

**ARTICLE VII
GENERAL REGULATIONS**

7.1 SUBSTANDARD RESIDENTIAL LOTS OF RECORD

Any lot of record as of the effective date of this Ordinance that is located in a Residential District and that does not meet the requirements for area and/or width herein, may be used for single-family residence provided that the use conforms with all other requirements of the applicable zoning district.

7.2 REGULATION OF FLOODPLAIN LANDS

The use of land located within flood plains is regulated by Chapter 5, Flood Plain and Storm Water Detention, of the Village Code, in addition to the requirements herein.

7.3 AIR RIGHTS

The development of air rights shall be a conditional use in all zoning districts and subject to all other requirements of the zoning district applying to the land below as well as to the procedures and criteria governing conditional uses.

7.4 ONE PRINCIPAL BUILDING PER LOT

Except within planned unit developments, integrated shopping centers subject to conditional use procedures or Public and Institutional Buildings Districts, no more than one principal building or use shall be permitted on any lot in any zoning district.

7.5 ARTERIAL STREET REGULATIONS

A. Lots Abutting Regional Arterial Streets

In subdivisions created after the date of effect of this Ordinance in Residence Districts, lots abutting a regional arterial street shall not have direct access to the arterial. Lots shall front upon and have access only to existing or new collector or local streets, and not to an arterial, except where the Plan Commission determines this to be impractical. Regional arterial streets shall be as designated in the Village Official Master Plan

B. Exceptions To Arterial Lot Dimensions

The following lots are exempt from special required minimum lot widths and front or corner side yard depths along arterial streets, as designated in the Village's Official Comprehensive Master Plan, provided in the regulations for individual zoning districts:

1. Existing lots of record as of the effective date of this Ordinance.
2. Lots subdivided after the effective date of this Ordinance that meet any of the following conditions:
 - a. The only access to the lot is from public streets or public access drives that are not arterials, do not primarily serve a Residence area, and are either already in existence or have been planned and approved by the Village.
 - b. The only access to the lot is from curb cuts provided jointly with one or more other lots.
 - (1) Where such lots are part of the same subdivision, the curb cuts shall meet all Village requirements.
 - (2) Where such lots are not part of the same subdivision, Village requirements shall be met to the extent possible, and the total number of curb cuts shall not be increased.
 - c. The only access to the lot is ultimately to be provided from a frontage road planned and approved by the Illinois Department of Transportation, the County, or the Village and where right-of-way adjacent to the lot has been dedicated totaling one hundred (100) feet from the center line of the arterial or such lesser distance equaling or exceeding fifty (50) feet as the Village may approve.

7.6 ACCESSORY USES, AND YARDS

A. Accessory Uses And Structures

1. Compatibility

Accessory uses and structures shall be compatible with the principal use of the lot on which they are located and shall not be established prior to the establishment of the principal use. Except in the AE District, the keeping, preparation, or culture of poultry, pigeons, or livestock shall not be an accessory use.

2. Location

Accessory uses may be located within required yards only as provided in Table VII-1. No accessory building may be located closer than five (5) feet to any wall of the principal building unless it is structurally a part of the principal building.

3. Sheds

No lot in a Residence District shall have more than one shed for storage.

4. Dish Antennas (Earth Stations)

a. Any satellite dish antenna shall be treated as a permitted use in any residential zoning district, subject to the following requirements

(1) The satellite dish is installed on the roof of a building, is not larger than forty (40) inches in diameter, does not front on a street, does not project more than two feet above the highest point of the roof line, and is of a the color which blends in with the roof. No more than one roof mounted antenna is allowed per principal structure.

(2) The satellite dish is installed on the ground, on a pad, or any other structure besides a building, is not larger than forty (40) inches in diameter, is located between the principal structure and the rear lot line, and has a maximum height not exceeding six and one-half feet above the ground. No more than one ground mounted antenna is allowed per zoning lot.

(3) The satellite dish is installed on a building in a location other than the roof, is less than forty (40) inches in diameter, is a neutral color, and is not located on a facade which fronts on a street. No more than one (1) wall mounted antenna shall be allowed per principal structure.

b. Any satellite dish antenna less than eighty (80) inches in diameter shall be treated as a permitted use in any non-residential zoning district.

c. Any satellite dish which fails to meet the above requirements shall be deemed to be a conditional use, subject to the requirements of Article XII.

5. Other Television Or Radio Towers Or Antennas

Other radio or television towers or antennas as accessory uses shall not have an antenna height exceeding fifty-five (55) feet, shall not be more than three feet from the principal building, and shall not be so positioned as to be a hazard to any utility line.

6. Decks, Patios, And Porches

- a. Decks or patios that are enclosed by windows or screens and a permanent roof shall be considered as accessory structures rather than as part of the principal building. Such decks shall be subject to the requirements of Table VII-1 and the bulk requirements of each zoning district.
- b. No open porch shall cover more than twenty percent (20%) of the required front yard, or of the actual front yard if it is smaller than the required front yard.

7. Dog Runs

No more than one enclosed dog run as defined herein shall be permitted on any lot in a Residence District. The fence enclosing the run shall be an open fence as defined herein a maximum of eight (8) feet in height and fifty (50) feet in total length on all sides and shall be located at least ten (10) feet from all lot lines.

8. Garages

Refer to Section 8.2 E.

B. Yards

1. Obstructions

Required yards may be obstructed by accessory uses or building projections only as provided in Table VII-1.

2. Yards Used For Only One Structure

The minimum yard space required for one building or structure shall not be used as the required yard space for another adjoining building or structure.

3. Reduction In Lot Area

No lot shall be reduced in area so that the yards or other open spaces shall be less than required by this Ordinance.

4. Vacant Through And Corner Lots

- a. On a vacant through or corner lot, either of the lot lines abutting a street may be established as the front lot line, except that where two or more through lots are contiguous and a front lot line has been duly established

by the construction of a building on one lot, the same street lot line shall serve as the front lot line of all such contiguous lots.

- b. On a through lot, a front yard shall be provided along any lot line abutting a street.

5. Corner Side Yards On Lots Of Record

If a corner lot that is a lot of record as of the date of adoption of this Ordinance has insufficient width to meet the requirement for the corner side yard and still provide thirty-two (32) feet of width for the building and the other side yard, then the corner side yard may be reduced to not less than thirty percent (30%) of the lot width.

6. Conformity To Existing Front Yards

Where lots comprising fifty percent (50%) or more of the frontage on one side of a street between two intersecting streets are developed with principal use structures, the average depth of the actual front yards thereof shall establish the required front yard depth for the remainder of that frontage.

- 7. Through Lots with Structures. On a through lot accessory structures shall be permitted in the front yard at the rear of the dwelling unit provided a fence is installed.

**Table VII-1
Permitted Obstructions in Required Yards**

Projection or Accessory Use	All Yards	Rear Yards	Interior Side Yard	Corner Side Yards	Court Yards
Air conditioning equipment shelters		x	x	x	x
Arbors & trellises	x				
Awnings & canopies projecting into 10% or less of yard depth	x				
Bay windows	x				
Chimneys	x				
Decks, open or enclosed*		x			
Dish antennas *		x			
Dog runs, enclosed*		x			
Eaves, overhanging	x				
Fences *	x				
Flagpoles	x				
Garages or carports*		x			
Gardens, vegetable		x	x	x	x
Greenhouses		x			
Gutters	x				
Hedges (See Fences	x				
Laundry drying equipment		x	x		
Lawn furniture	x				
Light standards, ornamental	x				
Loading, off-street		x			
Parking, off-street*	x				
Patios, open		x	x		x
Patios, enclosed		x			
Porches & breezeways, open*	x				
Recreational equipment		x	x		
Sheds storage buildings*		x			
Signs*	x				
Stairways, open unroofed	x				
Steps	x				
Swimming pools, private		x			
Television or radio towers or antennas*		x	x	x	
Tennis courts, private		x			
Balconies, open	x				
Trees, shrubs & flowers	x				
Walls (See Fences *)	x				
Other accessory uses		x			

*See also separate regulations herein for this use.

7.7 FENCES

The following general provisions shall apply to all fences erected, constructed, or installed after the effective date of this Ordinance.

- A. Application. Except as otherwise provided herein, all provisions in this section governing fences shall also apply to walls, screening, hedges, or other densely growing shrubbery, and retaining walls where they extend above ground level.
- B. Permit. No permanent or temporary fence shall be erected, constructed, or installed without first having been issued a fence permit by the Zoning Administrator.
- C. Nonconforming Fences. All fences legally existing on the effective date of this Ordinance that do not conform to the regulations of this Section may remain and be repaired as a permitted legal nonconforming use pursuant to the provisions of Article X, "Nonconformities."
- D. Orientation. All fences, required or otherwise, shall have their finished face directed toward Residence property or streets, where a Residence property is adjacent to or across from the subject site. However, the unfinished face may be oriented toward an alley.
- E. Maintenance. All fences, walls, and other barriers shall be maintained in good, structurally sound repair.
- F. Permitted Material for all districts other than the I District.
 - (a) No fence or wall is permitted that is electrified or that contains broken glass, barbed wire, or other substances reasonably calculated to do bodily harm. The following types of material shall be permitted for fences located in all but the I district:
 - 1. Chain link, no slats (permitted in rear and interior side yards only)
 - 2. Masonry or stucco wall
 - 3. Wood (No plywood)
 - 4. Wrought iron
 - 5. Decorative PVC

- (a) Barbed wire shall be permitted as fencing material only in connection with Public Safety, Public Works Service and/or municipal sites where the protection of the public interest is served.

G. Permitted Material for the I District. The following types of fence materials shall be permitted in the I District.

1. Chain link (permitted in rear and interior side yards only)
2. Masonry or stucco wall
3. Decorative PVC
4. Unfinished concrete or cinder block walls
5. Wood (no plywood)
6. Wrought iron

H. Maximum Fence Height

	Maximum Fence Height in Feet	
	Solid Fence	Open Fence
Within vision clearance triangle:	2.5'	3.5'
Outside vision clearance triangle:		
In industrial districts:	9'	9'
In other districts:		
In front of Principal building. (1)	(2)	(2)
In Front or Corner Side Yard:	6' (3)	4' (4)
In Interior Side Yard:	6'	6'
In Rear Yard:	6'	6'

- (1) Determined by orientation of the building and not by legal front yard.
- (2) No fence or wall permitted, except hedges with a fence height of two and one-half (2.5) feet or less and ornamental fences as defined herein with a fence height of three and one-half (3.5) feet or less.

- (3) Not to exceed a distance of ten (10) feet from an extension of the building line between such building and the lot line, except on a through lot a six (6)-foot fence is permitted.
- (4) Open fences greater than four (4) feet in height shall comply with regulations for solid fences. On a through lot a six (6)-foot fence shall be permitted on the property line at the rear of the dwelling unit.

I. Location. The location of fences shall be as follows:

1. No fence shall be constructed or installed so as to constitute a traffic or safety hazard.
2. All Zoning Districts other than the I District. Fences shall be permitted in any rear or interior side yard.
3. I District. Fences in the I District shall be permitted in any yard.
4. Vision Clearance Triangle

Within this triangle as defined herein, no solid fence, or any other solid obstruction, having a fence height of over two and one-half (2.5) feet, nor any open fence with a fence height of over three and one-half (3.5) feet, shall be permitted. Overhanging objects shall be permitted within this triangle only if all parts thereof are higher than eight (8) feet above the level of the railroad or the pavement of the street where the center lines intersect. Signs shall be permitted only if the sign clearance is eight (8) feet or greater.

J. Thickness. No fence, wall, or hedge shall be so thick as to inhibit passage between a lot line and any structure on the same lot.

K. Protective Netting

Any lot that immediately abuts and adjoins a golf course may construct and maintain protective netting and posts in accordance with the following regulations:

1. Protective netting shall not be installed prior to March 1 of each year and shall be removed no later than December 15 of each year.
2. Protective netting and posts may be installed along rear lot lines and along interior side lot lines, but shall not extend past the front yard building setback line on an interior lot, or past the corner side yard setback on a corner lot.

Netting and posts shall not be permitted to be attached to the front or rear of the dwelling across the side yard.

3. Protective netting and posts shall not exceed twenty (20) feet in height above grade level.
4. Protective netting attached to temporary or permanent posts shall be either plastic or nylon cloth material. No chain link, chicken wire, or other such fencing materials shall be permitted.
5. No posts or protective netting shall be installed without first obtaining a building permit. Posts and protective netting installed prior to the date of the adoption of this ordinance shall be brought into compliance with the above regulations within three years after the date of passage of this ordinance approving the regulations.

L. Exemption of Certain Chain Link Fences

The regulations herein shall not apply to chain link fences erected on public recreation areas; or school grounds.

7.8 HOME OCCUPATIONS

- A. Authorization. Subject to the limitations of this Section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- B. Definition. A home occupation is a business, profession, occupation, or trade that:
1. Is conducted for gain or support by a full-time occupant of a dwelling unit; and
 2. Is incidental and secondary to the use of such dwelling unit for residential purposes; and
 3. Does not change the essential residential character of such dwelling unit.
- C. Use Limitations
1. Employee Limitations
 - a. The operator of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
 - b. No employee who is not domiciled in the dwelling unit where a home occupation is conducted shall be present in connection with, or

otherwise participate in the operation of, a home occupation at any one time. For the purposes of this Subparagraph, the term employee shall not include persons domiciled in the dwelling unit where such home occupation is conducted. This limitation on the number of employees shall not apply to employees who do not work at the dwelling unit devoted to such home occupation.

2. Structural Limitations

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

3. Operational Limitations

- a. Every home occupation shall be conducted wholly within a principal dwelling unit or permitted accessory structure; provided, however, that this Subparagraph shall not apply to a day care home operated as a home occupation.
- b. No more than a total of three hundred (300) square feet of floor area (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be specially designed, arranged, or set apart for the conduct of a home occupation; provided, however, that this Subparagraph shall not apply to a day care home operated as a home occupation.
- c. No stock in trade shall be displayed or sold on the premises of any home occupation.
- d. No routine attendance of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed at the premises of the home occupation, except that attendance of up to eight children at any one time may be allowed at a day care home operated as a home occupation and that the attendance of up to four persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation requires non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.
- e. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the dwelling unit or any permitted accessory

- structure that is greater or more frequent than that typical of equipment used in connection with Residence occupancy shall be used in connection with any home occupation.
- f. No outdoor storage shall be allowed in connection with any home occupation.
 - g. No refuse in excess of the amount allowable for regular Residence pick-up shall be generated by any home occupation.
 - h. Commercial vehicles used in connection with any home occupation shall be subject to the requirements of Section 7.10 of this Article.
4. **Signage and Visibility.** There shall be no visible evidence of the conduct of such occupation other than one (1) non-illuminated sign one square foot in area or less mounted flat against the wall of the principal building, and no change in the outside appearance of the premises.
 5. **Traffic limitations.** No home occupation shall generate more vehicular or pedestrian traffic than is typical of residences in the area.
 6. **Nuisance Causing Activities.** In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety or general welfare, or be noxious, offensive, or hazardous.
 7. **Licensing Requirements.** Every home occupation shall be subject to applicable business licensing and inspection requirements, and shall comply with all applicable federal, State, and local laws, and regulations, including, without limitation, obtaining, maintaining, and complying with regulations applicable to any required federal, State, or local license or permit.
 8. **Certificate of Zoning Compliance.** A Certificate of Zoning Compliance shall be obtained for every home occupation.
 9. **Home occupations shall not include:**
 - a. any wholesale or retail business that involves the use of commercial vehicles for delivery of materials to or from the premises
 - b. any manufacturing or processing operation
 - c. any repair or service establishment
 - d. a barber shop or beauty parlor
 - e. a stable or kennel
 - f. a restaurant
 - g. a clinic or hospital
 - h. a mortuary

- i. a child day care center
- j. a private club
- k. the renting of trailers
- l. a tourist home
- m. firearm sales
- n. ticket sales outlet
- o. any activity that creates noise, fumes, odor, dust, electrical interference, or pedestrian or vehicular traffic that is more than normal for the area in which it is located.

7.9 SPECIAL CONDITIONS FOR SMALL COMMUNITY RESIDENCES

- A. The sponsoring agency must obtain an administrative occupancy permit prior to establishing a community residence. No dwelling unit shall be occupied as a community residence until a certificate of occupancy has been issued by the Office of the Director of Community Development. No certificate of occupancy shall be issued for a community residence unless:
 - 1. the community residence is located at least one thousand (1,000) feet from any existing community residence, as measured from lot line to lot line;
 - 2. the applicant demonstrates 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; and
 - 3. the proposed community residence must comply with all other applicable municipal codes including code requirements for minimum bedroom space or living space per occupant.
- B. The Office of the Director of Community Development 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 residence, is revoked. No Certificate of Occupancy shall be issued pursuant to this section until the applicant has obtained that state or local license or certification to operate the proposed community residence for which it is eligible. A Certificate of Occupancy is not transferable to another operator or to another location.

7.10 STORAGE OF TRUCKS AND RECREATIONAL VEHICLES

- A. A single recreational vehicle as defined herein may be parked or stored on a lot in a Residence District provided that:
 - 1. it is at no time occupied for living or sleeping purposes except as may be allowed by the Village on a temporary basis;
 - 2. it is not connected to natural gas, water, or sanitary sewer service;
 - 3. it is stored in its collapsed position if it is a vehicle of the collapsible type not stored in a garage;
 - 4. it is parked or stored in a location determined by the following:
 - a. in a garage or carport, where one exists on the premises large enough to accommodate the vehicle;
 - b. otherwise, in the driveway to the rear of the principal building line that is parallel or most nearly parallel to the street to which the driveway has access, where there is a driveway extending to the rear of this line;
 - c. otherwise, in the driveway ahead of said building line but not encroaching upon any public sidewalk.

- B. Trucks that may be parked or stored in a Residence District other than in a completely enclosed garage shall be limited to trucks that are, or are used in connection with, recreational vehicles and pick-up trucks or vans used predominantly for family, recreational, or van pooling or ride-sharing use.

- C. No commercial vehicle as defined herein may be parked or stored in a Residence District other than in a completely enclosed garage except for loading or unloading of household belongings between 6:00 A.M. and midnight for the purpose of moving a personal residence or for up to thirty (30) minutes for deliveries or service calls.

7.11 TEMPORARY USES

- A. Temporary uses of land may be permitted in any zoning district by the issuance by the Zoning Administrator of a Temporary Use Permit, subject to the provisions of this section.

- B. An Application for a Temporary Use Permit shall be filed with the Zoning Administrator. The Application shall include:
 - 1. The name, address, and telephone number of the applicant

2. The location and purpose of the Temporary Use requested and the requested starting and ending dates
 3. The written approval of the ownership or management of the shopping center, if such Use is to be conducted within a shopping center.
 4. Evidence or assurances that the conditions and requirements of this Ordinance have been or will be complied with.
- C. Upon receipt of a complete and accurate Application and upon determining that there is evidence of compliance with the conditions and requirements set forth in this Ordinance, the Zoning Administrator shall issue a Temporary Use Permit. Such Permit shall be limited to the uses and time periods provided below and shall set forth any applicable conditions provided in this Ordinance. The permittee shall display the Permit within plain view on the premises of the Temporary Use for the duration of the Use.

- D. Definition. A temporary use is a use that:
1. Is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and
 2. Does not involve the construction or alteration of any permanent structure.
- E. Standards for Issuance of a Permit
1. Permit Required. No temporary use shall be established or maintained unless a permit evidencing the compliance of such use with the provisions of this Ordinance shall have first been issued; provided, however, that permitted temporary uses of public owned or leased buildings and property shall be exempt from this requirement.
 2. Bases for Permit Denial. Such a permit may be denied if the Zoning Administrator determines that the applicant has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all Village ordinances regulating the development, use, and maintenance of the property. Such a certificate shall be denied if the Zoning Administrator determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.
 3. Conditions on Permit. Such a permit may be conditioned upon such special requirements as the Zoning Administrator may determine are necessary to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.
 4. Revocation of Permit. Such a permit shall be revoked if any of the standards and conditions imposed pursuant to this Section are violated.
- F. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and no others are permitted in the zoning districts herein specified:
1. Indoor and Outdoor Art, Craft, Rummage, and Plant Shows, Car Shows, Exhibits, and Sales. In any Commercial, Business Park or Public and Institutional Buildings District; provided, however, that any such use shall require the specific prior approval of the Zoning Administrator on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the

absence of undue adverse impact on other properties. Every such show, exhibit or sale shall be limited to a period not to exceed three (3) days.

2. Christmas Tree Sales. In any Commercial District accessory to a permitted or conditional use; and, when conducted by a not-for-profit religious, philanthropic, or civic group or organization on property owned or leased by such group or organization, in a Residence or Public and Institutional Buildings District; provided, however, any such use in a Residence or Public and Institutional Buildings District shall not exceed 30 days and shall require the specific prior approval of the Zoning Administrator on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Display of Christmas trees need not comply with the yard requirements of this Ordinance, except that no tree shall be displayed within the sight triangle defined in the Village Code.
3. Contractors' Offices and Equipment Sheds. In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.
4. Real Estate Offices, Including Model Units. In any district when accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.
5. Carnivals and Circuses.
 - a. In any non-Residence district or Residence or Public and Institutional Buildings District on school, church or park property, but only when sponsored by a not-for-profit religious, philanthropic, or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Zoning Administrator on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed one (1) week. Such use need not comply with the yard requirements of this Ordinance except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight triangle defined in the Village Code. Such use need not comply with the maximum height requirements of this Ordinance.

- b. The concessionaire responsible for the operation of any such carnival or circus shall:
 - (1) Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles; and
 - (2) Provide fire extinguisher of a type and at site locations approved by the Zoning Administrator; and
 - (3) Provide and service refuse containers in the number and locations required by the Zoning Administrator; and
 - (4) Provide for a thorough clean-up of the site upon termination of the event; and
 - (5) Upon written notice from the Zoning Administrator, terminate the use of any amusement device or structure found by the Zoning Administrator to pose a threat to the public safety.

- 6. Tents. In any district, in connection with any permitted, accessory, temporary, or conditional use. No tent shall be allowed to remain for a period of more than sixty (60) days. Unless waived in writing by the Zoning Administrator, every tent shall comply with the time limits, bulk, space, and yard requirements applicable to accessory uses pursuant to Section 7.2 of this Article.

- 7. Civic Uses of Public Property. In a Public and Institutional Buildings District, any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided, however, that no such use shall impose an undue adverse effect on neighboring streets or property.

- 8. Sales of Overstock, Seconds and Similar Goods in Districts Where Not a permitted use.

In the I and BP Districts when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:

- a. Existing Inventory Only. No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of the temporary sale.
- b. No Outdoor Sales. Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.
- c. Number and Duration of Sales Limited. Not more than three (3) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter.

In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days, including Saturday and Sunday; e.g. Friday, Saturday, and Sunday or Saturday, Sunday and Monday.

9. Display and Sale of Farm, Garden, or Floral Commodities. In any commercial District; provided however, that such temporary uses is limited to 90 days duration, provides adequate ingress and egress from adjoining roadways and Provides one off-street parking space per 75 square feet of display area with a minimum of 3 spaces.
 10. Shopping Center Sidewalk Sales. In any Commercial District provided however, that such sales do not exceed a cumulative total of ten (10) days per calendar year, are not held more than twice a year, and do not cover an area exceeding fifty percent (50%) of the width of any sidewalk within the center
 11. Sidewalk and Outdoor Restaurants. In any Commercial District as an accessory use to a restaurant as a principal use, provided however, that any such restaurant serving alcoholic beverages shall require a conditional use permit pursuant to Article XII and provided further that any such restaurant serving alcoholic beverages shall have a six (6) foot fence surrounding the outdoor area and that no ingress shall be permitted except through the principal use.
- G. Bulk, Space, and Yard Regulations. Except as expressly provided otherwise, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- H. Use Limitations.
1. General Limitations. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.
 2. Hours and Days of Operation. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Zoning Administrator in the permit required by Subsection C of this Section, on the basis of the nature of the temporary use and the character of the surrounding area.
 3. Public Safety. No temporary use shall be permitted unless the Village Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said departments may require in connection with such certification. If required

by the Zoning Administrator, the operator of the temporary use shall employ a fire watch team and appropriate security personnel.

4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
5. Conflicts with Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
6. Sign Standards for Temporary Signs. See Section 9.11.
7. Parking. Before approving any temporary use, the Zoning Administrator shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Zoning Administrator, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
8. Additional Conditions. Every temporary use shall, in addition, comply with, and the Zoning Administrator may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Ordinance or to protect the public health, safety, and welfare.

7.12 GENERAL BUSINESS REGULATIONS

The following provisions apply in all Commercial, Office, Business Park and Industrial Districts except where this Ordinance provides otherwise:

A. Within Enclosed Buildings

All business, service storage, merchandise, display, and, where permitted, repair and processing shall be conducted wholly within enclosed buildings except for off-street parking, off-street loading, and for open sales lots or outside storage in districts where these uses are permitted.

B. Retail Sales Of New Merchandise

Goods sold at retail shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein.

C. Performance Standards

All uses in Commercial and Office Districts shall comply with the Performance Standards applicable to the BP Business Park District.

D. Outdoor Sales And Storage

Where open sales lots are permitted, they shall be provided with a permanent, durable, and dustless surface and shall be drained to dispose of all surface water.

Outdoor storage, where permitted, shall be screened to conceal materials stored from adjacent properties and adjacent thoroughfares.

7.13 PUBLIC UTILITY USES PERMITTED IN ALL DISTRICTS

A. The following public utility uses and municipal uses are permitted in any zoning district; poles, towers, tunnels, conduits, wires, cables, vaults, laterals, pipes, mains, drains, valves, hydrants, or any similar distributing equipment; fire alarm or police call boxes; traffic signals; and telephone booths and pay telephones. Above ground fuel storage tanks shall be a Permitted Use in all districts only in conjunction with both Public Utility Uses and municipal uses, as defined in Article XV.

<u>Closed Cup Flash Point in Degrees Fahrenheit</u>	<u>Maximum Gallons Above Ground</u>
Under 24	1,000
24 to 104	1,000
105 to 186	1,000
Over 186	1,000
Total All Flammable Liquids	1,000

Storage of unfinished products in original sealed containers of sixty (60) gallons or less is exempt from the above standards.

B. Buildings and structures not included in the Illinois Utility Exemption and not specifically permitted as a matter of right in the various zones, pertaining to water, sewerage, gas,

telephone and electric utilities; and police, fire radio and television stations, including broadcasting antennae shall be conditional uses subject to the following requirements:

1. Lot Area and Location. The required lot area and location shall be specified as part of the conditional use permit and be determined in relation to the proposed use, the intensity of such use, and the effects of such use upon the environment.
2. Fencing or Screening. If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted hedge or other shielding material may be required in a manner consistent with such findings.

7.14 LANDSCAPING AND BUFFERS

A. Purpose

The purposes of the requirements in this Section are to provide for appropriate landscaping of building sites as well as the screening of parking and other outdoor areas in order to create and convey an aesthetically pleasing environment that will:

1. Protect residential environments from effects of more intensive adjacent uses;
2. Protect users of parking areas from excessive wind, glare, and temperature extremes;
3. Reduce the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, and motor vehicle headlight glare;
4. Discourage unsafe access to and circulation within off-street parking areas; and
5. Contribute to improved community appearance and preservation and enhancement of property values.

B. Applicability

1. All projects having landscape requirements under this Ordinance shall be required to submit a landscape plan and meet the landscaping requirements of this Section, except for single family detached and single family attached lots.
2. Existing conditions on developed sites which are not in conformance with the requirements of this Section that are otherwise lawful on the effective date of

this Section may be continued as a matter of right. Any lawful expansion of a non-conforming use shall be required to submit a landscape plan as determined by the Zoning Administrator, which plan shall be based on the zoning districts within which such uses appear.

C. Approval Process

Landscape plans for the planting required for this Section 7.14 shall be submitted to the Village for review by, and subject to, the approval of the Zoning Administrator. The following elements shall be included in all landscaping plans:

1. Landscape Plan Elements
 - a. Title block including the name and street address of the project, designer's name, scale of the plan (no smaller than 1"=50' for plans with trees only; and no smaller than 1"=20' for plans with shrubs and smaller plants), north arrow and date of the plan.
 - b. Property lines.
 - c. Name, location, right-of-way and paving widths of all abutting streets.
 - d. Note zoning and use of all abutting properties; location of buildings on abutting properties within two hundred (200) feet of property lines.
 - e. Natural features such as ponds, lakes and streams; delineation of 100 year floodplain and wetland boundaries, if applicable
 - f. Existing and proposed stormwater management ponds and areas.
 - g. Required landscaped yard widths.
 - h. Location, height, dimensions, and use of all existing and proposed buildings and other structures, including parking lots, sidewalks, and other paved areas, fences, walls, and recreational equipment.

2. Planting Elements.
 - a. Location, general types and quality of existing vegetation, specimen trees and natural areas.
 - b. For Plant Preservation Credits: Existing trees of three (3) inch caliper and above to be saved including locations noted, condition, and a list of species. Show on submittals the methods and details for protection of existing vegetation during construction.
 - c. Location and keyed labels of all proposed plants.
 - d. Location of all proposed areas to be seeded and/or sodded.
 - e. Plant list or schedule to include key symbols, quantity, correct botanical and common names, size, spacing and condition of all proposed plants.
 - f. Location and description of other landscape improvements, such as earth berms, screens, sculptures, fountains, street furniture, signs, lighting and paved areas.

- g. General and specific notes to indicate or explain the design and construction procedures to be used and compliance with ordinance requirements.

D. Landscaping Materials

1. Varieties of living landscape materials used shall be healthy, hardy, and drought-resistant; be suitable for climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and be compatible with the slope of the site, with existing vegetation to be preserved, and with utilities above or below ground level. Where appropriate, landscape materials used shall be protected from damage from pedestrian or vehicular traffic by tree grates, pavers, or other measures.
2. IDOT General Requirements for Landscape Operations on State Highway Right-of-Way in Urban Areas and IDOT Location Standards for Plant Material on the Right-of-Way should be observed for Village collector roadways, unless waived by the Zoning Administrator. Salt tolerance of plant species shall be evaluated using the most recent approved IDOT list.
3. All plants shall conform to the “American Standards for Nursery Stock,” latest edition, and shall be installed according to the current standards of the American Association of Nurserymen.
4. Native plant materials and landscapes are encouraged, but are not mandated.
5. Approved Tree Species List. In addition to the approved list below, hardy trees providing year round interest and color, and trees providing food and habitat for native and migrating birds and other animals as approved by the Zoning Administrator shall be allowed; trees which have shallow destructive root systems or which create unacceptable quantities of vegetative debris shall not be approved when located near streets, drives or parking lots.

a. Shade Trees

<u>Botanic Name</u>	<u>Common Name</u>
Acer rubrum	Red Maple *
Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple
Carpinus caroliniana	American Hornbeam
Celtis occidentalis	Hackberry *
Cercidiphyllum japonicum	Katsuratree
Fraxinus pennsylvanica	Green Ash * (seedless)
Fraxinus americana 'Autumn Purple'	Autumn Purple White Ash
Fraxinus quadrangulata	Blue Ash
Ginkgo biloba (male)	Ginkgo (male)
Gleditsia triacanthos inermis	Thornless Honeylocust *
Gymnocladus dioica	Kentucky Coffeetree
Pyrus calleryana	Callery Pear *
Quercus bicolor	Swamp White Oak
Quercus rubra	Red Oak
Quercus macrocarpa	Bur Oak
Quercus imbricaria	Shingle Oak
Tilia cordata	Littleleaf Linden*
Tilia x 'Redmond'	Redmond Linden
Tilia tomentosa	Silver Linden
Tilia x euchlora	Crimean Linden *

* Includes Cultivars

b. Evergreens

<u>Botanic Name</u>	<u>Common Name</u>
Abies concolor	White Fir
Picea pungens	Colorado Spruce*
Pinus flexilis	Limber Pine
Pinus strobus	White Pine
Pseudotsuga menziesii	Douglas Fir

c. Ornamental Trees

<u>Botanic Name</u>	<u>Common Name</u>
Cercis canadensis	Redbud
Crataegus crusgalli 'Inermis'	Thornless Cockspur
Crataegus viridis 'Winter King'	Winter King Hawthorn
Malus floribunda	Japanese Flowering Crabapple
Malus 'Prairie Fire'	Prairie Fire Crabapple
Malus 'Profusion'	Profusion Crabapple
Malus 'Snowdrift'	Snowdrift Crabapple
Malus sargentii	Sargent Crabapple

6. Prohibited -Tree Species List. The following are prohibited as street trees on public properties or when located near drives or parking areas.

<u>Botanic Name</u>	<u>Common Name</u>
Acer negundo	Box Elder
Acer platanoides	Norway Maple
Acer saccharinum	Silver Maple
Ailanthus altissima	Tree of Heaven
Betula spp.	Birch (except River Birch)
Juglans nigra	Black Walnut
Catalpa speciosa	Catalpa
Elaeagnus spp.	Russian Olive
Ginko biloba (female)	Ginko (female)
Maclura pomifera	Osage-orange
Morus spp.	Mulberry
Populus spp.	Cottonwood
	Poplar
	Aspen
Rhamnus cathartica	Buckthorn
Salix spp.	Willow
Ulmus parvifolia	Chinese Elm

7. Minimum Sizes of Plant Materials

- a. Deciduous shade and street trees shall be fully branched, and have a minimum caliper of three (3) inches for non-residential and two and one half (2 1/2) inches for residential development, measured six (6) inches above ground level. Specimens shall be properly pruned to maintain a natural form.

- b. Ornamental trees shall be fully branched, and have a minimum caliper of two (2) inches for non-residential and one and one half (1 1/2) inches for residential development measured six (6) inches above ground level. Specimens shall be properly pruned to maintain a natural form and effective screening.
- c. Evergreen trees shall be a minimum of six (6) feet in height and fully branched to the ground.
- d. Tall shrubs shall be supplied in five (5) gallon or larger containers, or balled and burlapped. Plants shall measure at least thirty-six (36) inches in height and shall be fully branched to the ground. Shrubs shall be properly pruned to maintain effective screening.
- e. Low shrubs shall be supplied in two (2) gallon or larger containers for residential development, or five (5) gallon or larger containers for non-residential development. Plants shall measure at least eighteen (18) inches in height or spread for residential development and at least twenty-four (24) inches in height or spread for non-residential development.
- f. Groundcover plants shall be planted so that an effective covering is obtained within two (2) growing seasons.

- 8. Preservation of Trees. All reasonable efforts shall be made to preserve the existing trees on each building site, consistent with the approved tree list and similar species which would be an asset to the site.

E. General Requirements.

- 1. Except for accessory uses expressly permitted to be located in required yards, all yards and open space between and about structures and off-street parking and loading areas and lots shall be landscaped and kept free of accumulations of garbage, trash, refuse, debris and other unsightly or nuisance-creating materials. All landscaping shall be continually maintained by the owner of other person responsible for maintenance of the premises, and all planting areas shall be kept free of accumulations of garbage, trash, refuse, debris and other unsightly or nuisance-creating materials until developed.
- 2. Berms shall be not less than two (2) feet in height nor greater than six (6) feet in height, with heights depending on the finished grades of the abutting properties in relationship to any proposed development.

F. Street, Easement and Buffer Strip Plantings for Non-Residential Developments

The standards are expressed in terms of shade trees required per lineal foot of roadway, easement, or buffer strip, and include the full width of each. For determining numbers of conifers and ornamentals applicable to the standard, a conifer at least six (6) feet in height shall equal a shade tree, and two (2) ornamentals as specified above shall equal a shade tree. It is recommended that trees be grouped in clusters.

1. Major Entry
 - a. Parkway: One (1) shade tree each side per forty (40) lineal feet of roadway.
 - b. Median: Two (2) shade trees per forty (40) lineal feet of median length plus one (1) tree for each twenty-five (25) lineal feet of median where the median is wider than thirty (30) feet.

2. Frontage Road
 - a. Primary Screening by berm not less than two (2) feet in height nor greater than six (6) feet in height with slopes not exceeding three (3) to one (1).
 - b. Provide one (1) shade tree per forty (40) lineal feet of frontage.

3. Front Yards (parking setbacks): Non-residential districts

The front yard and any yard abutting a street shall be attractively landscaped except where driveways for ingress or egress are located.

4. Building Site Plantings. Each building shall include a minimum of one (1) shade tree in frontage areas for each fifty (50) lineal feet of building site frontage. It is recommended that trees be grouped in clusters.

5. Residential Transition Yards
 - a. Primary screening by a berm not less than two (2) feet in height nor greater than six (6) feet in height, with heights depending on the finished grades of the abutting residential properties in relationship to the proposed building height and finished grades of the new development.
 - b. Provide one (1) shade tree per forty (40) lineal feet of residentially zoned or used property abutting the subject property.

6. Parking Lot Screening.
 - a. Every parking lot abutting property zoned in any residential district shall, to the extent hereinafter specified, be buffered and screened by a perimeter landscaped open space having a width of at least ten (10) feet or the width of the required yard, whichever is less.
 - b. The landscaping and screening treatment of such space shall be so designed and maintained to screen parked cars and shall be bermed so

as to partially conceal parked cars from view of the street or adjacent property except where the size, configuration, of the existing or proposed topography of the lot makes this infeasible or unnecessary or where erosion, drainage, or maintenance problems might result.

- c. The provisions of this Paragraph shall apply to parking lots developed prior to the effective date of this Ordinance, but only to the extent that such parking lots have, on said effective date, unpaved areas abutting them in which landscaping and screening may be installed.

7. Parking Lot Interior Landscaping.

- a. Every parking lot shall contain at least one (1) tree for each twenty-four (24) parking spaces constructed after the effective date of this Ordinance. Such trees may be provided by the preservation of existing trees or the planting of new trees. Each tree shall be surrounded by a landscaped area of at least one hundred twenty-(120) square feet. No existing or new tree located more than five (5) feet outside the perimeter of the paved parking area shall be counted in meeting the requirements of this Paragraph. All islands in excess of fifty (50) square feet, created curbs or other traffic flow regulators shall be landscaped. All internal landscaped islands shall be protected with curbing.
- b. No shrub shall be planted closer than two (2) feet from any curb and no tree shall be planted closer than three (3) feet from any curb.
- c. Low shrubs planted in parking lot islands shall be maintained at a height not to exceed three (3) feet, in order to keep sight lines clear.
- d. In industrial districts, a minimum of five percent (5%) of the parking area shall be devoted to landscaping, and in all other non-residential districts a minimum of ten percent (10%) shall be devoted to landscaping.

8. Ground Cover in Landscaped Buffer Strips

Grass or other ground cover shall be planted over all landscaped strips including berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three months after planting. Non-living landscaping materials such as sand, stone, rocks, or barks may be substituted for living cover over a maximum of thirty percent (30%) of the landscaped area.

9. General Requirements

- a. Maintenance of Landscaping. The owner, occupant, tenant, and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping and

screening so as to preserve at least the same quantity and quality as initially approved.

- b. Curbing. All parking island strips and parking screening strips shall be separated on all sides from the parking surface by curbing.
- c. Plant materials, including deciduous trees and evergreen trees, shall not cause a hazard. Landscape plant material overhanging walks, pedestrian or bicycle paths and seating areas shall be pruned to a minimum height of eight (8) feet; and to a minimum height of twelve (12) feet over streets and highways, and above parking lot aisles and spaces.
- d. Plantings shall conform with the requirements of the Vision Clearance Triangle as defined herein.

G. Alternative Compliance

Certain project conditions may justify approval of alternative methods of compliance within the requirements of this Section. Conditions may arise where normal compliance is impractical or impossible or where maximum achievement of the Village's objectives can only be obtained through alternative compliance.

- 1. Requests for alternative compliance will be considered for any application to which the requirements of this Ordinance apply when one (1) or more of the following conditions are present:
 - a. Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical; or improved environmental quality would result from the alternative compliance.
 - b. Space limitations, unusually shaped lots or prevailing design practices in the surrounding neighborhood may justify alternative compliance for infill sites and for improvements or redevelopment in older developed areas.
 - c. A change of use on an existing site increases the screening required to more than is feasible to provide.
 - d. Safety considerations make alternative compliance necessary.
- 2. Requests for alternative compliance shall be accompanied by sufficient explanation and justification, written and graphic, to allow appropriate evaluation and decision.
- 3. A proposed alternative compliance measure must be equal to or better than normal compliance in terms of quality, durability, hardness and ability to meet the landscape standards of the Ordinance.
- 4. Alternative compliance shall be limited to the specific project under consideration and shall not establish precedents for acceptance in other cases.

H. Refuse Containers.

1. Screening. All refuse containers shall be enclosed by a screening fence, wall or densely planted evergreen hedge of a height sufficient to screen such containers or storage areas from view from adjoining properties and public or private streets.
2. Location. No refuse containers shall be located between any principal structure and either its front or corner side lot line.
3. Exemptions. The requirements of Paragraph 1 hereof shall not apply to standard receptacles permitted for use by single family dwellings or to receptacles accessory to schools. None of the requirements of this Paragraph shall apply to receptacles placed and maintained for use by the general public to avoid littering or to receptacles temporarily placed on construction sites for the purpose of collecting construction debris.
4. Refuse Enclosures, Containers, and Pallet Storage Refuse enclosures, containers, and pallet storage must comply with the Village Code.

I. STORAGE AREAS

Storage, service, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:

1. No materials, supplies, or equipment shall be stored upon a site, except inside a closed building, or pursuant to a conditional use permit.
2. All public utility and similar equipment shall be screened from view from access streets and adjacent properties by means of a fence, berm, wall or dense opaque landscaping materials.
3. Trucks and semitrailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an enclosed loading dock, garage, or within a walled and gated sight screen enclosure, open to the sky, constructed of the same masonry exterior materials as the principal building and equal in height to the height of the first floor of the principal building. However, temporary parking overnight, not to exceed a forty-eight (48) hour time period, may be permitted for delivery vehicles which arrive after normal business hours. Diesel trucks shall not idle their engines between the hours of 8 p.m. and 6:00 a.m. except for engine warm-up purposes which shall be allowed for a period not exceeding thirty (30) minutes immediately prior to the departure of such

vehicle from the premises. Refrigeration unit engines on trucks/trailers shall not be operated between the hours of 8:00 p.m. and 6:00 a.m.

4. Enclosures for industrial uses and bulk materials.

In the BP and I Districts all activities involving manufacturing, fabricating, processing, assembly, disassembly, repairing, cleaning, servicing and testing shall be conducted in completely enclosed buildings. If allowed as a permitted on conditional use, the storage of materials, products, and goods must be screened with a solid fence or wall on all lot lines with only such openings as are necessary for ingress or egress. Said fence or wall shall be maintained in a neat and orderly appearance and shall be of such height that any materials stored within the confines of such fence cannot be seen from any lot line or public right-of-way.

5. Storage of hazardous materials should require secondary containment, monitoring, development of an emergency response plan and participation in Illinois' Pollution Prevention (P2) Program.

J. Maintenance of Improved Sites and Condition of Improved Lots

Sites that are not improved or built upon shall be maintained in a clean and neat appearance by the property owner. Weeds and brush shall be removed semi-annually. The owner or occupant of any lot shall at all times keep it and the buildings, improvements, and appurtenances thereon in a safe and clean condition and comply with all applicable governmental, health, fire and safety ordinances and regulations. Trash shall be removed expeditiously.

7.15 LIGHTING ON ANY SITE ADJACENT TO A RESIDENCE DISTRICT

A. Lighting Guidelines - Objectives of Properly Designed Lighting:

1. To contribute to the safe and efficient use of a development site;
2. To contribute to the site security;
3. To complement and reinforce the architecture and site design character;
4. To keep on-site parking lot lighting fixtures and illumination levels consistent throughout the park;
5. To prevent casting glare onto adjacent lots and streets;

6. To encourage conformity with energy-saving guidelines, and
 7. Architecturally, to articulate and animate the particular building design, as well as provide the required functional lighting for safety and clarity of pedestrian movement.
- B. Lighting Definitions: See Subsection 15.2 L
- C. Lighting Standards

The following standards are required of all exterior lighting installed on sites immediately adjacent to any Residence District provided, however, that such standards are not intended to apply to public street lighting:

1. The maximum height light post permitted is dependent on the amount of cutoff provided in order to protect against excessive glare and light intruding onto adjacent Residence properties.
2. When light source has no cutoff:
 - a. Maximum permitted illumination equals one quarter (0.25) foot-candles.
 - b. Maximum permitted height of post equals ten (10) feet.
3. When a light source has total cutoff of an angle greater than or equal to ninety (90) degrees:
 - a. Maximum permitted illumination equals one half (0.50) foot-candles.
 - b. Maximum permitted height of post equals fifteen (15) feet.
4. When a light source has a total cutoff of light at an angle less than ninety (90) degrees and is located so that the light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground:
 - a. Maximum permitted illumination equals one (1) foot-candle.
 - b. Maximum permitted height of post equals twenty (20) feet or less.
5. Notwithstanding any other provision of this Section to the contrary:
 - a. No flickering or flashing lights shall be permitted.
 - b. Light sources shall not be located within the required side or rear yard or in a portion of front yard which includes part of the side yard as extended adjacent to any Residence District.
 - c. The fixture illuminant (bulb) shall not be visible from the property line adjacent to any Residence District.
 - d. The maximum permitted illumination onto a Residence lot shall not exceed one-tenth (0.1) foot-candles, except for right-of-way lighting.

6. Lighting levels shall be measured in foot-candles with a direct-reading, portable light meter. The meter sensor shall be mounted not more than six (6) inches above the ground line in a horizontal position. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.
7. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan shall be submitted to the Zoning Administrator in order to determine whether the requirements of this Section have been met.

D. Exceptions to Landscaping and Lighting Requirements

Where side or rear yard setbacks adjacent to an Residence District are required and the landscaping and lighting standards are required, but not existing, the property shall not be subject to such regulations and standards until such time as a Building Permit is required.

7.16 ARCHITECTURE

A. Non-Residential Districts.

1. Building exterior wall materials. The front exterior walls facing a street or streets the property adjoins shall be of masonry, stone, glass or architectural precast concrete panels. The side exterior walls may be of metal except that the lower third or lower seven (7) feet, whichever is less, of the wall shall be of masonry, stone, glass or architectural precast concrete panels. In no event shall concrete blocks be allowed on any exterior surface of a building, except that decorative concrete blocks shall be allowed upon approval of the Zoning Administrator.
2. Roof Top Mechanical Equipment. Except for antennae mounted on roofs pursuant to the provisions of this Ordinance, all mechanical equipment located on the roof of any building constructed after the effective date of this Ordinance shall be fully screened by a parapet wall or other screening structure constructed of materials compatible with the principal building facade to the height of such equipment

3. Parking Garage Design. Every parking garage, other than garages accessory to single family dwellings, constructed after the effective date of this Ordinance shall be constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building to which it is accessory.

7.17 ADULT REGULATED USE LOCATIONS

- A. Adult Regulated Uses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses or zones:
 1. Within, or within five hundred (500) feet of, any Residence District, known as AE, R-1, R-2, R-3, R-4 R-5, or PIB District, or any single-family or multiple-family Residence use, except when the Adult Regulated Use is located within an Adult Regulated Use Commercial Overlay District, then such distance shall be reduced from five hundred (500) feet to two hundred (200) feet.
 2. Within, or within seven hundred fifty (750) feet of, any public or private school.
 3. Within, or within seven hundred fifty (750) feet of, any church or other religious facility or institution.
 4. Within, or within seven hundred fifty (750) feet of, any mental health center.
 5. Within, or within seven hundred fifty (750) feet of, any public library, public park or recreation area.
 6. Adjacent to, or within five hundred (500) feet of, a school route.
 7. Within, or within one thousand (1,000) feet of, any other Adult Regulated Use.
- B. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property, right-of-way, or the land use district boundary line from which the proposed land use is to be separated.
- C. An Adult Regulated Use which is established in conformity with the locational restrictions of this Section 7.17 shall not be made non-conforming if, subsequent to the establishment of the Adult Regulated Use, a Residence zone, public or private school, church, religious facility, mental health center, public library, public park, recreation area or school route is created or established within the distance limitations for an Adult Regulated Use specified in this Section 7.17. However, if any Adult Regulated Use is

terminated or discontinued for a period of thirty (30) days or more subsequent to the location of a use imposing a distance limitation on the Adult Regulated Use, then the Adult Regulated Use shall become a non-conforming use.

D. Waiver Of Locational Requirements For Certain Tax Exempt Organizations

1. Eligible Establishments

Establishments serving alcoholic beverages for consumption on the premises which provide live entertainment may apply for a waiver of the locational requirements applicable to an Adult Regulated Use provided the use meets the criteria set forth in subsection D.9.

2. Approval Procedure

An applicant for a Waiver shall comply with the requirements of this Section D in order to be granted a waiver of the locational requirements for an establishment serving alcoholic beverages on the premises which provides live entertainment.

3. Contents Of Application

An application for a Waiver of the Adult Use Locational Requirements for any property shall be filed with the Zoning Administrator and shall contain the following information:

- a. The name, address, and phone number of the applicant;
- b. A complete disclosure of interests as provided under Requirements for All Applications in the Administration section herein;
- c. The zoning district classifications of the property;
- d. Descriptions of the existing use of the property and of the general category of Adult Use;
- e. A site plan showing the locations of all structures, parking and loading areas, open spaces, landscaping, yards, refuse and service areas, utilities, signs and traffic accesses and circulation ways;
- f. A narrative statement evaluating:
 - (1) The environmental and economic effects that noise, glare, odor, vibration, traffic generation, or other characteristics of the proposed use will have on nearby properties;
 - (2) The general compatibility of the proposed use with nearby properties;
 - (3) The compatibility of the proposed use with the Village Official Comprehensive Master Plan;

- (4) The compatibility of the proposed use with the locational regulations set forth in this Ordinance.
- g. Any other information the Plan Commission reasonably may require to determine if the proposed use meets the requirements herein.

4. Staff Review

The Zoning Administrator may, together with the other departments and officials of the Village, prepare a written review of the application, provided such review is completed and forwarded to the Village Board within ten (10) days of receipt of the application.

5. Village Board Action

- a. The Village Board shall not act upon any Waiver Application until either it has received a report thereupon from the Zoning Administrator or ten (10) days have elapsed from the date the application was received by the Zoning Administrator. The Village Board shall act upon a Waiver Application at its next regularly scheduled meeting in which a quorum is present held not sooner than forty-eight (48) hours after (1) the receipt of the Zoning Commissioner's report or (2) the expiration of the ten-day period from the date the application was received by the Zoning Administrator. The Village Board shall not approve the permit application unless it finds that the proposed use meets applicable Waiver herein.
- b. The Board must base its approval of a Waiver only upon Criteria set forth herein for Waivers. The approval or denial of a Waiver by the Village Board shall be considered final action subject to judicial review.

6. Issuance Of Waiver

If the applicant holds a valid entertainment permit, the Zoning Administrator shall issue a Waiver without delay after approval thereof by the Village Board. If the applicant does not hold a valid Entertainment Permit, the Zoning Administrator shall issue a Waiver, conditioned and only effective upon the applicant being issued a valid Entertainment Permit.

7. Revocation Of Waiver

A Waiver may be revoked by the Village Board:

- a. If the applicant or any person making a representation on behalf of the applicant makes a misrepresentation of any fact in the application or in any testimony before any Board or Commission of the Village;
- b. If any criteria on which the Waiver is approved is not complied with;

- c. If after the criteria is initially complied with, compliance with such criteria is not maintained at any time;
- d. If the eligible Adult Use is not established, or a required Building Permit is not obtained and building started, within one year of the date the Permit is issued;
- e. If the eligible adult use shall cease for more than thirty (30) days;
- f. If prior to the issuance of any required Building Permit, the Waiver applicant transfers his interest in the property to another party.
- g. If it determines that the waiver holder or the owner, operator or manager of the establishment serving alcoholic beverages has:
 - (1) violated any provisions of the Liquor Control Act;
 - (2) violated any ordinance of the Village of Glendale Heights contained in Title 3, Chapter 2 (Glendale Heights Liquor Control Code) or Title 10, Chapter 6 (General Offenses); or
 - (3) been convicted of a felony under any Federal or State law.However, no Waiver shall be revoked except after a public hearing by the Village Board after a three (3) day written notice to the holder of the waiver affording the holder an opportunity to appear and respond to the basis for revocation contained in the notice. The three (3) day notice provision shall commence on the day following delivery of the notice by certified mail, personal service or facsimile transmission.

8. Expansion Or Alteration

Any expansion, enlargement or structural alteration of an eligible Adult Use shall require a re-application and an additional Waiver.

9. Waiver Criteria

In evaluating the suitability of a proposed Waiver of the locational requirements for an establishment serving alcoholic beverages for consumption on the premises which provides live entertainment, the Village Board shall examine the following characteristics of the proposed use and its individual structures or components and shall issue the Waiver provided the proposed use meets the criteria listed in subsections a, and either b or c below:

- a.
 - (1) The use of the land, building or structure on or in which the live entertainment is to be performed, except for the performance of the live entertainment, otherwise complies with the applicable regulations of this Ordinance, as amended.
 - (2) No entertainment presented or to be presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

- b. (1) The land, building or structure on or in which the live entertainment is to be performed is located within a public park or recreation area; and
- (2) The live entertainment is being presented by or under the sponsorship of the Village or another governmental entity.
- c. (1) The land, building or structure on or in which the live entertainment is to be performed is owned by a bona fide religious, fraternal, charitable, or educational organization which is exempt from taxation under Section 501 of the Internal Revenue Code; and
- (2) The live entertainment is being presented by or under the sponsorship of the religious, fraternal, charitable or educational organization which is exempt from taxation under Section 501 of the Internal Revenue Code.

10. The Village Board shall deny the application for Waiver for any of the following reasons:

- a. The application does not meet the standards set forth in this section;
- b. An applicant has failed to provide information required on the application for the issuance of the Waiver or has falsely answered a question or request for information on the application form;
- c. The premises to be used for the permitted entertainment has not been approved as being in compliance with health, fire and building codes by the department or agency responsible under law for investigation said compliance;
- d. The proposed location is in violation of, or is not in compliance with, any of the provisions of this ordinance including, but not limited to, the requirements under this section.

11. Expiration

The Waiver shall, by its own terms, expire one (1) year after its issuance.

12. Renewal

- a. An unrevoked Waiver issued pursuant to this section may be renewed upon written application to the Zoning Administrator made at least thirty (30) calendar days before the expiration date of a current valid Waiver and payment of the then current nonrefundable application fee. A Waiver shall remain valid pending the Zoning Administrator's consideration and the Village Board's decision if the holder of Waiver has timely filed the application for renewal with proper fee payment. For good cause, the Zoning Administrator may extend the time for filing

- a renewal application for up to ninety (90) days may extend the prior Waiver pending decision on the renewal application.
- b. The application for renewal shall supply current information with respect to each category of information required in the initial application. Within thirty (30) days from the date the renewal application for a Waiver is date-stamped and received at the Community Development Department, the Zoning Administrator shall determine if it is complete, and if incomplete, shall notify the applicant in writing of its specific deficiencies. If a written determination is not provided to the applicant within thirty (30) days after it is submitted to the Community Development Department, the application shall be deemed complete.
 - c. The Zoning Administrator shall make its written review on an application for the renewal of a Waiver within thirty (30) days from the date the application is deemed to be complete. The Zoning Administrator may recommend to extend the Waiver without change to the original conditions of approval, with amended or deleted conditions, or deny the extension.
 - d. All department or agency inspections, including but not limited to, health, fire, and building inspections, which are required for the Zoning Administrator to consider the renewal of a Waiver, shall be completed within the time limits for Zoning Administrator action provided in this section.
 - e. The Village Board shall not act upon Waiver renewal Application until either it has received a report thereupon from the Zoning Administrator or thirty (30) days have elapsed from the date the application is deemed complete. The Village Board shall act upon a Waiver renewal Application at its next regularly scheduled meeting in which a quorum is present held not less than fourteen (14) days after (1) receipt of the Zoning Administrator's report or (2) the expiration of the thirty-day period from the date the application is deemed complete. The Village Board shall not approve the permit renewal application unless it finds that the proposed use meets applicable Waiver Criteria herein.
 - f. The Board must base its approval of a renewal of a Waiver only upon Criteria set forth herein for the Waivers. The approval or denial of a renewal of a Waiver by the Village Board shall be considered final action subject to judicial review.

E. Waiver of Locational Requirements for Certain Adult Regulated Uses

1. Eligible Establishments

Establishments serving alcoholic beverages for consumption on the premises which provide live entertainment may apply for a waiver of the locational

requirements applicable to an Adult Regulated Use provided the use meets the criteria set forth in subsection E.14, and further provided that the establishment is not within one thousand (1,000) feet of any other Adult Regulated Use or an establishment which is the holder of a Waiver under this Section E.

2. Approval Procedure

An applicant for a Waiver shall comply with the requirements of this Section E in order to be granted a waiver of the locational requirements for an establishment serving alcoholic beverages on the premises which provides live entertainment.

3. Written Notice By Applicant

- a. The applicant shall provide notice of intent to file the Waiver Application to the owners of record of each parcel of real estate within two hundred fifty (250) feet in all directions from the boundaries of the property affected by the application.
- b. All public rights-of-way shall be excluded in calculating the two hundred fifty (250) foot notice area.
- c. The owners of record for this purpose shall be considered those appearing on the records of the County Recorder of Deeds or those who paid property taxes for the most recent year according to the records of the Township Assessor.
- d. The written notice shall be delivered not more than thirty (30) days prior to filing the application and shall contain:
 - (1) Address of the location for which the Waiver is requested.
 - (2) A brief statement of the nature of the use of the premises.
 - (3) The name and address of the legal and beneficial owner(s) of the property.
 - (4) A statement that the applicant intends to file an application for a Waiver of the Adult Use Locational Requirements.

4. Fees.

- a. All applications shall be accompanied by a filing fee, as required in Section 11.3B.
- b. An applicant shall also pay a \$500.00 cash deposit to be applied against any additional costs necessary for the processing of the application, such as consulting engineering services, consulting planning services, legal services, or court reporter services.
- c. Any costs incurred in excess of the \$500.00 cash deposit shall be invoiced by the Village to the applicant who shall be responsible for payment of the invoice upon its receipt.

- d. No application shall be processed until the applicant has first exhibited a receipt of the Village clerk showing payment of the filing fee and cash deposit.

5. Contents Of Application

An application for a Waiver of the Adult Use Locational Requirements for any property shall be filed with the Zoning Administrator and shall contain the following information:

- a. The name, address, and phone number of the applicant;
- b. A complete disclosure of interests as provided under Requirements for All Applications in the Administration section herein;
- c. A recent plat of survey (one year or less) and legal description prepared by a registered land surveyor of Illinois showing all the improvements thereon as it exists as of the date of application.
- d. A typewritten list of all property owners within two hundred fifty (250) feet of the property.
- e. The zoning district classifications of the property and all other properties within two hundred fifty (250) feet thereof.
- f. Descriptions of the existing use of the property and of the general category of Adult Use;
- g. A site plan showing the locations of all structures, parking and loading areas, open spaces, landscaping, yards, refuse and service areas, utilities, signs and traffic accesses and circulation ways;
- h. Architectural renderings or sketches illustrating the appearance of the proposed use, as required by the Plan Commission.
- i. A narrative statement evaluating:
 - (1) The environmental and economic effects that noise, glare, odor, vibration, traffic generation, or other characteristics of the proposed use will have on nearby properties;
 - (2) The general compatibility of the proposed use with nearby properties;
 - (3) The compatibility of the proposed use with the Village Official Comprehensive Master Plan;
 - (4) The compatibility of the proposed use with the locational regulations set forth in this Ordinance.
- j. An affirmative statement that the entertainment to be presented is not distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas” as defined in this zoning ordinance.
- k. An accurately scaled plot plan indicating the structure in which the Adult Regulated Use is to be conducted an identifying and locating all land

uses and property lines within a radius of one thousand (1,000) feet of the structure.

- l. Financial statements, or if the business has no financial history, financial projections of the business for which the Waiver is sought, prepared in accordance with generally accepted accounting procedures and by a certified public accountant, certified to be true and accurate and showing that the applicant complies or is projected to comply with the criteria set forth in subsection E14a(6).
- m. Any other information the Plan Commission reasonably may require to determine if the proposed use meets the requirements herein.
- n. A listing of which locational requirement(s) of section A the applicant seeks to have waived.

6. Staff Review

The Zoning Administrator may, together with the other departments and officials of the Village, prepare a written review of the application, provided such review is completed and forwarded to the Plan Commission within ten (10) days of receipt of the application.

7. Public Hearing

The Zoning Administrator shall transmit the application to the Plan Commission and shall set a date for a public hearing before the Plan Commission not more than thirty (30) days nor less than fifteen (15) days after receipt of a complete and accurate application.

8. Public Notice.

a. Sign Display

- (1) The applicant shall post a sign in the front yard of the affected property, facing a public street and no further than thirty (30) feet therefrom.
- (2) The sign shall plainly state the type of zoning action requested and the scheduled date, time, and location of the public hearing thereupon.
- (3) The sign shall have length and width dimensions of at least four (4) feet and eight (8) feet.
- (4) The sign shall be erected no less than fifteen (15) days prior to the date of the scheduled public hearing and remain continuously in place until the public hearing is concluded but no more than ten (10) days thereafter.

b. Written Notification

The Zoning Administrator shall, not more than thirty (30) days nor less than fifteen (15) days before the hearing, send written notice to the persons appearing on the list furnished by the applicant which notice shall contain:

- (1) The name and address of the applicant.
- (2) The street address and legal description of the property affected by the application;
- (3) The type of conditional use requested;
- (4) The date, time, location of the public hearing thereupon.

c. Newspaper Publication

The Zoning Administrator shall publish a notice of the public hearing in the newspaper of general circulation in the Village at least fifteen (15) days but no more than thirty (30) days before the scheduled date of the hearing.

9. Plan Commission Action.

The Plan commission shall hold a public hearing on the application. Within ten (10) days after the close thereof, the Commission shall submit to the Village Board findings of fact relating to the Waiver Criteria herein, a recommendation for action, and any conditions or restrictions relating to the recommendation.

10. Village Board Action

- a. The Village Board shall not act upon any Waiver Application until either it has received a report thereupon from the Plan Commission or ten (10) days have elapsed from the date closing of the public hearing. The Village Board shall act upon a Waiver Application at its next regularly scheduled meeting in which a quorum is present held not sooner than forty-eight (48) hours after (1) the receipt of the Plan Commission's report or (2) the expiration of the ten-day period from the close of the public hearing. The Village Board shall not approve the permit application unless it finds that the proposed use meets applicable Waiver herein.
- b. The Board must base its approval of a Waiver only upon Criteria set forth herein for Waivers. The approval or denial of a Waiver by the Village Board shall be considered final action subject to judicial review.

11. Issuance Of Waiver

If the applicant holds a valid entertainment permit, the Zoning Administrator shall issue a Waiver without delay after approval thereof by the Village Board. If the applicant does not hold a valid Entertainment Permit, the Zoning

Administrator shall issue a Waiver, conditioned and only effective upon the applicant being issued a valid Entertainment Permit.

12. Revocation Of Waiver

A Waiver may be revoked by the Village Board:

- a. If the applicant or any person making a representation on behalf of the applicant makes a misrepresentation of any fact in the application or in any testimony before any Board or Commission of the Village;
- b. If any criteria on which the Waiver is approved is not complied with;
- c. If after the criteria is initially complied with, compliance with such criteria is not maintained at any time;
- d. If the eligible Adult Use is not established, or a required Building Permit is not obtained and building started, within one year of the date the Permit is issued;
- e. If the eligible Adult Use shall cease for more than thirty (30) days;
- f. If prior to the issuance of any required Building Permit, the Waiver applicant transfers his interest in the property to another party.
- g. If it determines that the waiver holder or the owner, operator or manager of the establishment serving alcoholic beverages has:
 - (1) violated any provisions of the Liquor Control Act;
 - (2) violated any ordinance of the Village of Glendale Heights contained in Title 3, Chapter 2 (Glendale Heights Liquor Control Code) or Title 10, Chapter 6 (General Offenses); or
 - (3) been convicted of a felony under any Federal or State law.However, no Waiver shall be revoked except after a public hearing by the Village Board after a three (3) day written notice to the holder of the Waiver affording the holder an opportunity to appear and respond to the basis for revocation contained in the notice. The three (3) day notice provision shall commence on the day following delivery of the notice by certified mail, personal service or facsimile transmission.

13. Expansion Or Alteration

Any expansion, enlargement or structural alteration of an eligible Adult Use shall require a re-application and an additional Waiver.

14. Waiver Criteria

In evaluating the suitability of a proposed Waiver of the locational requirements for an establishment serving alcoholic beverages for consumption on the premises which provides live entertainment, the Plan Commission shall make

findings of fact based upon and the Village Board shall examine the following characteristics of the proposed use and its individual structures of components and shall issue the Waiver provided the proposed use meets the criteria listed in subsections a, and either b or c below:

- a. (1) The land, building or structure on or in which the live entertainment is to be performed is located within one of the following zoning districts:
 - C-2 Community Commercial District
 - C-3 General Commercial District
 - O-2 Office Park District
 - I Industrial District
- (2) The land, building or structure on or in which the live entertainment is to be performed is located on a parcel of land under common ownership not less than two (2) acres in size that is contiguous to not less than four hundred (400) feet of the right of way of DuPage County Route 11 (Army Trail Road) or Illinois Route 64 (North Avenue) and upon which is constructed a shopping center.
- (3) The use of the land, building or structure on or in which the live entertainment is to be performed, except for the performance of the live entertainment, otherwise complies with the applicable regulations of this Ordinance, as amended.
- (4) No entertainment presented or to be presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".
- (5) Not less than fifty percent (50%) of the square footage of the business establishment is devoted to the preparation and service of food.
- (6) The service of alcoholic beverages is incidental (gross revenue from the sale of alcoholic beverages shall not exceed sixty percent (60%) of the gross revenue from all sales on an annual basis) to the service of food.
- (7) No loudspeakers or sound equipment shall be used for the amplification of sound to a level discernible by the public beyond the walls of the building in which the permitted entertainment is conducted.
- (8) No residential structure or any other non-conforming structure shall be converted for use for live entertainment after enactment of the provisions of this section;
- (9) If the maximum audience expected exceeds twenty-five (25) people, an on-site security program, including required interior

and exterior lighting plans, shall be prepared and implemented. The security program shall include the following:

- (i) The presence of an on-site manager during all business hours.
 - (ii) All off-street parking areas and building entries serving the Entertainment Use shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one (1) foot candle of light on the parking surface and/or walkway. In the event the Entertainment Use shares its parking with other businesses, this requirement shall only apply within a radius of one-hundred (100) feet from any entrance into the Entertainment Use;
 - (iii) All interior portions of the Entertainment Use shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of not less than two (2) foot candles of light at the floor.
- (10) All exterior areas of the business, including building, landscaping and parking areas, shall be maintained in a clean and orderly manner.
 - (11) Buildings and structure shall not be painted or surfaced with colors or textures or any design that would simulate a sign or advertising message except as permitted by Section IX of this zoning ordinance.
 - (12) The applicant or the owner, operator or manager of the establishment serving alcoholic beverages has not
 - (i) violated any provisions of the Liquor Control Act.
 - (ii) violated any ordinance of the Village of Glendale Heights contained in Title 3, Chapter 2 (Glendale Heights Liquor Control Code) or Title 10, Chapter 6 (General Offenses); or
 - (iii) been convicted of a felony under any Federal or State law.
- b. The Village Board shall deny the application for Waiver for any of the following reasons:
- (1) The application does not meet the standards set forth in this section E.
 - (2) An applicant or an applicant's spouse is overdue on his/her payment to the Village of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to an Entertainment Use.

- (3) An applicant has failed to provide information required on the application for the issuance of the Waiver or has falsely answered a question or request for information on the application form.
- (4) The premises to be used for the permitted entertainment has not been approved as being in compliance with health, fire and building codes by the department or agency responsible under law for investigation said compliance.
- (5) The required fees have been paid.
- (6) The proposed location is in violation of, or is not in compliance with, any of the provisions of this ordinance including, but not limited to, the requirements under this Section E.

15. Expiration

The Waiver shall, by its own terms, expire one (1) year after its issuance. The Waiver shall not be assignable or transferable and shall expire upon any purported assignment or transfer.

16. Renewal

- a. An unrevoked Waiver issued pursuant to this section may be renewed upon written application to the Plan Commission made at least thirty (30) calendar days before the expiration date of a current, valid Waiver and payment of the then current nonrefundable application fee. A Waiver shall remain valid pending the Plan Commissioner's consideration and the Village Board's decision if the holder of Waiver has timely filed the application for renewal with proper fee payment. For good cause, the Plan Commission may extend the time for filing a renewal application for up to ninety (90) days may extend the prior Waiver pending decision on the renewal application.
- b. The application for renewal shall supply current information with respect to each category of information required in the initial application. Within thirty (30) days from the date the renewal application for a Waiver is date-stamped and received at the Community Development Department, the Zoning Administrator shall determine if it is complete, and if incomplete, shall notify the applicant in writing of its specific deficiencies. If a written determination is not provided to the applicant within thirty (30) days after it is submitted to the Community Development Department, the application shall be deemed complete.
- c. The Plan Commission shall make its written review on an application for the renewal of a Waiver within thirty (30) days from the date the application is deemed to be complete. The Plan Commission may recommend to extend the Waiver without change to the original

conditions of approval, with amended or deleted conditions, or deny the extension.

- d. All department or agency inspections, including but not limited to, health, fire, and building inspections, which are required for the Plan Commission to consider the renewal of a Waiver, shall be completed within the time limits for Plan Commission action provided in this section.
- e. The Village Board shall not act upon Waiver renewal Application until either it has received a report thereupon from the Plan Commission or ninety (90) days have elapsed from the date the application is deemed complete. The Village Board shall act upon a Waiver renewal Application at its next regularly scheduled meeting in which a quorum is present held not less than fourteen (14) days after (1) receipt of the Plan Commission's report or (2) the expiration of the ninety-day period from the date the application is deemed complete. The Village Board shall not approve the permit renewal application unless it finds that the proposed use meets applicable Waiver Criteria herein.
- f. The Board must base its approval of a renewal of a Waiver only upon Criteria set forth herein for the Waivers. The approval or denial of a renewal of a Waiver by the Village Board shall be considered final action subject to judicial review.