowners' association that provides opportunities for active or passive recreational activities.

PUBLIC SERVICE. A use owned or operated by a publicly owned or publicly licensed or franchised agency which provides essential public services such as utility, emergency and safety services, including filtration plants, pump stations, water reservoirs, public water storage facilities, sewage treatment plants, police and fire stations, post offices, government administration buildings or other governmental uses. Wireless communication facilities, as defined herein, are not included in this definition.

QUICK SHOP. Any small retail commercial or service establishment offering goods or

ZONING CODE 40-3-12

services primarily to the residents of a particular multi family complex, mobile home park or similar development.

RECREATIONAL VEHICLE SALES. The sale of a vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping or travel use, or for other recreational transportation, including, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats and snowmobiles.

RESEARCH AND DEVELOPMENT. The work a business conducts for the innovation, introduction and improvement of its products and procedures. It is a series of investigative activities to improve existing products and procedures or to lead to the **development** of new products and procedures.

RESTAURANT, GENERAL. A building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

RETAIL. Refers to the sale of goods or services directly to the consumer rather than to another business.

RETAIL SALES AND SERVICE. An establishment engaged in the sale or rental of goods and services, including, but not limited to, antique shops, apparel and accessory stores, art and supply stores, bicycle shops, book and stationery stores, candy and ice cream stores, cigar and tobacco stores, dressmakers and tailors, flower and gift shops, hobby shops, interior decorators, jewelry stores, key shops, leather goods and luggage stores, music instrument sales and repair, photocopying services, shoe repair and shoe shine stores, sporting and athletic goods, toy stores and department stores; excluding uses more specifically defined.

SCHOOL, PRIVATE. A facility established for the purposes of general education not associated with any public or governmental body. This definition shall include schools, academies, colleges, day schools, nursery schools and schools associated with religious institutions (does not include home schooling by a parent of children residing at residence.)

SCHOOL, PUBLIC. A facility established by the state or other governmental agency for the purposes of education.

SERVICE USE/ESTABLISHMENT. Any use or establishment where services are provided for remuneration either to individuals or to other firms.

STABLE, COMMERCIAL. Any building where horses, mules or ponies are sheltered, fed, and/or kept for hire.

STUDIO. A facility for recording, editing or a work room which generally consists of at least two rooms: A live room and the control room.

TEMPORARY PRODUCE STAND. A stand or store is a temporary structure used to display and sell agricultural goods to passing consumers.

THEATER, DRIVE IN. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other prerecorded productions to patrons seated in automobiles.

THEATER, MOTION PICTURE. A building primarily used for the exhibition of movies or other prerecorded productions to the general public in an indoor setting.

THEATER, PERFORMING ARTS. A building primarily used for the presentation of live performances of plays or music.

USED CAR LOT. See Motor Vehicle Sales and Service.

USED MERCHANDISE STORE. A use primarily engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment.

Formatted: Font: Bold, Italic, Underline
Formatted: Font: (Default) Tahoma, 11 pt

Formatted: Justified

Formatted: Left
Formatted: Font: (Default) Tahoma, 11 pt
Formatted: Font: (Default) Tahoma, 11 pt
Formatted: Font: (Default) Tahoma, 11 pt

Formatted: Justified
Formatted: Font: Bold, Italic, Underline
Formatted: Font color: Black

ZONING CODE 40-3-12

UTILITIES (PUBLIC). Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable television, radio, cellular communications, transportation, water or sewer.

UTILITY SUBSTATION. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, and the like.

VETERINARIAN. A person or business qualified to treat sick or injured animals.

VIDEO GAMING PARLOR. An establishment or a business whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act and in which the sale of pre-packaged foods or snacks and alcoholic beverages are only incidental to the operation of the video gaming terminals. These establishments cannot have patios, musical events, additional games such as pool tables, pinball machines, etc.

WAREHOUSING. An establishment primarily engaged in the storage or sale of materials, equipment, or products or sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude "residential storage warehouses," and sale of goods to the general public.

WAREHOUSE, MINI (self storage). A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Formatted: Justified

40-4-00 Permitted and accessory use table.

The use table of this section provides a tabular summary of the land use types allowed in each zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of a conflict between the use regulations of this section and those found in the text of the zoning district regulations, the text of the zoning district regulations shall prevail.

Formatted: Left, Tab stops: 0.78", Left

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold, Underline

- (1) Principal and accessory uses: Principal and accessory uses that are permitted as special uses, planned uses or uses permitted by right are shown in the land use table.
- (2) Permitted (by-right) uses: Uses identified in a zoning district column of the use table with a "*" are "permitted-by-right" and shall be permitted in such zoning district, subject to any additional regulations as may be indicated in the "supplemental regulations" column and all other requirements of this chapter.
- (3) Special uses: Uses identified in a zoning district column of the use table with a "S" as "special uses" and shall be permitted in such zoning district, subject to any additional regulations as may be indicated in the "supplemental regulations" column and all other requirements of this chapter. All special uses shall require the receipt of a special use permit prior to the issuance of a building permit. A special use permit may be obtained by following the procedures and complying with the performance standards set forth in article II, division 5.
- (4) Planned uses (PUDs): Uses identified in a zoning district column of the use table with a "P" are "planned uses" and shall be permitted in such zoning district, subject to any additional regulations that may be indicated in the "supplemental regulations" column and all other requirements of this chapter. All planned uses require the approval of a site plan prior to the issuance of a building permit. The submission requirements, procedures and approval standards shall comply with article III, division 10.
- (5) Accessory uses: All accessory uses are subject to the performance standards set forth in article II, division 4, 40-2-15 and 40-2-16.

ZONING CODE 40-3-12

(6) Unlisted uses: Uses not listed have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of this Code except pursuant to section 90-640-2-7. Any other uses not shown as a use permitted by right, a special use or a planned use in any zoning district, but constituting a use that is required to be permitted by law, shall be authorized only in the industrial district subject to the following conditions:

Formatted: Highlight

- a. The use shall be permitted only to the extent required by law to be permitted;
- b. The use shall be approved only as a planned use, except if by law it is required to be permitted by right;
- c. The use shall be located no closer than 1,000 feet from any residence, residential property, park, school, or church, except as may be modified by the city council through a planned use procedure;
- d. The use shall maintain a distance of at least 1,000 feet from any other such use;
- e. No use shall occupy a structure in excess of 5,000 square feet without an approved parking plan designed for that use and supported by a traffic study submitted to and approved by the Village Board.

(7) Supplemental regulations: The last column of the use table entitled "supplemental regulations" references additional supplemental requirements categorized by land use. The numbers in this column refer to specific sections found in article IV. Additional requirements, beyond those listed in the supplemental regulation's column, may be required at the discretion of the city.

INSERT TABLE HERE

Formatted: Left, Tab stops: 0.78", Left

ZONING CODE 40-3-12

~~*[This page was left blank intentionally.]*~~

Formatted: Tab stops: 0.78", Left

[2014]

40-51