

This book includes all amendments to Ordinance No. 267,  
ZONING ORDINANCE OF THE VILLAGE OF NORRIDGE - 1962,  
SINCE ITS ADOPTION ON 25<sup>TH</sup> DAY OF April, 1962 and contains  
All provisions of the

ZONING ORDINANCE OF THE VILLAGE OF NORRIDGE

In effect as of May 23, 2007

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Judith Dunne Bernardi,  
Village Clerk

Revised December 14, 2016  
Revised November 13, 2019  
Revised January 22, 2020

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Debra J. Budnik  
Village Clerk

In effect as of November 9, 2022  
Revised November 9, 2022

In effect as of March 27, 2024  
Revised March 27, 2024

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Gabriela Krasinski  
Village Clerk

ORDINANCE NO. 267

ZONING ORDINANCE OF THE VILLAGE OF NORRIDGE - 1962

JOSEPH SIEB, PRESIDENT

JOHN GRAY, TRUSTEE  
EDWARD L. HUSSEY, TRUSTEE  
WILLIAM R. Mc GOWEN, TRUSTEE

MICHAEL W. MIELA, TRUSTEE  
STEVE NOSKO, TRUSTEE  
MARTIN A. SCHROEDER, TRUSTEE

HAROLD W. DIERKES, VILLAGE CLERK  
PETER G. SCHULTZ, VILLAGE ATTORNEY

ZONING COMMISSION

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MRS. JOANNE WHEELER  
HARRY KERBER

EVERETT KEGG  
CHARLES R. BAVER  
WILBUR F. PERGANDE

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# **ZONING ORDINANCE**

## **VILLAGE OF NORRIDGE**

### ***Zoning Ordinance of 1962***

WHEREAS, The President and Board of Trustees of the Village of Norridge, deem it necessary to the end that adequate light, pure air and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the Village may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals and welfare may otherwise be promoted in accordance with a well considered and comprehensive plan for the use and development of all property throughout the Village of Norridge.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NORRIDGE, COUNTY OF COOK, AND STATE OF ILLINOIS, AS FOLLOWS:

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## **ARTICLE I**

### *Short Title*

This Ordinance shall be known and referred to as the "Zoning Ordinance of the Village of Norridge."

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## ARTICLE II

### *Definitions*

1.1 - For the purpose of this ordinance certain terms and words are hereby defined as follows:

- a. Words in the present tense include the future; words in the singular number include the plural and vice-versa.
- b. The word "lot" includes the word "plot", "piece", "tract", "site" and "parcel".
- c. The word "building" includes the word "structure"
- d. The word "shall" is mandatory and not directory.
- e. Any word not herein defined shall be construed as defined in the Building Ordinance of the Village of Norridge, Illinois.

1.2 - Accessory Building - Accessory Use

A subordinate building attached to the main building located in and occupying not more than thirty percent (30%) of the rear yard of the main building, whose use is incidental to that of the main building, and which does not exceed twelve (12) feet in height. An accessory use is one which is incidental to the main use of the premises.

1.3 - Alley

A public thoroughfare furnishing secondary means of access, not less than twenty (20) feet wide except in cases where an alley has, before passage of this ordinance, already been legally established or dedicated.

1.4 - Apartment

A room or suite of rooms in a two (2) family or multiple family dwelling, or in the building including a non-residential use, intended or designed for use as a residence by a single family.

1.5 - Apartment Building

A building which is designed for, or intended to be used as a home or residence for three (3) or more families living in separate apartments.

1.6 - Area - See "Building Area"

1.7 - Basement

A story having part, but not more than one-half (1/2) its height below the grade of the building. If the floor of such basement is less than two (2) feet six (6) inches below such grade, or if the ceiling of such basement is more than five (5) feet above said grade, the basement shall be counted as a story for the purpose of height regulation.

## 1.8 - Block

That property abutting on one (1) side of a street between the two (2) nearest intersecting streets, railroad rights-of-way, or other natural barriers.

## 1.9 - Repealed and Reserved (Ord. No. 2089-22, Nov. 9, 2022)

## 1.10 - Buffer Strip

A buffer strip that shall be provided along any residential boundary line as provided by the zoning ordinance, shall be curbed, sodded, planted and shrubbed in such a manner as to form a green area maintained by the property owner. A plat plan is required on a buffer strip with the application for a building permit.

## 1.11 - Building

A structure which is permanently affixed to the land having a roof supported by columns or walls of the shelter, support of enclosure for persons, animals or chattels. When separated by a division of walls from the ground up and without openings, each portion of such building shall be deemed a separate building.

## 1.12 - Building Area

The area contained within the boundary lines as defined in "Building Line".

## 1.13 - Building Height

Height is measured from the top of a structure's foundation to the top of the peak of a roof. The number of stories will be limited to two. A new foundation should not be less than one foot or more than two feet above the level of the curb line adjacent to the proposed dwelling, unless the lot is greater than two feet above the curb. In that case, the Building Commissioner will determine the elevation of the top of foundation. The Building Commissioner will use existing topography and the elevation of the foundations of existing structures on adjacent lots to determine the appropriate grade for a new foundation.

## 1.14 - Building Line

The boundary of any side of a building, excluding only cornices projecting not more than eighteen (18) inches and chimneys not more than twelve (12) inches beyond the wall of the building, and unroofed steps and unroofed terraces.

## 1.15 - Business

The word "business" or word "commercial" when used in this ordinance means the engaging in the purchase, sale, barter, or exchange of goods, services, wares or merchandise, and maintenance or operation of offices, or recreational or amusement enterprises.

### 1.15.1 - Cannabis (Ord. No. 2087-22, Nov. 9, 2022)

The word "cannabis" when used in this ordinance refers to cannabis businesses as defined herein. Cannabis means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly

by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

1. Adult-Use Cannabis Business Establishment - An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.
2. Adult-Use Cannabis Craft Grower - A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
3. Adult-Use Cannabis Cultivation Center - A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
4. Adult-Use Cannabis Dispensing Organization - A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
5. Adult-Use Cannabis Infuser Organization Or Infuser - A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
6. Adult-Use Cannabis Processing Organization Or Processor - A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
7. Adult-Use Cannabis Transporting Organization Or Transporter - An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community



College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

1.16 - Cellar

A story having more than one-half (1/2) its height below the grade of the building. A cellar is not included in computing the number of stories for the purpose of height regulation.

1.17 - Commercial

The word "commercial" or word "business" when used in this ordinance means the engaging in the purchase, sale, barter, or exchange of goods, services, wares or merchandise, and maintenance or operation of offices, or recreational or amusement enterprises.

1.17.5 - Concrete Paver or Paver Blocks. See, Paver Blocks.

1.18 - Court, Height of

The vertical distance from the lowest level of a court to the mean height of its bounding walls.

1.19 - Court, Inner

An open unoccupied space surrounded on all sides by walls, or by walls and interior lot line. The latter is also a "lot line court".

1.20 - Court Outer

An open, unoccupied space other than a yard on the same lot with a building extending directly to and opening for its full width upon a street, alley or other permanent public open space.

1.21 - Court, Outer Length of

The mean horizontal distance between the open and closed end of an outer court.

1.22 - Deck

A flat floored roofless structure, used for recreation, adjoining a building or dwelling. The floor shall permit rain water to drop through the planking and drain to the earth below. The square footage of said deck structure shall be added to the footprint of said building or dwelling if the area under said deck is non-porous.

1.23 - District

One or more sections of the Village of Norridge, for which the regulations governing the height, area, and use of building premises are the same in accordance with the Zoning Ordinance.

1.24 - Drive-In Service Establishment

Business where people may be served in their automobiles.

1.25 - Dwelling

Any building or portion thereof (but not a trailer, with or without wheels) which is designed, intended for, or used exclusively for residential purposes.

1.26 - Dwelling, Multiple Family

A building which is designed for, or intended to be used as a home or residence for three (3) or more families living in separate apartments.

1.27 - Dwelling, Single Family

A detached building designed for and intended occupied as a residence by only one (1) family and servants.

1.28 - Fallout Shelter

A "fallout shelter" is an accessory building and use which incorporates the fundamentals for fallout protection -- shielding mass, ventilation, and space to live -- and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.

1.29 - Family

A "family" consists of one (1) or more persons each related to the other by blood (or adoption), together with such blood relatives' spouses, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants and not more than one (1) gratuitous guest residing with said "family".

1.30 - Footprint

"Footprint" of a structure is that area of a lot covered by the dwelling, accessory buildings, garages and any appendages to the structure (i.e. patios, decks, and/or porches).

1.31 - Garage, Community

A series of private garages located jointly on a common lot and having no public shop or service in connection therewith, with a total capacity for not more than four (4) motor vehicles.

1.32 - Garage, Private

An accessory building for the purpose of housing not more than three (3) motor-driven passenger vehicles for the private use of one (1) owner or family. All private garages shall be not larger than six hundred-sixty (660) square feet; typically a twenty-two (22') x thirty (30') structure. The structure shall be not smaller than twenty feet (20') x twenty feet (20'). Detached garages will be limited to a height of fourteen feet (14'), and the overhead door to eight (8'). A private garage which is smaller than the minimum size established by this section and which is being used as a garage on May 1, 2002 shall be a non-conforming use and subject to the requirements of Article XIV, Section 1, hereof.

1.32.5 - Garage, Attached

An attached garage shall be one which has one or more walls in common with those of the primary residential structure. The garage must be part of the same

building as the dwelling. A garage that is merely connected, does not qualify as an attached garage.

#### 1.33 - Garage, Public

Any premises except those described as a private or storage garage, used principally for the storage of automobiles or motor-driven vehicles, for remuneration, hire or sale, where any such vehicle may also be equipped for operation or repair.

#### 1.34 - Garage, Storage

Any premises except, those herein defined as private garage used exclusively for the storage of self-propelled vehicles and where such vehicles are not repaired.

#### 1.35 - Grade

The established grade of the street or sidewalk is as prescribed by the Village of Norridge. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be of the average elevation of the street adjacent to the property line.

#### 1.36 - Green Area (Open Space)

Green area (open space) shall be unpaved to provide for water-drainage. Green area (open space) shall be used for lawns, shrubs, gardens and trees only to improve the drainage of the area and the general environment and to reduce flooding. Off-street parking and loading spaces, sidewalks and driveways shall not be considered open space.

#### 1.37 - Home Occupation (Amended Ord. No. 2089-22, Nov. 9,2022)

Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which: (a) There is used no sign other than a name plate not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; (b) There is no commodity sold upon the premises; (c) No person is employed other than a member of the immediate family residing on the premises; and (d) No mechanical equipment is used except of a type of the same character as that normally used for purely domestic or household purposes. Home occupation shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but, not for the general practice of their profession. Home occupation does not include short term residential rentals.

#### 1.38 - Hotel, Motel (Amended Ord. No. 2089-22, Nov. 9,2022)

A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

#### 1.39 - Institution

A building occupied by a nonprofit corporation or a nonprofit establishment: for public use.

#### 1.40 - Repealed and Reserved (Ord. No. 2089-22, Nov. 9,2022)

#### 1.41 - Lot or Zoning Lot

Land occupied by one building and accessory buildings and uses and including the open spaces required under these regulations. A lot or zoning lot is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built as a unit, under single ownership or control. A lot or zoning lot may or may not coincide with a lot of record with Recorder of Deeds of Cook County. Furthermore, the designation by the owner or developer shall not be conclusive as to whether the lot is buildable or otherwise approved. A lot shall satisfy all of the Village requirements with respect to area, size dimensions, and frontage as required in the district in which the zoning lot is located.

#### 1.42 - Lot Corner

A lot situated at the junction of two or more streets, and having a width not less than forty (40) feet.

#### 1.43 - Lot, Depth of

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

#### 1.44 - Lot, Intensity of Use

That portion of the area of a lot which is occupied by, or which may be occupied by, or which may be occupied under this ordinance by building and accessory buildings. (Also called "footprint" of the property).

#### 1.45 - Lot Lines

The lines bounding a lot as defined herein.

#### 1.46 - Lot, Parking

An open lot or plot of ground used for the parking of motor vehicles.

#### 1.47 - Lot Size

All square footage calculated inside the lot lines and to include alley and utility easements.

#### 1.48 - Lot, Through

An interior lot having its front and rear lines on different streets.

#### 1.48.5 - Massage Establishments and Massage Therapists

(A) Any establishments having a source of income or compensation derived from the practice of Massage as defined in the Massage definition below and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities described on the Massage definition below.

(B) Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

#### 1.49 - Non-Conforming Building

Any building which does not conform to the regulations of this Zoning Ordinance prescribing the maximum required yards, coverage, height and setbacks; minimum required spacing between buildings on a single lot, and minimum required usable open space for the zoning district in which such building is located. No revisions or improvements shall be made to the building.

##### 1.49.5 - Non-Conforming Lot

A lot which does not satisfy all of the Village requirements with respect to area, size dimensions, and frontage as required in the district in which the zoning lot is located.

#### 1.50 - Non-Conforming Use

Any use of land or building which does not comply at the time of the adoption of this Zoning Ordinance to the regulations other than heights and yard requirements for the district in which it is situated. No revisions or improvements shall be made on the property.

#### 1.51 - Noxious Matter or Materials

"Noxious Matter" is material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical environmental or economic well-being of individuals.

#### 1.52 - Open Space (Green Area)

Open space (green areas) shall be unpaved to provide for water drainage. Open space (green area) shall be used for lawns, shrubs, gardens and trees only to improve the drainage of the area and general environment and to reduce flooding. Off street parking and loading spaces, sidewalks, paver block areas and driveways shall not be considered open space. Provided, however, that paver block areas if, and only if, constructed with landscaping fabric and without any plastic or other material impervious to water, up to 150 square feet may be considered open space.

#### 1.53 - Parking Space

A durably surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is unenclosed comprising an area of not less than nine feet by twenty feet (9'x20') or one hundred and eighty (180) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile. Any connection of the parking space with a street or alley must not include the area of any other parking space.

#### 1.54 - Patio

A recreation area that adjoins a dwelling or building and is paved with concrete, cement blocks, and/or patio bricks.

##### 1.54.5 - Paver Blocks

Interlocking or abutting solid blocks constructed on a compacted soil sub grade and compacted aggregate base. Provided, however, that paver block areas if, and only if, constructed with landscaping fabric and without any plastic or other

material impervious to water, up to 150 square feet may be considered open or green space.

#### 1.55 - Porch

A recreation area attached at the same elevation as the living quarters of a dwelling or building.

#### 1.56 - Setback

The distance between the front lot line and the building line.

##### 1.56.1 - Short Term Residential Rental (Ord. No. 2089-22, Nov. 9, 2022)

A residential structure, as defined herein, including a single room or portion of a residential structure, offered for rent, by license, leasehold, or any other similar arrangement, for a period which does not exceed thirty (30) consecutive days. The term "short-term residential rental" shall not include hotels or motels as those terms are defined in Village of Norridge Zoning Ordinance - 1962 as amended from time to time.

##### 1.56.2 - Short Term Residential Rental Property Owner (Ord. No. 2089-22, Nov. 9, 2022)

The individual or entity which has title to the property by deed or by lease which is the subject of a short-term residential rental.

#### 1.57 - Sign

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

However, a sign shall not include any display of official court or public notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

#### 1.58 - Sign, Advertising (Billboard)

A sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such sign is located, or to which it is affixed. A double face of V type sign, erected on a single supporting structure where the interior angle does not exceed one hundred thirty five (135) degrees shall for the purpose of computing square-foot area be considered and measured as a single face sign.

#### 1.59 - Sign, Business

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

#### 1.60 - Sign, Flashing

Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For

the purpose of this ordinance any moving, illuminated sign shall be considered a flashing sign. Any sign located in the direct line of vision of any traffic control signal shall not be permitted.

#### 1.61 - Storage Building

Any detached structure built, constructed, installed, erected or placed on, in or under the ground, or attached to something on, in or under the ground, used for seasonal storage and shall not exceed 90 square feet.

#### 1.62 - Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floors and the ceiling next above it.

#### 1.63 - Street

A thoroughfare furnishing principal means of access to abutting property, used for public foot and vehicle traffic other than an alley as herein defined.

#### 1.64 - Street Line

The street line is the dividing line between a street and the lot. The front street line shall be deemed to be the shortest street line.

#### 1.65 - Structure

Anything constructed or erected, the use of which requires more or less permanent location on or in the ground, or attached to something having a permanent location on or in the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, back stops for fields and courts on which games are played, arbors, decks, patios, storage buildings and pools.

#### 1.66 - Structural Alterations

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

#### 1.66.5 - Tattoo Establishments

Any establishment that, in whole or part, provides body tattooing to persons 21 years of age or older by means of the impression of indelible marks or figures upon the body via insertion of pigment under the skin or by production of scars; also, any establishment that, in whole or in part, provides body piercing services to persons 21 years of age or older, but excluding any establishment which only provides ear piercing services incidental to the purchase of jewelry.

#### 1.67 - Terrace

A natural or artificial earthen embankment between a building and its street front. The "height of the terrace" shall be the difference in elevation between the average sidewalk level or its equivalent established grade opposite the front of the middle of the building and the average elevation of the terrace at the building wall.

#### 1.68 - Trailer

Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been, or reasonable may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power of other means. The term "trailer" shall include camp car and house car.

#### 1.69 - Trailer, House

A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

#### 1.69.5 - Use, Special

Any "Special Use" of land or buildings, or both, described and permitted herein, is a use subject to special conditions and which because of unique characteristics cannot be properly classified as a permitted use.

#### 1.70 - Yard

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

#### 1.71 - Yard, Front

The minimum horizontal distance between the front lot line of the building, or a projection thereof, excluding steps and eaves, extending across the full width of the lot to both side lot lines.

#### 1.72 - Yard, Rear

A yard unoccupied except by an accessory building as hereinafter permitted, extending across the full width of the lot between the rear line of the building and the rear line of the lot.

#### 1.73 - Yard, Side

A yard between the main building and the sideline of the lot, and extending from the front lot line to the rear yard line.



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## ARTICLE III

### *Classification of Districts, Zoning Maps, Boundaries of Districts, Prohibitions and Exceptions*

#### Section 1- Classification of Districts

In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, and to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the courts and other open spaces within and surrounding such buildings, the Village of Norridge is hereby divided into fourteen (14) districts. The use, height and area regulations are uniform within each separate district: and said district shall be known as:

R-1	Single Family Residence District
R-1A	Single Family Residence District
R-2	Two (2) Family Residence District
R-2A	Three (3) Family Residence District
R-3	Multiple Family Residence District
R-4	Multiple Family Residence District (Special Condominium Use)
R-5	Multiple Family Residence District (Housing for the Elderly)
B-1	Restricted Neighborhood Business District
B-2	Restricted (Shopping Center) Business District
B-3	General Business District
B-4	Public Accommodations Business District
B-5	Retail Business District
C	Commercial District
M	Restricted Light Manufacturing District
PUD	Planned Unit Development District
CO	Cannabis Overlay District (Ord. No. 2087-22 Nov. 9,2022)

#### Section 2- Zoning Maps

The boundaries of these districts are shown upon the Zoning District Map, which accompanies and is made a part of this ordinance. The Zoning District Map and all the notations, references and other matters shown thereon are a part of this ordinance and have the same force and effect as if the Zoning District Map and all the other notations, references and other matters shown thereon were all fully set forth or described herein, the original of which Zoning District Map is properly attested and is on file with the Clerk of the Village of Norridge Illinois.

##### 2.1 - Zoning Map, Publication

The President and Board of Trustees shall cause to be published, no later than March 31st of each year, a Zoning map clearly showing the existing uses, divisions, restrictions and classifications in the Village for the preceding calendar year. If in any calendar year after the first map is published, there are no changes in zoning uses, divisions, restrictions, regulations and classifications in the Village; no map shall be published for such calendar year.

## 2.2 - Zoning Map and Zoning Book Fees

Any person desiring a copy of the Zoning Ordinance Book shall pay Twenty-Five Dollars (\$25.00) for each copy thereof to the Clerk of the Village. Copies of the Zoning Map are available at fifteen dollars (\$15.00) each through the Village Clerk for Thirty-Five Dollars (\$35.00) when purchased together. Such fees shall be applied to defray the cost of publication.

## Section 3 - Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made part of this ordinance, the following rules shall apply:

3.1 - The district boundaries are either streets or alleys unless otherwise shown and where the designations on the map accompanying and made part of is ordinance, indicating the various districts are approximately bounded by street or alley lines, such street or alley shall be construed to be the boundary of such district.

3.2 - Where the district boundaries are not shown to be streets or alleys and where the property has been or may hereafter be divided into blocks and lots the district boundaries shall be construed to be lot lines, and where the designation on the map accompanying and made part of this ordinance indicating the various districts are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of such districts.

3.3 - Where the district boundaries are not shown by streets or alleys, or lot or block lines, the district boundaries shall be construed to be the boundary lines of the several tracts and parcels of real estate in the several districts as shown upon the map accompanying and made part of this ordinance and particularly described in Section Two (2) of this ordinance.

## Section 4- Prohibitions and Exceptions

4.1 - Except as hereinafter provided:

No building shall be erected or altered nor shall any building or premises be used for any purpose other than is permitted in the District in which such building or premises is located.

4.2 - No building shall be erected nor altered to exceed in height the limit herein established for the district in which such building is located.

4.3 - No building shall be erected nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon, or reduced in any manner, except in conformity with the area regulations hereby established for the District in which such building is located.

4.4 - Fences

No fence shall hereafter be constructed, nor shall any existing constructed fence be altered or enlarged to protrude any closer to the street line than the front setback line of the building.

4.5 - Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one (1) such building on one (1) lot unless otherwise provided in this ordinance.

4.6 - No wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection.

4.6(a) - No lot of record, which has been improved by construction of a building shall be subdivided or reduced in area. Any two adjacent lots of record, one or both of which are non-conforming lots and which are used for a single purpose shall be considered one zoning lot regardless of whether one is unimproved or used for greenspace.

4.7 - An open porch or terrace may occupy a front yard provided that the unoccupied portion of the front yard furnished a depth of not less than fifteen (15) feet. A one-story bay window may project not more than three (3) feet beyond the front line of the building.

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## ARTICLE IV

### "R-1" Single-Family Residence District

#### Section 1 - Permitted Uses

In any R-1 Single Family Residence District, except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

1.1 - Single Family Dwelling House

1.2 - Public Libraries and Museums

1.3 - Churches and Temples

1.4 - Public and Private Schools and Colleges

1.5 - Public Parks and Necessary Public Recreation Buildings

1.6 - Police and Fire Department Stations

1.7 - Home Occupations

1.8 - Accessory Buildings and uses not involving the conduct of a business, and including one (1) private garage when located on the rear one-third (1/3) of the lot. The lot must have a minimum width of forty (40) feet and must be able to accommodate a garage and side driveway to provide off-street parking, giving sufficient clearance, in accordance with the building code, and not occupying over ten (10) percent of the lot, and having a setback of at least twenty (20) feet from the street line, or even with the front building line, whichever is farther from the street line.

1. Provided, however, only one area for the parking of cars is permissible on each lot. Therefore, if there is an "attached" garage or parking area, then no additional private garage shall be allowed.

2. Be it further provided that for any lot which has an attached garage and a private garage on December 1, 1999, may continue the non-conforming usage of the garages subject to Section 3, *supra*.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22, Nov. 9, 2022) (Ord. No. 2089-22, Nov. 9, 2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9, 2022)

1A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing. (Ord. No. 2087-22, Nov. 9, 2022)

## Section 2 - Height Regulations

Public buildings, churches, or schools may be erected to a height not exceeding forty-five (45) feet provided they are set back from each property line at least one (1) foot for each foot of additional building height above the limit for the district in which it is located.

### 2.1 - Second-Story Additions

The maximum allowable height for a two-story addition is based on lot width, as measured at the building setback line. Where lot width falls between two categories, the most restrictive standard will apply:

30 Foot Lot Width	Max Building Height - 26 Feet
40 Foot Lot Width	Max Building Height - 28 Feet
50 Foot Lot Width	Max Building Height - 30 Feet
60 Foot Lot Width	Max Building Height - 32 Feet

### 2.2 - Two Story Structures

The maximum allowable height for a new home is based on lot width, as measured at the building setback line. Where lot width falls between two categories, the most restrictive standard will apply:

30 Foot Lot Width	Max Building Height - 26 Feet
40 Foot Lot Width	Max Building Height - 28 Feet
50 Foot Lot Width	Max Building Height - 30 Feet
60 Foot Lot Width	Max Building Height - 32 Feet

## Section 3 - Area Regulations

### 3.1 - Intensity of the Use of Lot

(a) Required Lot Size: Minimum total area of seven thousand five hundred (7500) square feet with a minimum width of sixty (60) feet.

(b) No building with its accessory buildings including garages shall occupy in excess of thirty-five (35) percent of the area of an interior lot, nor in excess of forty-five (45) percent of the area of a corner lot. The remaining land shall be used for driveway, service walks and open space (green area). Green area (open space) shall be a minimum of 35% of the lot size to assure proper drainage and improve the environment in general.

(c) The limitations imposed by this paragraph shall not prohibit the re-building or maintenance of a dwelling arranged or designed for the use of one (1) family on a non-conforming lot of record on July 1, 2003. No building shall be erected on a non-conforming lot of record which was unimproved on July 1, 2003.

(d) No lot of record, which has been improved by construction of a building shall be subdivided or reduced in area. Any two adjacent lots of record, one or both of which are non-conforming lots and which are used for a single purpose shall be considered one zoning lot regardless of whether one is improved or used for green space.

(e) Lot coverage and green area must comply with the following:

<u>LOT SIZE</u>	<u>LOT COVERAGE</u>	<u>GREEN AREA</u>
3,000 to 4,999 SQ FT	45%	35%
5,000 Sq Ft and Larger	35%	35%

Lot coverage includes the house, garage and accessory buildings. Green area is that portion of a lot that is left unpaved and used for lawns, decks, pools shrubs, gardens and trees to improve the drainage of the area and the general environment and to reduce flooding.

3.2 - Front Yard with a depth of not less than twenty-five (25) feet provided that:

(1) Where a uniform setback has been established or observed on one (1) side of a street between two (2) intersecting streets at the time of the passage of this ordinance, no building erected or structurally altered shall project beyond such setback line.

(2) Where two (2) or more buildings have been erected prior to the passage of this ordinance in any block, then the average setback line is not less than fifteen (15) feet from the lot line, and providing that no building in such block shall be required to be set back more than thirty (30) feet from the street line in any case.

(3) Where only one (1) building has been erected in any block prior to the passage of this ordinance, that building shall establish the setback line, providing such setback line is not less than fifteen (15) feet from the lot line in any case.

(4) On lots where an existing home exceeds the minimum required front yard setback, room additions and new homes may extend five feet farther into the front yard provided a house does not extend more than ten feet beyond his front façade on an adjacent home.

### 3.3 - Rear Yard

There shall be a rear yard having a depth of not less than twenty-five (25) percent of the lot provided such rear yard be not less than twenty (20) feet and need not exceed thirty-one (31) feet in depth.

### 3.4 - Side Yard

There shall be a side yard on each side of the building having a width of not less than 10% of the lot width. The minimum side yard setback shall be three (3) ft.

#### 3.4.5 - Corner Lot Setbacks:

For the purposes of this section only:

The front yard of any new home on a corner will be that side with existing address. The front-yard setback will conform to the requirements of the Zoning Ordinance.

The interior side-yard setback is to be a minimum of 10% of the lot size; the exterior side-yard, (street side), setbacks must be a minimum of 20% of the lot size.

The rear-yard setback is to follow the requirements of the Zoning Ordinance.



### 3.5 - Set Back

There shall be a set-back of not less than twenty-five (25) feet from the front lot line and no building hereafter erected or structurally altered shall project beyond the setback line as herein established, provided that there two (2) or more buildings have been erected in any block prior to the passage of this ordinance the average setback of those buildings shall establish the setback line for such block, providing such set back line is not less than fifteen (15) feet from the lot line, but provided further that no building shall be required to be set back more than thirty (30) feet from the street line in any case provided, further that where only one (1) building has been erected in any block that building shall establish the set back line, providing such setback line is not less than fifteen (15) feet from the lot line, and provided that no building in such block shall be required to be set back more than thirty (30) feet from the street line in any case. Provided, further that on corner lots, buildings shall be erected in such a manner as to observe the established setback on both streets; provided, however for the lot of separate ownership recorded in the office of the Recorder of Deeds of the Registrar of Titles of Cook County, Illinois at the date of the passage of this ordinance having a width of less than fifty (50) feet, the requirement for the setback on the side of the house may be modified, but shall as nearly as possible conform to the established setback on that street or to that specified in this ordinance. Where accessory buildings are on through lots, the setback provisions on each street shall be observed.

### Section 4 - Other Regulations

4.1 - Off Street Parking shall be provided in accordance with Article XII.

4.2 - Signs - As provided in accordance with Article XIII.

4.3 - Attached garages may not project more than 10 feet beyond the front façade of a new home; and

4.4 - The percent of a front façade that can include one or more overhead garage doors will be limited to 50%. This percentage will be based on the projected elevation of the home as viewed from the front lot line, rather than on a lineal length of the front façade that may be an "L" shape.

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## ARTICLE IV-A

### "R-1A" Single-Family Residence District

#### Section 1 - Permitted Uses

In any R-1A Single Family Residence District, except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

1.1 - Single Family Dwelling House

1.2 - Public Libraries and Museums

1.3 - Churches and Temples

1.4 - Public and Private Schools and Colleges

1.5 - Public Parks and Necessary Public Recreation Buildings

1.6 - Police and Fire Department Stations

1.7 - Home Occupations

1.8 - Accessory Buildings and uses not involving the conduct of a business, and including one (1) private garage when located on the rear one-third (1/3) of the lot. The lot must have a minimum width of sixty (60) feet and must be able to accommodate a garage and side driveway to provide off-street parking, giving sufficient clearance, in accordance with the building code, and having a setback of at least twenty (20) feet from the street line, or even with the front building line, whichever is farther from the street line.

1. Provided, however, only one area for the parking of cars is permissible on each lot. Therefore, if there is an "attached" garage or parking area, then no additional private garage shall be allowed.

2. Be it further provided that for any lot which has an attached garage and a private garage on December 1, 1999, may continue the non-conforming usage of the garages subject to Section 3, *supra*.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22 Nov. 9, 2022) (Ord. No. 2089-22, Nov. 9, 2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9, 2022)

1A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing (Ord. No. 2087-22, Nov. 9, 2022)

## Section 2 - Height Regulations

No building hereafter erected or altered shall exceed thirty four (34) feet in height except that public buildings, churches, or schools may be erected to a height not exceeding forty-five (45) feet provided they are set back from each property line at least one (1) foot for each foot of additional building height above the limit for the district in which it is located.

### 2.1 - Second-Story Additions

The maximum allowable height for a two-story addition is thirty four(34) feet.

### 2.2 - Two Story Structures in Areas Zoned R-1

The maximum allowable height for a new home is thirty four (34) feet.

Beginning May 1, 2002, the construction of new residential structures of two stories or less will be allowed subject to the guidelines contained in Exhibit "A" which are attached hereto and incorporated herein by this reference.

## Section 3 - Area Regulations

### 3.1 - Intensity of the Use of Lot

(a) Required Lot Size: Minimum total area of ten thousand (10,000) square feet with a minimum width of sixty (60) feet.

(b) No building with its accessory buildings including garages shall occupy in excess of thirty-five (35) percent of any lot. The remaining area shall be used for driveway, service walks and open space (green area). Green area (open space) shall be a minimum of 50% of the lot size to assure proper drainage and improve the environment in general.

(c) The limitations imposed by this paragraph shall not prohibit the re-building or maintenance of a dwelling arranged or designed for the use of one (1) family on a non-conforming lot of record on July 1, 2003. No building shall be erected on a non-conforming lot of record which was unimproved on July 1, 2003.

(d) No lot of record, which has been improved by construction of a building shall be subdivided or reduced in area. Any two adjacent lots of record, one or both of which are non-conforming lots and which are used for a single purpose shall be considered one zoning lot regardless of whether one is improved or used for green space.

### 3.2 - Front Yard

There shall be a front yard with a depth of not less than twenty-five (25) feet provided that:

(1) Where a uniform setback has been established or observed on one (1) side of a street between two (2) intersecting streets at the time of the passage of this ordinance, no building erected or structurally altered shall project beyond such setback line.

(2) Where two (2) or more buildings have been erected prior to the passage of this ordinance in any block, then the average set-back line is not less than fifteen (15) feet from the lot line, and providing that no building in such block shall be

required to be set-back more than thirty (30) feet from the street line in any case.

(3) Where only one (1) building has been erected in any block prior to the passage of this ordinance, that building shall establish the setback line providing such setback line is not less than fifteen (15) feet from the lot line in any case.

(4) On lots where an existing home exceeds the minimum required front yard setback, room additions and new homes may extend five feet farther into the front yard provided a house does not extent more than 10 feet beyond the front façade of an adjacent home.

### 3.3 - Rear Yard

There shall be a rear yard having a depth of not less than twenty-five (25) percent of the lot provided such rear yard be not less than twenty (20) feet and need not exceed thirty-one (31) feet in depth.

### 3.4 - Side Yard

There shall be a side yard setback provided on each side of any building hereafter erected or altered of not less than ten (10) feet. On a cul-de-sac, each side yard setback shall be measured from the building line.

### Corner Lot Setbacks

For the purposes of this section only:

The front yard of any new home on a corner will be that side with existing address. The front-yard setback will conform to the requirements of the Zoning Ordinance.

The interior side-yard setback is to be a minimum of 10% of the lot size; the exterior side-yard, (street side), setbacks must be a minimum of 20% of the lot size.

### 3.5 - Setback

There shall be a setback of not less than twenty-five (25) feet from the front lot line and no building hereafter erected or structurally altered shall project beyond the setback line as herein established, provided that where two (2) or more buildings have been erected in any block prior to the passage of this ordinance the average setback of those buildings shall establish the setback line for such block, providing such setback line is not less than fifteen (15) feet from the lot line, but provided further that no building shall be required to be set back more than thirty (30) feet from the street line in any case. Provided, further that where only one (1) building has been erected in any block that building shall establish the setback line, providing such setback line is not less than fifteen (15) feet from the lot line, and provided that no building in such block shall be required to be setback more than thirty (30) feet from the street line in any case. Provided, further that on corner lots, buildings shall be erected in such manner as to observe the established set-back on both streets; provided, however, for the lot of separate ownership recorded in the office of the Recorder of Deeds or the Registrar of Titles of Cook County, Illinois at the date of the passage of this ordinance having a width of less than fifty (50) feet, the requirement for the setback on the side of the house may be modified, but shall as nearly as possible conform to the established setback on that street or to that specified in this ordinance. Where accessory buildings are on through lots, the setback provisions on each street shall be observed.

## Section 4 - Other Regulations

4.1 - Off Street Parking shall be provided in accordance with Article XII.

4.2 - Signs - As provided in accordance with Article XIII.

4.3 - Attached garages may not project more than 10 feet beyond the front façade of a new home: and

4.4 - The percent of a front façade that can include one or more overhead garage doors will be limited to 50%. This percentage will be based on the projected elevation of the home as viewed from the front lot line, rather than on a lineal length of the front façade that may be an "L" shape.

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## ARTICLE V

### "R-2" Two-Family Residence District

#### Section 1 - Permitted Uses

In any R-2 Two Family Residence District, except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

1.1 - Any use permitted in the R-1, and R-1A Single Family Residence Districts.

1.2 - Duplex House for Two Families or Two Family Residence District.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

1A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing (Ord. No. 2087-22, Nov. 9,2022)

#### Section 2 - Height Regulations

No building hereafter erected or altered shall exceed twenty-six (26) feet in height or two stories.

#### Section 3 - Area Regulations

3.1 - Intensity of Use of Lot.

(a) Required lot size: Minimum total area of six thousand two hundred fifty (6,250) square feet with a minimum width of fifty (50) feet.

(b) No buildings with its accessory buildings shall occupy in excess of forty (40) percent of the area of an interior lot nor in excess of fifty (50) percent of a corner lot, the average width of which is fifty (50) feet or less. The remaining land shall be used for driveway, service walks and green area (open space) Green area (open space) shall be a minimum of fifty (50) percent of the lot size to assure proper drainage and improve the environment in general.

(c) The limitations imposed by this paragraph shall not prohibit the re-building or maintenance of a dwelling arranged or designed for the use of two (2) families on a non-conforming lot of record on July 1, 2003. No building shall be erected on a non-conforming lot of record which was unimproved on July 1, 2003.

(d) No lot of record, which has been improved by construction of a building shall be subdivided or reduced in area. Any two adjacent lots of record, one or both of which are non-conforming lots and which are used for a single purpose shall be



considered one zoning lot regardless of whether one is improved or used for greenspace.

### 3.2 - Rear Yard

There shall be a rear yard of not less than ten (10) percent of the depth of a corner lot and not less than fifteen (15) percent of the depth of an interior lot; provided, however, such rear yard need not exceed ten (10) and fifteen (15) feet, respectively. Whenever the boundary line of any lot is also the sideline of a required side yard on an adjoining lot no building nor any part thereof shall be built in the said rear yard closer to the said sideline of the adjoining lot than the width of the required side yard in the adjoining lot.

### 3.3 - Set-Back

There shall be a setback of not less than thirty (30) feet on streets where a setback of more than thirty (30) feet has hitherto been maintained by buildings existing on lots or tracts having a frontage of thirty (30) per cent or more of the total frontage of one side of that portion of any street

(a) lying between two (2) intersecting streets, or

(b) lying between one (1) intersecting street and the center line extended of the nearest street connecting, but not intersecting such street, or

(c) lying between the center lines extended of the nearest streets connecting with but not intersecting such street, buildings shall maintain a set-back of not less than the average of the aforementioned buildings provided however, that this average setback requirement shall not be interpreted to necessitate a setback on any lot in excess of ten (10) feet more than that maintained by an existing main building on an immediately adjoining lot. Buildings on corner lots shall observe the setback above established on both street frontages of the lot, except that this regulation shall not be interpreted to reduce the width of the building area to less than forty-five (45) feet nor its length to less than seventy-five (75) feet. Accessory buildings of primary use except on through lots and in such cases the setback provision of each street shall be provided.

### 3.4 - Outer-Court

An outer court shall not be less than five (5) feet nor be less than two and one-half (2 1/2) inches wide for each foot of height of such court, nor be less than two and one-half (2 1/2) inches wide for each foot of length of such court from the closed end.

### 3.5 - Inner-Court

An inner court shall have a width of not less than six (6) feet nor be less than two and one-half (2 1/2) inches wide for each foot of height of such court, nor shall its area be less than twice its required least dimension.

### 3.6 - Side Yard

There shall be a side yard on each side of the building having a width of not less than five (5) feet.

## Section 4 - Other Regulations

4.1 - Off Street parking shall be provided in accordance with Article XII.

4.2 - Signs - As provided in accordance with Article XIII.

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## ARTICLE V-A

### "R-2A" THREE-FAMILY RESIDENCE DISTRICT

#### Section 1 - Permitted Uses

In any R-2A Three Family Residence District, except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

1.1 - Any use permitted in the R-1 and R-IA Single Family Residence District.

1.2 - Any use permitted in the R-2 Two Family Residence District.

1.3 - Duplex House with Garden Apartment.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9, 2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

1A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing (Ord. No. 2087-22, Nov. 9,2022)

#### Section 2 - Height Regulations

No building hereafter erected or altered shall exceed twenty-six (26) feet in height or two stories with a garden apartment.

#### Section 3 - Area Regulations

3.1 - Intensity of Use of Lot

(a) Required lot size: Minimum total area of Six Thousand Two Hundred Fifty (6,250) square feet with a minimum width of Fifty (50) feet.

(b) Land Use: Up to Fifty percent (50%) of the land upon which the apartment building is erected shall be utilized for the building, garage, other structures, driveways, parking areas and service walks. The remaining land shall be green area (open space) to assure proper drainage and improve the environment in general.

(c) No portion of any street or alley shall be used in computing the number of square feet in such lot or parcel of ground.

(d) The limitations imposed by this paragraph shall not prohibit the re-building or maintenance of a dwelling arranged or designed for the use of three (3) families on a non-conforming lot of record on July 1, 2003. No building shall be erected on a non-conforming lot of record which was unimproved on July 1, 2003.

(e) No lot of record, which has been improved by construction of a building shall be subdivided or reduced in area. Any two adjacent lots of record, one or both of which are non-conforming lots and which are used for a single purpose shall be considered one zoning lot regardless of whether one is improved or used for green space.

### 3.2 - Side Yard

There shall be a side yard on each side of the building having a width of no less than five (5) feet.

### 3.3 - Set Back

There shall be a setback of not less than thirty (30) feet on streets where a setback of more than thirty (30) feet has hitherto been maintained by buildings existing on lots or tracts having a frontage of thirty (30) percent or more of the total frontage on one (1) side of that portion of any street

(a) lying between two (2) intersecting streets, or

(b) lying between one (1) intersecting street and the center line extended of the nearest street connecting with but not intersecting such street, or,

(c) lying between the center lines extended of the nearest streets connecting with but not intersecting such street, buildings shall maintain a setback of not less than the average of the aforementioned buildings provided however, that this average setback requirement shall not be interpreted to necessitate a setback on any lot in excess of ten (10) feet more than that maintained by an existing main building on an immediately adjoining lot. Buildings on corner lots shall observe the setback above established on both street frontages of the lot, except that this regulation shall not be interpreted to reduce the width of the building area to less than forty-five (45) feet nor its length to less than seventy-five (75) feet. Accessory buildings shall not be placed nearer the street line than the buildings of primary use except on through lots and in such cases the set-back provision of each street shall be provided.

### 3.4 - Rear Yard

There shall be a rear yard of not less than ten (10) per cent of the depth of a corner lot and not less than fifteen (15) per cent of the depth of an interior lot; provided, however, such rear yard need not exceed ten (10) and fifteen (15) feet, respectively. Whenever the boundary line of any lot is also the sideline of a required side yard on an adjoining lot, no building not any part thereof shall be built in the said rear yard closer to the said side line of the adjoining lot than the width of the required side yard in the adjoining lot.

## Section 4 - Other Regulations

4.1 - Off-Street Parking shall be in accordance with Article XII.

4.2 - Signs - as provided in accordance with Article XIII.

4.3 - Miscellaneous Provisions.

(a) Owner shall provide private scavenger service

(b) Owner shall be billed for water at the three apartment rate.

(c) Owner shall be assessed for real estate taxes at the three apartment rate.

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## ARTICLE VI

### "R-3" Multiple-Family Residence District

#### Section 1 - Permitted Uses

In any R-3 Multiple Family Residence District, except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

- 1.1 - Any use permitted in the R-1 and R-2 Residence District.
- 1.2 - Multiple Family Dwellings.
- 1.3 - Repealed and Reserved. (Ord. No. 2089-22, Nov. 9, 2022)
- 1.4 - Institution of an Educational Philanthropic nature.
- 1.5 - Hospital for other than contagious diseases.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22, Nov. 9, 2022) (Ord. No. 2089-22, Nov. 9, 2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9, 2022)

1A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing (Ord. No. 2087-22, Nov. 9, 2022)

#### Section 2 - Height Regulations

No building hereafter erected or altered shall exceed twenty-six (26) feet in height or two (2) stories.

#### Section 3 - Area Regulations

3.1 - Intensity of Use of Lot

(a) Required lot size: Five Thousand (5,000) square feet for the first family unit, and/or Two Thousand (2,000) square feet for each additional two (2) bedroom or more unit and/or One Thousand (1,000) square feet for each additional one (1) bedroom unit and/or Nine Hundred (900) square feet for each studio or efficiency apartment unit.

(b) Land Use: Up to Fifty percent (50%) of the land upon which the apartment building is erected shall be utilized for the building, driveways, parking area and service walk; the remaining land shall be open space (green area) to ensure proper drainage and improve the environment in general.

(c) No portion of any street or alley shall be used in computing the number of square feet in such lot or parcel of ground.

(d) The limitations imposed by this paragraph shall not prohibit the re-building or maintenance of a dwelling arranged or designed for the use of multiple families on a non-conforming lot of record on July 1, 2003. No building shall be erected on a non-conforming lot of record which was unimproved on July 1, 2003.

(e) No lot of record, which has been improved by construction of a building shall be subdivided or reduced in area. Any two adjacent lots of record, one or both of which are non-conforming lots and which are used for a single purpose shall be considered one zoning lot regardless of whether one is unimproved or used for green space.

### 3.2 - Side Yard

There shall be a side yard on each side of the building having a width of no less than five (5) feet.

### 3.3 - Set Back

There shall be a setback of not less than thirty (30) feet on streets where a set-back of more than thirty (30) feet has hitherto been maintained by buildings existing on lots or tracts having a frontage of thirty (30) percent or more of the total frontage on one (1) side of that portion of any street

(a) lying between two (2) intersecting streets, or,

(b) lying between one (1) intersecting street and the center line extended of the nearest street connecting with but not intersecting each street, or

(c) lying between the center lines extended of the nearest streets connecting with but not intersecting such street, buildings shall maintain a set-back of not less than the average of the aforementioned buildings provided however, that this average set-back requirement shall not be interpreted to necessitate a set-back on any lot in excess of ten (10) feet more than that maintained by an existing main building on an immediately adjoining lot. Buildings on corner lots shall observe the set-back above established on both street frontages of the lot, except that this regulation shall not be interpreted to reduce the width of the building area to less than forty-five (45) feet nor its length to less than seventy-five (75) feet. Accessory buildings shall not be placed nearer the street line than the buildings of primary use except on through lots and in such cases the set-back provision of each street shall be provided.

### 3.4 - Outer Court

An outer-court shall not be less than five (5) feet nor be less than two and one-half (2 1/2) inches wide for each foot of height of such court, no less than two and one-half inches wide for each foot of length of such court from the closed end.

### 3.5 - Inner-Court

An inner-court shall have a width of not less than six (6) feet nor be less than two and one-half (2.1/2) inches wide for each foot of height of such court, nor shall its area be less than twice its required least dimension.

### 3.6 - Rear Yard

There shall be a rear yard of not less than ten (10) percent of the depth of a corner lot and not less than fifteen (15) percent of the depth of an interior lot; provided, however, such rear yard shall not exceed ten (10) and fifteen (15) feet

respectively. Whenever the boundary line of any lot is also the sideline of a required side yard on an adjoining lot, no building nor any part thereof shall be built in the said rear yard closer to the said side line of the adjoining lot than the width of the required side yard in the adjoining lot.

#### Section 4 - Other Regulations

4.1 - Off-street parking shall be provided in accordance with Article XII.

4.2 - Signs -As provided in accordance with Article XIII.

4.3 - Miscellaneous Provisions

(a) Owner shall provide private scavenger service.

(b) Owner shall be billed for water at the multiple apartment rate

(c) Owner shall be assessed for real estate taxes at the multiple apartment rate.



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## ARTICLE VI-A

### "R-4" Multiple-Family Residential District (Special Condominium Use)

#### Section 1 - Intent and Purpose:

It is recognized that there are special uses which because of their unique characteristics cannot be properly classified in any particular district or districts, without consideration in each individual case as to its impact upon neighboring land and, its location being designed primarily for general multi-family dwellings yet inconsistent with uses permitted in other residential districts and not permitted therein.

#### Section 2 - Permitted Uses

In any R-4 Multiple Family Residential District, except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

- 2.1 - Condominium
- 2.2 - Public Parks and Recreational Buildings
- 2.3 - Public and Private Schools and Colleges
- 2.4 - Churches and Temples

#### Section 2A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 2 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

2A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

2A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing (Ord. No. 2087-22, Nov. 9,2022)

#### Section 3 - Restrictions

Minimum Residential Development - No tract of land shall be zoned R-4 unless it shall consist of 2.5 acres or more of land area.

#### Section 4 - Land Use

Up to sixty percent (60%) of the land upon which the condominium building is erected shall be utilized for the building, driveways, other structures, service walks and the parking area; the remaining land shall be used for open space (green area) to assure proper drainage and improve the environment in general.

## Section 5 - Height Regulations

5.1 - No building shall exceed Forty-five (45) feet in height from the grade level. This maximum shall not include housing for elevator shafts, stairwells and auxiliary heating and air conditioning equipment on the roof.

5.2 - Grade level shall mean curb level when curb level is established, but when curb level is not established it shall mean the "Crown" of the road.

5.3 - Flag poles, chimneys and steeples shall be excluded from the height regulations and limitations.

5.4 - No habitable rooms and units shall be permitted on any floor below the finished grade level.

## Section 6 - Area Regulations

Intensity of Use:

6.1 - Minimum total area of nine hundred (900) square feet for an Efficiency unit; one thousand (1,000) square feet for a one bedroom unit; fifteen hundred (1,500) square feet for a two bedroom unit.

6.2 - Efficiency condominiums shall not exceed ten percent (10%) of the total number of condominiums in the building. Three bedrooms and four bedroom condominium units are not allowed under this use.

6.3 - An Efficiency condominium unit shall consist of one room exclusive of a bathroom, kitchen, hallway, closets, or dining alcove off the principal room.

## Section 7 - Set Back Regulations

Various Set Backs

7.1 - Front Yard - There shall be a front yard set back of not less than twenty-five (25) feet in depth from the property line regardless of previously established front yard set backs on the street.

7.2 - Rear Yard - There shall be a rear yard not less than fifteen (15) feet in depth.

7.3 - Side Yard - There shall be a side yard on each side of the building having a width of not less than twelve (12) feet. Side yards abutting the street shall not be less than twenty-five (25) feet wide.

## Section 8 - Parking Regulations

Off Street Parking

8.1 - A minimum of two (2) parking spaces shall be provided for an efficiency unit and for a one-bedroom unit. A minimum of 2.25 parking spaces shall be provided for each two (2) bedroom unit. These spaces shall be developed in accordance with any other provisions as set forth by the present Zoning Ordinance.

8.2 - No additional cost shall be charged to the occupants of the condominium building for the use of the parking space and no parking space may be rented for non-residential use.

8.3 - No parking shall be permitted on the front or side yards, unless underground parking.

8.4 - Parking spaces shall be constructed with a concrete or bituminous surface.

### Section 9 - Elevators

A minimum of one (1) elevator must be installed in all buildings in excess of three (3) floors above grade. All elevators shall conform to the specifications set forth in the present Village Code.

### Section 10- Other Regulations

10.1 - Proper and fully adequate utilities, drainage and all necessary facilities, including water, sanitary sewers and storm water sewers, must be provided.

10.2 - Working drawings, plans, etc. shall be submitted to the Village Board of Trustees, the Building Department and the Beautification Committee for their approval before any permit is to be issued.

#### 10.3 - Miscellaneous Provisions

(a) Owner shall provide private scavenger service

(b) Owner shall be billed for water at the condominium rate.

(c) Owner shall be assessed for real estate taxes at the condominium rate.

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## ARTICLE VI-B

### "R-5" Multiple Family Residence District (Housing for the Elderly)

#### Section 1 - Permitted Uses

In any R-5 Multiple Family Residence District (Housing for the Elderly), except as hereinafter provided, no building or premises shall be used, erected or altered, except for the following permitted uses:

1.1 - Multiple Family Dwellings to provide housing for the elderly (not for profit organizations).

1.2 - Nursing Home Facilities used only in connection with housing for the elderly.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

1A.2 - Cannabis Uses including but not limited to: Cultivation, Dispensing, Infusing, Craft Growing, Processing, Transporting, Medical Cultivation, Medical Dispensing (Ord. No. 2087-22, Nov. 9,2022)

#### Section 2 - Height Regulations

No building hereafter erected or altered shall exceed thirty (30) feet in height or three (3) stories.

#### Section 3 - Area Regulations

3.1 - Intensity of Use of Land

(a) Minimum residential development: No tract of land shall be zoned R-5 Multiple Family Residence District unless it shall consist of 2.5 acres or more of land area.

(b) Land use: Up to sixty percent (60%) of the land upon which the housing for the elderly is erected may be utilized for the buildings, driveways, service walks and parking areas; the remaining land shall be used for open space (green area) to assure proper drainage and improve the environment in general.

(c) Setback: Buildings shall be set back one (1) foot from any lot line for each foot of building height, where a buffer strip, (d) below, is required, setback requirements shall be in addition to the buffer strip.

(d) A buffer strip of not less than thirty (30) feet wide shall be provided along any residential boundary line abutting or adjoining any line of a R-5 District.

Such buffer strip shall be sodded, planted and landscaped in such a manner as to form a green area (open space).

(e) No habitable rooms or units shall be permitted on any floor below finished grade level.

(f) Required unit size: Minimum total area for an efficiency unit, four hundred and forty (44) square feet; for one bedroom unit, six hundred (600) square feet; for a two bedroom unit, eight hundred sixty (860) square feet; sleeping room unit, two hundred twenty five (225) square feet. An efficiency unit shall consist of one principal room exclusive of a bathroom, kitchen, hallways, closets and dining alcove. Sleeping room shall have a principle room plus a bathroom and closet.

#### Section 4 - Parking Regulations

##### 4.1 - Off Street Parking

(a) A minimum of 1.25 parking spaces shall be provided for each unit.

(b) The parking lot shall meet all protective restrictions that may be established by the Village Board as may be desirable for the specific lot, and the restrictions shall be made a part of the Village permit.

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## ARTICLE VII

### *Business Districts*

#### Section 1 - General Provisions

1.1 - Permitted use of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified.

1.2 - No building or zoning lot shall be devoted to any other use other than a use permitted hereinafter in the zoning districts in which such building or zoning lot shall be located with the exception of those uses lawfully built, established and operating on the effective date of the comprehensive amendment.

1.3 - Uses lawfully established on the effective date of this amendment, and rendered non-conforming to the provisions thereof, shall be subject to re-zoning at any time of an ownership transfer or expansion.

#### Section 1A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 1 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

1A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

1A.2 - Cannabis Uses are prohibited unless such uses are in the CO District. (Ord. No. 2087-22, Nov. 9,2022)

#### Section 2 - Height Regulations

No building hereafter erected shall exceed twenty-six (26) feet in height or two (2) stories, this provision shall apply to water tanks and utility rooms constructed on the roofs of such building.

#### Section 3 - Area Regulations

3.1 - Intensity of the Use of Lot

No building or portion of a building to be used for business purposes shall occupy in excess of ninety (90) percent of the area of the plot. No building or part of a building shall be arranged, designed, intended or used to accommodate more than the number of family units as set up under R-1, R-2, R-2A, R-3, R-4 and R-5 Residential District. In computing the area of the lot or parcel of land to be used in the erection of any buildings, only that land contained within the lot or parcel of land shall be considered.

3.1A - Setback Required

No building used for business purposes shall be located closer than thirty (30) feet to the property line of any property so used which is adjacent to or across the street from a Residential District.

### 3.2 - Rear Yard

There shall be a rear yard of not less than ten (10) percent of the depth of the lot, provided, however, such rear yard need not exceed ten (10) feet in depth.

### 3.3 Outer-Court

An outer-court shall not be less than two (2) inches wide for each foot of length of such court from the closed end.

### 3.4 Inner-Court

An inner-court shall not be less than six (6) feet wide nor shall its area be less than seventy-two (72) square feet.

## Section 4 - Parking Regulations

There shall be provided and maintained an available and accessible off-street parking area and loading area as shall be required by applicable provisions as contained in Article XII.

## Section 5 - Signs

Signs as provided in accordance with Article XIII.

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## ARTICLE VIII

### *"B-1" Restricted Neighborhood Business District*

#### Section 1 - Intent and Purpose

The B-1 Restricted Neighborhood Business District is designed for the convenience shopping of persons residing in adjacent residential areas, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.

#### Section 2 - Required Conditions

Uses permitted in the B-1 District are subject to the following conditions:

2.1 - Dwelling units are not permitted below the second floor. Business uses are not permitted on any floor above the ground floor, except in those buildings and structures where dwelling units are not established. A mezzanine may be provided by a business establishment as an intermediate, fractional story between the floor and ceiling of the first story. (Amended Ord. No. 2089-22, Nov. 9, 2022)

2.2 - All business establishments shall be retail or service establishments dealing directly with consumers. All goods sold on the premises shall be sold at retail on the premises where produced.

2.3 - All business, servicing, or processing except for off-street parking or loading shall be conducted within completely enclosed buildings.

2.4 - Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.

#### Section 3 - Parking - Trucks

The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereinafter in this section, shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within One Hundred Fifty (150) feet of a Residence District boundary line.

#### Section 4 - Permitted Uses

4.1 - No buildings or premises shall be used and no buildings shall hereinafter be erected or altered within the said B-1 Restricted Neighborhood Business District unless otherwise provided in this ordinance, except for the necessary use to which anyone of the places or establishments is permitted in the said R-1, R-2 and R-3 residential Districts and anyone of the following places or establishments shall be permitted:

1. Art and School Supply Stores
2. Bakery, selling at retail
3. Bank, Drive-in Bank
4. Barber Shop
5. Beauty Parlor
6. Books & Stationery Stores
7. Camera and Photographic Supply Stores
8. Candy and Ice Cream Stores
9. Currency Exchange

10. Delicatessen
11. Drug Store
12. Dry Cleaning & Launderette or store for collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such articles.
13. Drapery Shop - Fabric Center
14. Food Sales (retail)
15. Fur
16. Gift Shop
17. Haberdashery - Millinery Shop
18. Hobby Shop
19. Home Occupation
20. Jewelry & Watch Repair (not more than five (5) employees)
21. Leather Goods & Luggage
22. Medical and Dental Clinic
23. Office, Business or Professional Doctor, Lawyer, Real Estate or Insurance Agency or other Business Office
24. Telegraph Service Station
25. Variety Store
26. Wearing Apparel Shop

4.2 - Other business establishments, necessary similar and compatible to uses aforementioned and in compliance with the general intent and purpose as heretofore stated are permitted:

Example - Stores engaged in wholly or chiefly in the retailing of commodities such as antiques, craft supplies, chinaware, confectionery, dairy products, dry goods, flowers, glassware, groceries, household appliances, meats, music, notions, shoes, sporting goods, tailor shops, tobacco and others.

Section 4A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 4 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

4A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

4A.2 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9,2022)

Section 5 - Accessory Buildings and Incidental Uses

Accessory buildings and uses customarily incidental to the above uses, including a non-flashing business sign or bulletin board relating only to services, articles or products offered or sold upon the premises on which the sign is located and which does not exceed fifty (50) square feet in area.

Section 6 - Parking Regulations

Parking Regulations shall be required by the applicable provisions of Article XII hereof.

Section 7 - Signs

Signs - As provided in accordance with Article XIII.

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## ARTICLE IX

### *"B-2" Restricted (Shopping Center) Business District*

#### Section 1 - Intent and Purpose

The B-2 Restricted (Shopping Center) Business District is designed primarily to furnish area served by the Restricted Business District with basic necessary services (and goods) incompatible with the uses permitted in the B-1 Restricted Business District and so not allowed therein.

#### Section 2 - Required Conditions

Uses permitted in the B-2 District are subject to the following conditions:

2.1 - Dwelling units are not permitted below the second floor. Business uses are not permitted on any floor above the ground floor, except in those buildings and structures where dwelling units are not established. A mezzanine may be provided by a business establishment as an intermediate, fractional story between the floor and ceiling of the first story. (Amended Ord. No. 2089-22, Nov. 9, 2022)

2.2 - All business establishments shall be retail or service establishments dealing directly with consumers. All goods sold on the premises shall be sold at retail on the premises where produced.

2.3 - All business, servicing, or processing, except for off-street parking, off street loading, shall be conducted within completely enclosed buildings.

2.4 - Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are allowed only as a special use as set forth in this article below. (Revised 11-13-19 Ord. 1977-19)

#### Section 3 - Parking and Loading

3.1 Parking and Loading in accordance with Article XII.

3.2 - The parking of trucks as an accessory use when used in the conduct of a permitted business listed hereinafter in this section, shall be limited to vehicles of not over one and one-half (1 ½) tons capacity when located within One Hundred Fifty (150) feet of a Residence District boundary line.

#### Section 4 - Permitted Uses

4.1 - Any use permitted in the B-1 District, shall be permitted in the B-2 District, and in addition the following uses shall be permitted:

1. Art Galleries
2. Auto Accessory Store
3. Business or Commercial College
4. Business Machines - Display & Sales Room
5. Carpets - Display and Sales Room
6. Catering
7. Department Store
8. Employment Agency
9. Furniture Store

10. Health Centers Revised 11-13-19 Ord. 1977-19
11. Newspaper Distributor
12. Package Liquors
13. Post Office
14. Restaurant - no alcohol
15. Paint and Wallpaper
16. Sewing Machines - Sales & Service and other Appliance Repair Shops

4.2 - Other business establishments, necessary similar and compatible to uses aforementioned and in compliance with the general intent and purpose as heretofore stated are permitted.

## Section 5 - Special Use

The following is a special use in this zoning district and is subject to the conditions and requirements set forth in article XV of this Zoning Ordinance for special uses:

Drive-In, Drive-Through Retail and Service Establishments.  
Revised 11-13-19 Ord. 1977-19

## Section 5A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted or Special Uses in Section 4 and 5 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

5A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

5A.2 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9,2022)

## Section 6 - Accessory Buildings and Incidental Uses

Accessory buildings and uses customarily incidental to the above uses, including a non-flashing business sign or bulletin board relating only to services, articles or products offered or sold upon the premises on which the sign is located, and which does not exceed fifty (50) square feet in area.

## Section 7 - Signs

Signs - As provided in accordance with Article XIII.  
(Revised 11-13-19 Ord. 1977-19)



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# ARTICLE X

## "B-3" General Business District

### Section 1 - Intent and Purpose

The B-3 General Business District is designed primarily to furnish areas served by the B-1 and B-2 Districts with a wide variety of necessary services (and goods) incompatible with the uses permitted in B-1 and B-2 and so not allowed therein.

### Section 2 - Required Conditions

Uses permitted in the B-3 District are subject to the following additional conditions:

2.1 - Dwelling units, other than those located in a transient hotel or motel, or dwelling units in conjunction with agricultural uses, are not permitted below the second floor. (Amended Ord. No. 2089-22, Nov. 9,2022)

2.2 - All goods produced on the premises shall be sold at retail on the premises where produced.

2.3 - All business, storage, servicing, or processing except for off-street parking or loading, and establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles shall be conducted within completely enclosed buildings.

2.4 - All activities involving the activities of the business shall conform to the performance standards of the zoning lot on which such activities take place.

### Section 3 - Parking - Trucks

The parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within One Hundred Fifty (150) feet of a Residence District boundary line.

### Section 4 - Permitted Uses

4.1 - Any uses permitted in the B-1 and B-2 Business Districts are permitted in the B-3 General Business District and in addition the following uses shall be permitted:

1. Automobile Service Stations for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto. Facilities for one stall auto wash and facilities for chassis and gear lubrications are permitted only in an enclosed building in accordance with Illinois Environmental Protection Agency and the Metropolitan Sanitary District of Greater Chicago Regulations.

2. Animal Hospitals and Kennels

3. Amusement Establishments

4. Bowling Alley

5. Conservatory - not employing more than one (1) person

6. Drive-In Service Establishment

7. Dry Cleaning Shop (with cleaning plant, processing, using synthetic fluids).

8. Electric Shop

9. Garden Supplies and Seed Stores
10. Hospitals
11. Locker Rental, frozen food
12. Lodge Hall
13. Nursing Homes
14. Parking
15. Plumbing Shop
16. Print Shop
17. Restaurant, including alcoholic beverages
18. Tavern
19. Roofing and Plastering Shop
20. Telephone Exchange
21. Undertaking Establishment (without crematory)
22. Upholstery Shop

4.2 - Other business establishments, necessary similar and compatible to uses aforementioned and in compliance with the general intent and purpose as heretofore stated are permitted.

4.3 - No buildings or premises shall be used and no building shall hereafter be erected or altered within the said "B-3" General Business District unless otherwise provided in the ordinance, except for a necessary use to which anyone of the places or establishments is permitted in the said "R-1, R-2, R-2A and R-3 Residence Districts, and the "B-1 and B-2" Districts.

## Section 5 - Special Uses

The following uses, after a public hearing before the zoning Board of Appeals as hereinafter set forth, may be allowed as Special Uses by the Village Board in the "B-3" General Business District.

1. Tattoo Establishments
2. Massage Establishments and Massage Therapists

## Section 5A - Prohibited Uses (Ord. No. 2087-22 Nov. 9, 2022) (Ord. No. 2089-22, Nov. 9, 2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses or Special Uses in Sections 4 and 5 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

5A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9, 2022)

5A.2 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9, 2022)

## Section 6 - Signs

Signs - As provided in accordance with Article XIII.

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## ARTICLE X-A

### *"B-4" Public Accommodations Business District*

#### Section 1 - Intent and Purpose

The "B-4" Public Accommodations Business District is designed primarily to furnish areas for public accommodations incompatible with the uses permitted in "B-1, B-2 and B-3" Districts and so not allowed therein.

#### Section 2 - Permitted Uses

Any uses permitted in the B-1, B-2 and B-3 Districts are permitted in the B-4 Public Accommodations Business District, and in addition the following uses shall be permitted:

1. Hotel
2. Motel
3. Trailer Coach Park

#### Section 2A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 2 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.

2A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

2A.2 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9,2022)

#### Section 3 - Required Conditions

3.1 - Trailer Coach Parks shall be constructed and be maintained to meet the standards of the Illinois Trailer Coach Park Control Law.

3.2 - No buildings or premises shall be used and no building shall hereafter be erected or altered within the said "B-4" Public Accommodations Business District unless otherwise provided in the ordinance, except for a necessary use to which any one of the places or establishments is permitted in the "B-1", "B-2" and "B-3" Districts.

#### Section 4 - Parking

Motels shall provide not less than one (1) parking space for each unit, and hotels shall provide parking space sufficient to accommodate occupants, to be determined by the Building Commissioner.

#### Section 5 - Signs

Signs - As provided in accordance with Article XIII.

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# ARTICLE X-A-1

## *"B-5" Retail Business District*

### Section 1 - Intent and Purpose

The "B-5" Retail Business District is designed primarily to encourage a diverse mix of smaller and larger retail uses whose service area may extend outside the immediate neighborhood of the facility, and which uses are served by enhanced access to Harlem Avenue and to highway access and which are buffered from nearby residential areas. It is the intent of this Article that at least 75% of the gross leasable area of a shopping center development in the "B-5" Retail Business District shall consist of those uses that generate retail sales tax on any such business' retail sales of general merchandise, food, drugs or medical appliances, and theater, restaurant and amusement establishment uses. With the exception of: theater; government; amusement establishment uses; and, certain types of medical clinics and medical offices and dental clinics, as set forth in Section 3 of this Article X-A-1, non-retail stand-alone (not part of a shopping center development) uses are not permitted. (Ord. 1975-19 Eff. 11-13-19)

Section 1A - Definitions - For purposes of this Article certain terms and words are hereby defined as follows:

1A.1 - "Amusement device" means any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the State.

1A.2 - "Amusement establishment" means any commercially operated establishment having five or more amusement devices, and/or any commercially operated establishment providing amusement devices, games, rides and other amusements (not otherwise prohibited herein) for children's entertainment.

1A.3 - "Retail sales tax" or "Sales tax" means a tax on any such business' retail sales of general merchandise, food, drugs or medical appliances as defined by state statutes and regulations (see, 35 ILCS 120/1 to 120/14; 35 ILCS 115/1 to 115/21; 35 ILCS 110/1 to 110/21; 35 ILCS 105/1 to 105/22).

### Section 2 - Permitted Uses

The following uses shall be permitted in the "B-5" Retail Business District:

1. Department Store, Warehouse Club, or Superstore.
2. Discount Store; Variety Store.
3. Furniture Store.
4. Bookstore; Stationery Store.
5. Parking.
6. Craft Store.
7. Bridal Store.
8. Home Improvement Center; Garden Center.
9. Office Supply Store; Art and School Supply Stores.
10. Grocery Store, Supermarket, Retail Bakery; Specialty Food Store.
11. Government Uses.
12. Camera, Appliance and Electronic Equipment Stores.

13. Drug Stores and Pharmacies (including ancillary general merchandise).
14. Specialty Home Improvement Retail Store (including plumbing supplies, tile, carpet, windows, upholstery, drapery, paint, wallpaper and other similar uses).
15. Specialty Retail Store (including hardware, china, clocks, florists, jewelers, gifts, hobby, retail printers, sporting goods, leather goods, luggage and other similar uses).
16. Specialty Clothing, Outerwear, Shoes, and Accessory Store.
17. Retail Art Galleries.
18. Auto Accessory Store (not including automobile repair or fueling).
19. Pet Supply Stores (with or without animal hospital, veterinary services, pet grooming, pet boarding, pet hotels and kennels).
20. First Run Movie Theater; Live Performance Theater.
21. Restaurants, Including Those Serving Alcoholic Beverages and Caterers are permitted only if the establishment has reasonably projected annual gross revenues from the sale of alcoholic beverages for on-premises consumption that does not exceed forty percent (40%) of the gross revenues of such business.
22. Multiple structures on one zoning lot.
23. Non-retail service uses including business offices and retail offices located in shopping center developments (and not as a stand-alone use) that are greater than three and a half acres (3.5) acres in size and then not to exceed 25% of the gross leasable area in said shopping center. "Service uses" shall mean a location offering tutoring for primary and secondary school students, dry cleaners, UPS/FedEx stores, salon, regional chain massage therapist, yoga/pilates studios, physical therapy, and eyewear, veterinarians, dog grooming services, tax and accounting services and similar uses typically found in retail shopping centers. "Business Office" shall mean an office which does not provide services directly to consumers. "Retail Office" shall mean an office which provides services directly to consumers, including but not limited to financial institutions, real estate, stock brokerage and title companies, travel and insurance agencies, and medical, dental and legal clinics. Further, office space used by a retail user for administrative purposes, and which is not open to the general public, shall not be considered a Retail Office or Business Office for the purpose of this limitation.
24. Temporary outdoor display of goods or merchandise as an accessory use to a permitted use (for example: sidewalk sales and tent sales).

Other business establishments, necessarily similar and compatible to uses aforementioned and in compliance with the general intent and purpose as heretofore stated are permitted excepting: i) Any establishment selling, delivering or exhibiting X-rated, pornographic or "obscene" material or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff; and, ii) Any establishment selling or exhibiting drug-related paraphernalia (as defined in the Illinois Drug Paraphernalia Control Act 720 ILCS 600/1 et seq.).

### Section 3 - Special Uses

1. Amusement Establishment.
2. Motor Vehicle Dealer (New) with Open Sales Lots.
3. Banks and financial institutions (including drive-in or drive-through banks).
4. "Drive-through" type offering goods or services directly to customers waiting in parked motor vehicles.
5. Therapeutic massage.
6. Any accessory use to a principal use involving the outdoor storage of goods or merchandise.
7. Medical Clinics and Medical Offices (including dialysis centers) and Dental Clinics as a stand-alone use (not located in a shopping center development) and specifically excluding the following uses: drug and alcohol rehabilitation



facilities; 24-hour Medical Clinics; and, Surgical Centers. (Revised Ord. 1975-19 Eff. 11-13-19)

Section 4 - Prohibited Uses - A use that is not specifically listed in this zoning district, or does not fall within a generic definition as specified in this Article, or is not necessarily similar and compatible to uses in this Article, is prohibited.

4.1 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9, 2022)

#### Section 5 - Required Conditions

5.1 - No buildings or premises shall be used and no building shall hereafter be erected or altered within the said "B-5" Retail Business District unless otherwise as provided in this Zoning Ordinance. The regulations set forth in Article VII of this Zoning Ordinance (Business Districts) shall govern the use of land and buildings in the "B-5" Retail Business District to the extent that those regulations are not inconsistent with this Article or are less restrictive than the regulations set forth in this Article.

5.2 - All goods produced on a premises shall be sold at retail on the premises where produced.

5.3 - All business, storage, servicing, or processing, except for off-street parking or loading, and establishments of the "drive-through" type offering goods or services directly to customers waiting in parked motor vehicles, shall be conducted within completely enclosed buildings.

5.4 - All activities involving the activities of the business shall conform to the performance standards of the zoning lot on which such activities take place.

Section 6 - Signs - As provided in accordance with Section 5, Article XIII.

#### Section 7 - Parking; Unloading

(a) Parking spaces shall be provided as approved by the Village Board. The number of parking spaces required shall bear a relationship to the specific use of the property.

(b) Off-street parking areas for employees shall be provided in addition to parking spaces for customers.

(c) Off-street berths and areas for loading and unloading shall be provided.

(d) All off-street parking and loading areas shall be properly lighted.

(e) All off-street parking areas shall be properly fenced and landscaped.

(f) The parking of trucks as an accessory use, when used in the conduct of a permitted use, shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty (150) feet of a Residence District boundary line.

(g) Unloading of trucks and other vehicles shall be prohibited between the hours of 7:00 p.m. to 7:00 a.m. unless unloading occurs within a fully enclosed area (not open to the sky).

## Section 8 - Landscaping; Buffers and Lighting

### 8.1 - Buffer Strip

A buffer strip not less than thirty (30) feet wide shall be provided along any residential boundary line of property containing residential dwellings which is abutting, adjoining or across a public street or alley from any boundary line of a property in a "B-5" District. Such buffer strip shall be sodded, planted and shrubbed in such manner as to form a green area maintained by the property owner.

### 8.2 - Parkway Trees

For new development proposed after the effective date of Ordinance 1876-16, one (1) parkway tree for every 25 feet of public parkway located adjacent to the property shall be required in the public parkway of a species and minimum caliper size recommended and directed by the Village.

### 8.3 - Perimeter Fencing

For new development proposed after the effective date of Ordinance 1876-16, a four (4) foot high wrought iron fence shall be installed in the perimeter area of a property in this district where the perimeter area of the property is adjacent to any public street or sidewalk. Other screening methods may be required by the village in combination with the fence depending on the situation.

### 8.4 - Off Street Parking Lots

Off Street Parking Lots shall be landscaped and screened as follows for new development proposed after the effective date of Ordinance 1876-16:

(a) Perimeter screening is required for every off-street parking lot or parking area containing five (5) or more parking spaces which shall be set back, buffered and screened from public view and adjacent property by a perimeter landscaped area having a minimum width of eight (8) feet, or, where screening shall consist of a masonry wall, a minimum width of five (5) feet.

(b) Perimeter screening shall be continuous, except for breaks as may be permitted for sidewalks, driveways and line-of-sight triangles.

(c) Masonry walls used for perimeter screening shall have a minimum height of thirty (30) inches and a maximum height of thirty-six (36) inches. Such walls shall have a finished surface which is the same or closely similar to the masonry of the principal building.

(d) The surface of the perimeter setback area shall be suitably covered with grass, groundcover or similar vegetation and be periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone are prohibited.

(e) A six (6) inch continuous poured-in-place concrete barrier curb shall separate all drive and parking surfaces from landscape areas and shall separate and surround all interior landscape island areas.

(f) Upon petition, the Zoning Board of Appeals may recommend, and the Village Board of Trustees may approve, a creative alternate perimeter screening plan of berms, walls, shrubs, trees or other material, which has the effect of providing a minimum three (3) foot high visual screen of parking areas.

(g) A planting island equal in area to a parking space shall be located at each end of a parking row and after each twenty (20) parking spaces within a parking row.

(h) One tree shall be required for each planting island required in Section (g) above.

(i) The surface of the planting island shall be suitably covered with grass, groundcover or similar vegetation and be periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone are prohibited.

(j) All areas within or at the edges of parking lots which are greater than fifty (50) square feet and not designed for parking stalls, drive aisles or shopping cart collection points, shall be curbed and landscaped with sod, groundcover, bushes or trees.

(k) All landscaped islands shall have a minimum topsoil depth of three (3) feet and be mounded to a center height of six to twelve (6-12) inches above top-of-curb height.

#### 8.5 - Foundation Planting Requirements

For new development proposed after the effective date of Ordinance 1876-16, foundation plantings shall be as follows:

(a) A minimum setback and landscape area of six (6) feet in width shall be located immediately along the front and sides of all buildings.

(b) Except for building entryway areas and sidewalks as may be permitted, the surface of the required foundation landscaped area shall be free of paving or other impervious surfaces and shall be landscaped.

(c) A six (6) inch poured-in-place concrete barrier curb shall separate all foundation landscaped areas from drive aisle and parking areas.

(d) Foundation landscaping shall include shade trees, ornamental trees, hedges, shrubs, evergreens and groundcover in a manner which accents building entranceways and architectural features, softens large expanses of building walls and screens mechanical equipment.

#### 8.6 - Landscape Buffer and Screening Requirements

For new development proposed after the effective date of Ordinance 1876-16, Landscape Buffer and Screening Requirements shall be as follows:

(a) A minimum ten (10) foot landscaped setback and screening area shall be located along the length of any property line.

(b) Required screening shall be a minimum height of six (6) feet at time of installation and may be comprised of berms, masonry walls, a double row of densely planted landscaping or a combination thereof.

(c) Screening shall be continuous along the property line.

(d) Berms shall be utilized to the maximum extent feasible.

(e) Evergreen trees and shrubs shall be used to the greatest extent feasible in a fashion so as to inhibit views from residential properties.

(f) The surface of the setback area shall be suitably covered with grass, groundcover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone are prohibited.

(g) An eight (8) foot high masonry wall within a five (5) foot landscape setback area may be utilized as an alternative to meeting the minimum ten (10) foot width requirement.

(h) A four (4) foot high wrought iron fence to be located on the perimeter area of a property where the perimeter area is adjacent to any public street or sidewalk may be required in combination with the other screening methods set forth herein.

(i) Landscaping of Freestanding Signs Required - Installation of landscaping surrounding freestanding signs is required.

(j) Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the "Illinois Chapter of Landscape Contractors," including the guarantee and replacements sections.

(k) Minimum plant sizes at time of installation shall be:

(i) Shade Trees: two and one-half (2 1/2) inch caliper.

(ii) Ornamental Trees: two (2) inch caliper or if in clump form, six (6) feet in height.

(iii) Evergreen Trees: five (5) feet in height.

(iv) Shrubs required for screening: three (3) feet in height; shrubs used for other purposes: eighteen (18) inches in height.

(v) Groundcover: spaced no less than twelve (12) inches on center.

(l) Barrier Curbs - A six (6) inch continuous poured-in-place concrete barrier curb shall separate all driveway aprons from landscaped areas.

(m) A five (5) foot public sidewalk adjacent to the property line shall be installed and maintained in all Village Parkways.

#### 8.7 - Tree Preservation During Construction

(a) Trees required or scheduled to be preserved shall be protected during construction as follows:

(i) A protective barrier such as wood slat fencing, or such other fencing as approved by the Village Engineer/Village Forester shall encircle and be erected one foot beyond the periphery of the drip line, or farther as site conditions may dictate necessary for tree protection during construction.

(ii) Protective barriers shall be in place prior to the issuance of any building or development permit and shall remain in place until construction and site work is completed.

(iii) No materials, construction equipment or vehicles shall be stored, driven upon or parked within any drip line.

(iv) Crushed limestone or other material detrimental to trees shall not be dumped, placed or stored within any drip line or at a higher elevation where drainage could affect the health of the tree(s).

(v) In the event an underground utility line is to be located within five (5) feet of a tree designated for preservation, said utility line shall be augured to prevent damage to the tree's root system.

(b) If a deciduous tree designated for preservation is damaged, razed or removed as a result of construction, such tree shall be replaced with new trees at a rate of three (3) inches in caliper of the replacement trees to each one inch in caliper of a damaged or removed tree (notwithstanding any Village law, ordinance, rule or regulation which may specify a different or lesser standard). Applicant is required to obtain the Village Engineer's prior written approval of a replacement tree plan that indicates the installation location and specific size and species of such replacement trees.

(c) If an evergreen tree designated for preservation is damaged, razed or removed as a result of construction, such tree shall be replaced with new evergreen trees at a rate of three vertical feet of replacement evergreen tree for each vertical foot of damaged or removed tree (notwithstanding any Village law, ordinance, rule or regulation which may specify a lesser or different standard). Applicant is required to obtain the Village Engineer's prior written approval of a replacement tree plan that indicates the installation location and specific size and species of such replacement trees.

(d) Replacement trees shall only be of those species approved by the Village.

#### 8.8 - Lighting

Lighting shall be designed to minimize light spillage at the property line. Applicant shall provide sufficient buffers, by means of fences, walls, trees, shrubs and berms, to screen any adjacent areas from on-site lighting and vehicle headlights. For new development proposed after the effective date of Ordinance 1876-16, lighting shall be as follows:

(a) Parking lot lighting shall be no greater than one foot candle at the property line.

(b) Parking lot lighting shall be turned off from 11:00 p.m. or closing (whichever is later) to 7:00 a.m.

(c) Security lighting may be illuminated between the hours of 11:00 p.m. to 7:00 a.m.

(d) No light pole located on the property shall exceed twenty-five (25) feet in height from grade.

#### 8.9 - Construction and Construction Materials

(a) All exterior walls shall be of solid masonry construction, which shall include brick, stone, concrete block or reinforced concrete.

(b) The use of Exterior Insulation Finishing Systems (EIFS) for example, Dryvit, or similar products, on exterior walls is specifically prohibited.

(c) The construction of driveways, aprons, parking lots, public improvements (including, but not limited to, water mains, sidewalks, roadways and the like), shall be with the review and approval of the Village Engineer.

8.10 - Utility Services

All utility services shall be underground.

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## ARTICLE X-B

### "C" COMMERCIAL DISTRICT

#### Section 1 - Intent and Purpose

The "C" Commercial District is designed primarily to furnish general business and commercial areas with basic necessary services (and goods) incompatible with the uses permitted in the Business Districts and not allowed therein.

#### Section 2 - Required Conditions

Uses permitted in the "C" Commercial District are subject to the following additional use:

2.1 - Dwelling units, other than those in a transient Hotel or motel, are not permitted, provided that facilities for a paid custodian, caretaker, or watchman for the premises may be provided. (Amended Ord. No. 2089-22, Nov. 9,2022)

2.2 - All goods produced on the premises shall be sold at retail on the premises where produced. Industries permitted in the "M" Restricted Light Manufacturing District shall not be permitted in the "C" Commercial District.

2.3 - All business, storage, servicing or processing, except for off-street parking and loading, and establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles shall be conducted within completely enclosed buildings.

2.4 - The parking of trucks as an accessory use, when used in the conduct of a permitted use, shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty (150) feet of a Residence District boundary line.

#### Section 3 - Permitted Uses

3.1 - Any uses permitted in any Business District are permitted in the "C" Commercial District and in addition the following uses shall be permitted:

1. Office Buildings.
2. Hotels and Motels, without limitations as to size.
3. Wholesale, display and sales.
4. Any special use allowed in a Business District.
5. Accessory uses.

3.2 - Other business and commercial establishments necessary similar and compatible to uses aforementioned and in compliance with the general intent and purpose as heretofore stated are permitted.

#### Section 3A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

Notwithstanding the exclusion of all other uses not included as Permitted Uses in Section 3 of this Article, no building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in this District.



3A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

3A.2 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9,2022)

#### Section 4 - Area Regulations

No building or portion of a building to be used for business or commercial purposes shall occupy in excess of ninety (90) percent of the area of the plot. In computing the area of the lot or parcel of land to be used in the erection of any buildings, only that land contained within the lot or parcel of land shall be considered. Buildings shall be set back one (1) foot from each lot line for each ten (10) feet of height of the building over fourteen (14) feet.

#### Section 5 - Parking

(a) Parking space shall be provided as approved by the Village Board. The number of parking spaces required shall bear a relationship to the specific use of the property.

(b) Adequate off-street parking areas for employees shall be provided in addition to parking spaces for customers.

(c) Adequate off-street berths and areas for loading and unloading shall be provided.

(d) All off-street parking and loading areas shall be properly lighted.

#### Section 6 - Residential Boundary Requirements

6.1 - No building or structure shall be erected or maintained within fifty (50) feet of any residential boundary line or within fifty (50) feet of the curb of any street adjacent to a residential boundary line.

6.2 - A buffer strip of not less than twenty-five (25) feet wide shall be provided along any residential boundary line abutting or adjoining any line of a "C" District. Such buffer strip shall be sodded, planted and shrubbed in such manner as to form a green area maintained by property owner.

#### Section 7 - Signs

Signs shall be constructed as provided in accordance with Section 5, Article XIII.

#### Section 8 - Height Regulations

No building higher than Forty (40) feet shall be constructed within One hundred and fifty (150) feet of a residential property line or street right-of-way serving a residential area.

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# ARTICLE XI

## *"M" Restricted Light Manufacturing District*

### Section 1 - Intent and Purpose

The intent of this article is to permit certain industries which do not in any way detract from residential desirability to locate in or adjacent to an area containing or intended to contain residential uses. The limitations on horsepower, heating, inflammable liquids or explosives, and the provisions requiring controls on the omission of fumes, odors and noise, and the provisions in regard to landscaping are imposed to protect and foster residential desirability while permitting specified industries to be located in the Village. Residential uses of any type are prohibited within this district.

### Section 2 - Prohibition of Heavy Industry

No heavy industry or general manufacturing of any classification whatsoever shall be permitted, except as heretofore stated in this article.

### Section 3 - Required Conditions

Uses of land and buildings, as hereinafter set forth for the "M" District are permitted subject to the following conditions:

3.1 - Uses established on the effective date of this ordinance and by its provisions rendered non-conforming, shall nevertheless be permitted to continue, subject to the regulations governing non-conforming uses found elsewhere in this ordinance.

3.2 - All business, servicing, or processing, except for off street parking and off-street loading, or establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles shall be conducted within completely enclosed buildings, unless otherwise indicated.

3.3 - All storage within Five Hundred (500) feet of a Residence District Boundary, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.

3.4 - All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

3.5 - All goods produced on the premises shall be sold at retail on the premises where produced. Any such retail use shall be ancillary to the primary permitted light manufacturing use. Such ancillary retail use shall not exceed 2500 square feet or five-percent (5%) of the footprint of the building, or whichever is less, in which such primary use is located. Any such ancillary retail business locating in the "M" District after the effective dates of the ordinance from which this Section 3.5 is derived, shall be subject to special use approval as set forth herein.

3.6 - Residential uses of any type, including but not limited to: residential dwellings, apartments, condominiums, hotels, and motels, shall not be permitted or special uses in the "M" District. (Amended Ord. No. 2089-22, Nov. 9,2022)

3.7 - No use shall be a permitted use in this district that is, or is likely to become, an offensive nuisance or a public danger.

#### Section 4 - Permitted Uses

The following uses are permitted in the "M" District:

1. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products except those used involving the storage, utilization, or manufacture of materials or products which decompose by detonation, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, radiation, odors, fire or explosive hazards, or glare or heat. No use shall be a permitted use in this district that is, or is likely to become, an offensive nuisance or a public danger.

2. Auto Laundries

3. Printing

4. Mail Order Houses

5. Public Utility and Service Uses

6. Florists and Greenhouses

#### Section 5 - Special Uses

1. Retail sale of goods produced on the premises where produced. Such use shall be ancillary to the primary light manufacturing use. Such ancillary retail uses shall not exceed 2500 square feet or five-percent (5%) of the footprint of the building, or whichever is less, in which such primary use is located.

2. Planned Unit Developments - any use on a lot four tenths (0.4) acres in area or larger.

#### Section 6 - Prohibited Uses (Ord. No. 2087-22 Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

A use that is not specifically listed as a permitted or special use in this zoning district or does not fall within a generic definition as specified in the Article is prohibited.

6.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

6.2 - Cannabis Uses are prohibited unless such uses are in the CO District (Ord. No. 2087-22, Nov. 9,2022)

#### Section 7 - Height Regulations

No building hereafter erected shall exceed twenty-six (26) feet in height or two (2) stories.

#### Section 8 - Area Regulations

8.1 - Rear Yard

There shall be a rear yard of not less than ten (10) percent of the depth of the lot, provided, however, said rear yard need not exceed ten (10) feet in depth.

## 8.2 - Outer Court

An outer court shall not be less than five (5) feet wide nor less than two (2) inches wide for each foot length of such court from the closed end.

## 8.3 - Inner Court

An inner court shall not be less than six (6) feet wide nor shall its area be less than twice the square of its required least dimension.

## 8.4 - Intensity Of Usage Of Lot

No building with its accessory building, to be used for manufacturing purposes, shall occupy in excess of ninety percent (90%) of the area of the lot.

## 8.5 - Set Back Required

No building to be used for manufacturing purposes shall be located closer than thirty (30) feet to the property line of any property so used, which is adjacent to or across the street from a Residence district.

## 8.6 - Buffer Strip Required

Where the front, rear or side yard of a building is adjacent to or across the street from a residence district a minimum thirty (30) foot Buffer Strip shall be required along the building property line which is adjacent to or across the street from such residence district. The buffer strip shall run from property line to property line and shall extend for thirty (30) feet into the front, rear or side yard, as the case may be. This Subsection shall apply after the effective date of the ordinance from which this Section is derived to new construction, and also to construction or reconstruction of a building located in a manufacturing district which has been damaged by fire or other causes to the extent of more than fifty percent (50%) of its value.

## Section 9 - Performance Standards

Any use established in the "M" District after the effective date of the ordinance from which this Section 8 is derived shall comply with the performance standards set forth in this Section 8.

### 9.1 - Purpose and Intent

The land in the Village and surrounding areas is predominantly devoted to residential use. People who reside in such areas have chosen the location because of the suburban atmosphere, free from objectionable noises, smoke, odors, vibrations and other irritants that are frequently found in more urban locations. The performance standards contained in this Section are designed to minimize operations which would disrupt the existing suburban atmosphere.

It is further the intent of this Section to state the conditions of construction and operation with which uses will be expected to comply. In many cases, the relation of a prospective use to all performance standards cannot be judged properly at the time of building permit issuance. In such cases, the recipient of the building permit should note that these standards, like all other provisions of this Chapter and Article, are continuing obligations and that all uses shall be expected to operate in compliance with these standards. The building plans shall bear the signature of a qualified professional stating that all performance standards will be complied with based upon the submitted building plans. The

Village retains the right to conduct its own investigation to determine compliance with the performance standards at any time.

#### 9.2 - Applicability

All uses established after the effective date of the ordinance from which this Section is derived shall comply with the performance standards of this Section. Any existing use which complies with the performance standards of this Section on the effective date of the ordinance from which this Section is derived shall continue to so comply. If the operations of any lawful existing use do not comply with the performance standards of this Section, such operations shall not be varied or changed in such a way as to increase the degree of such violation. The fact that the operation of a lawful existing use violated the performance standards of this Section shall not of itself make such use subject to the requirements of relating to nonconformities unless such use changed after the effective dates of the ordinance from which this Section is derived.

#### 9.3 - Compliance

The performance standards set forth in this Section shall be complied with and any use which fails to comply with these standards shall be in violation of this Section and Article and shall be subject to penalties provided for such violation.

#### 9.4 - Noise

The decibels generated from a light manufacturing district use shall not exceed 70dBA as measured at the property line of the parcel from which the noise is generated.

##### (a) Measurements

The sound levels shall be measured with a sound-level meter and octave-band analyzer to meet criteria for the noise measurement provisions of OSHA, and shall conform to ANSI (American National Standards Institute) specifications.

##### (b) Exemptions

Noises of safety signals, warning devices, snow plowing and mosquito abatement.

#### 9.5 - Vibrations

Vibrations shall not be discernible at any property line to the human sense of feeling.

#### 9.6 - Odors

The emission of odors or odor-causing substances beyond the property lines is prohibited. The release of odorous matter across a property line shall not become a nuisance or source of discomfort to the neighboring uses.

#### 9.7 - Glare Limitations

In any light manufacturing district, any operation or activity producing glare shall be so conducted that direct and indirect illumination from the sources of light shall not cause illumination in excess of one-half (0.5) of one foot-candle when measured at any residence or business district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.

## 9.8 - Smoke and Particulate Matter

(a) General Limitations: In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or an endangerment of the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.

1. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting, and other means, or shall be eliminated.
2. For the purpose of determining the density or equivalent opacity of smoke, the rangeland chart as adopted and published by the United States Bureau of Mines in Circular No. 8333 shall be used.
3. No industrial operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breaching or stack, dust in the gases to exceed 0.85 pounds per thousand pounds of gases adjusted to twelve percent (12%) CO<sub>2</sub> content for the products of combustion.
4. The emission, from all sources within any zoning lot, of particulate matter containing more than ten percent (10%) by weight of particles having a particulate diameter larger than forty four (44) microns is prohibited.

(b) Permitted Smoke Emission: Within two hundred fifty feet (250') of a residence business zoning district boundary line the emission of smoke from any vent, stack, chimney, or combustion process shall not exceed a density or equivalent opacity no greater than Ringelmann No. 1.

Smoke in excess of Ringelmann No. 1, is prohibited.

## 9.9 - Toxic and Noxious Matter

No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line, will be permitted. Where such emission could be produced as a result of an accident or equipment malfunction, adequate safeguards considered standard for safe operation in the business involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

## 9.10 - Heat

Every use and activity shall be operated so that it does not raise the ambient temperature more than two degrees Fahrenheit at or beyond the boundary of any property line.

## 9.11 - Electromagnetic Interference

There shall be no electromagnetic interference that:

1. Adversely affects, at any point, the operation of equipment, other than that belonging to the creator of such interference; or

2. Is not in conformance with the regulations of the Federal Communications Commission.

#### 9.12 - Radiation Hazards

The handling of radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes is prohibited.

#### 9.13 - Fire and Explosive Hazards

The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning, excluding household items in quantities customarily found in the home, is prohibited.

Activities involving the transportation, storage or utilization of materials or products which decompose by detonation are prohibited.

[. . .]

### Section 10 - Parking and Loading

Parking and loading- as required in accordance with Article XII.

### Section 11 - Signs

Signs - As provided in accordance with Article XIII.



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## **ARTICLE XI-A**

### *Planned Unit Developments*

#### Section 1 - Standards and Regulations

A Planned Unit Development shall be granted as a special use. Even though so classified, it is of substantially different nature from other special uses. To reflect this difference, additional regulations, procedures, standards and criteria are hereby established. It is the intention of the Village that approval of a Planned Unit Development will be granted only where departure from otherwise applicable requirements of the Zoning Ordinance would be consistent with and justified by the benefits accruing to the Village and the public interest, generally, as a result of the Planned Unit Development.

#### Section 2 - Purpose and Intent

The purpose of the regulations, standards, and criteria contained in this Article is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Article. The objective of the Planned Unit Development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the planning policies of the Village while departing from the strict application of the use and bulk regulations of the Zoning Ordinance and the design standards of the Subdivision Ordinance. The Planned Unit Development is intended to permit and encourage such flexibility and to accomplish the following purposes:

2.1 - To stimulate creative approaches to the development of land in certain business, commercial and manufacturing areas of the Village.

2.2 - To facilitate an efficient arrangement of buildings, traffic and circulation systems, land uses and utilities.

2.3 - To preserve open space, existing landscape features and amenities and to utilize such features in a harmonious fashion.

2.4 - To provide for usable and suitably located public and common facilities.

2.5 - To combine and coordinate architectural styles, building forms and building relationships, both within the Planned Unit Development and with the surrounding neighborhood, and to unify building and structures through design.

2.6 - To insure a high quality of design and construction of developments.

2.7 - To develop new approaches to the environment through variety in type, design and layout of structures, business, commercial and light manufacturing buildings, transportation systems, and public facilities.

### Section 3 - Location

A Planned Unit Development may be located as a special use in the M Restricted Light Manufacturing District.

### Section 4 - Minimum Area; Ownership and Control

The site of the Planned Unit Development must be under single ownership and/or unified control and be not less than four-tenths (0.40) acre in area.

### Section 5 - Permitted Uses

Any use permitted in the B-5 Retail Business District or the M Restricted Light Manufacturing District when situated on a lot of four-tenths (.40) acres or more, or part of one development of four-tenths (0.40) acre or more in the M Restricted Light Manufacturing District, shall only be permitted as a Planned Unit Development.

### Section 5A - Prohibited Uses (Ord. No. 2087-22, Nov. 9,2022) (Ord. No. 2089-22, Nov. 9,2022)

No building or premises shall be used, erected or altered to serve the following uses which are specifically prohibited in a Planned Unit Development

5A.1 - Short Term Residential Rentals (Ord. No. 2089-22, Nov. 9,2022)

5A.2 - Cannabis Uses are prohibited unless such uses are in the CO Overlay District (Ord. No. 2087-22, Nov. 9,2022)

### Section 6 - Design Standards and Criteria

The Planned Unit Development shall be designed to comply with the following standards and criteria:

#### 6.1 - Ownership and Control

A proposed Planned Unit Development shall be under single ownership or unified control at the time of filing an application for approval of the Planned Unit Development, or the applicant shall provide written evidence of the applicant's ability to gain unified control of the property if the Planned Unit Development is approved.

#### 6.2 - Area, Lot Width, Yard, and Height/Bulk Requirements

All buildings, structures, and uses of land within the Planned Unit Development shall conform to the area, lot width, yard, height and bulk regulations of the zoning district in which the Planned Unit Development is located or, for those uses which are not allowed in that zoning district but are allowed as part of the Planned Unit Development, to the area, lot width, yard, height and bulk regulations of the zoning district in which they are first permitted. These regulations may be waived or modified by the Village Board of Trustees in cases where it is determined that the changes will not negatively affect the value or enjoyment of surrounding property, the provision of municipal services, or the flow of traffic on local streets and the changes are justified by the standards set forth in subsection 6.9 of this section.

#### 6.3 - Landscaping, Screening, and Tree Preservation

Parkway landscaping, perimeter landscaping, parking lot landscaping and refuse area screening shall be required as provided in this Article or as otherwise

specified and approved in the required landscape plan. Plans for vegetation, berming and aesthetic features shall be submitted.

(a) Parkway Trees - Applicant shall be required to install in the public parkway one tree, of a species and minimum caliper size recommended by the Village, as directed by the Village, for every 25 feet of public parkway located adjacent to the property comprising the Planned Unit Development.

(b) Adequate Buffering - The Planned Unit Development shall have adequate legal provisions, including but not limited to, adequate site area, which area may be greater than the minimum in the district in which the proposed site is located, as well as landscaping, public open space, and other buffering features to protect uses within the development and on surrounding properties.

(c) Minimum Landscape Requirements

(1) Off Street Parking Lots:

(a) Perimeter screening is required for every off-street parking lot or parking area containing five (5) or more parking spaces which shall be set back, buffered and screened from public view and adjacent property by a perimeter landscaped area having a minimum width of eight (8) feet, or, where screening shall consist of a masonry wall, a minimum width of five (5) feet.

(b) Perimeter screening shall be continuous, except for breaks as may be permitted for sidewalks, driveways and line-of-sight triangles.

(c) Masonry walls used for perimeter screening shall have a minimum height of thirty (30) inches and a maximum height of thirty-six (36) inches. Such walls shall have a finished surface which is the same or closely similar to the masonry of the principal building.

(d) The surface of the perimeter setback area shall be suitably covered with grass, groundcover or similar vegetation and be periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone are prohibited.

(e) A six (6) inch continuous poured-in-place concrete barrier curb shall separate all drive and parking surfaces from landscape areas and shall separate and surround all interior landscape island areas.

(f) Upon petition, the Zoning Board of Appeals may recommend, and the Village Board of Trustees may approve, a creative alternate perimeter screening plan of berms, walls, shrubs, trees or other material, which has the effect of providing a minimum three (3) foot high visual screen of parking areas.

(g) A planting island equal in area to a parking space shall be located at each end of a parking row and after each twenty (20) parking spaces within a parking row.

(h) One tree shall be required for each planting island required in Section (g) above.

(i) The surface of the planting island shall be suitably covered with grass, groundcover or similar vegetation and be periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone are prohibited.

(j) All areas within or at the edges of parking lots which are greater than fifty (50) square feet and not designed for parking stalls, drive aisles or shopping cart collection points, shall be curbed and landscaped with sod, groundcover, bushes or trees.

(k) All landscaped islands shall have a minimum topsoil depth of three (3) feet and be mounded to a center height of six to twelve (6-12) inches above top-of-curb height.

(2) Foundation Planting Requirements:

(a) A minimum setback and landscape area of six (6) feet in width shall be located immediately along the front and sides of all buildings.

(b) Except for building entryway areas and sidewalks as may be permitted, the surface of the required foundation landscaped area shall be free of paving or other impervious surfaces and shall be landscaped.

(c) A six (6) inch poured-in-place concrete barrier curb shall separate all foundation landscaped areas from drive aisle and parking areas.

(d) Foundation landscaping shall include shade trees, ornamental trees, hedges, shrubs, evergreens and groundcover in a manner which accents building entranceways and architectural features, softens large expanses of building walls, and screens mechanical equipment.

(3) Landscape Buffer and Screening Requirements. A minimum ten (10) foot landscaped setback and screening area shall be located along the length of any property line of the Planned Unit Development.

(a) Required screening shall be a minimum height of six (6) feet at time of installation and may be comprised of berms, masonry walls, a double row of densely planted landscaping, or a combination thereof.

(b) Screening shall be continuous along the property line.

(c) Berms shall be utilized to the maximum extent feasible.

(d) Evergreen trees and shrubs shall be used to the greatest extent feasible in a fashion so as to inhibit views from residential properties.

(e) The surface of the setback area shall be suitably covered with grass, groundcover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited.

(f) An eight (8) foot high masonry wall within a five (5) foot landscape setback area may be utilized as an alternative to meeting the minimum ten (10) foot width requirement.

(g) A four (4) foot high wrought iron fence to be located on the perimeter area of a Planned Unit Development where the perimeter area of the Planned Unit Development property is adjacent to any public street or sidewalk may be required in combination with the other screening methods set forth herein.

(d) Landscaping of Freestanding Signs Required - Installation of landscaping surrounding freestanding signs is required.

(e) Plant Materials

(1) Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the "Illinois Chapter of Landscape Contractors," including the guarantee and replacements sections.

(2) Minimum Plant Sizes at time of installation shall be:

(a) Shade Trees: two and one-half (2 1/2) inch caliper.

(b) Ornamental Trees: two (2) inch caliper or if in clump form, six (6) feet in height.

(c) Evergreen Trees: five (5) feet in height.

(d) Shrubs required for screening: three (3) feet in height; shrubs used for other purposes: eighteen (18) inches in height.

(e) Groundcover: spaced no less than twelve (12) inches on center.

(f) Tree Preservation During Construction

(1) Trees required or scheduled to be preserved shall be protected during construction as follows:

(a) A protective barrier such as wood slat fencing, or such other fencing as approved by the Building Commissioner/Village Forester shall encircle and be erected one foot beyond the periphery of the drip line, or farther as site conditions may dictate necessary for tree protection during construction.

(b) Protective barriers shall be in place prior to the issuance of any building or development permit and shall remain in place until construction and site work is completed.

(c) No materials, construction equipment or vehicles shall be stored, driven upon or parked within any drip line.

(d) Crushed limestone or other material detrimental to trees shall not be dumped, placed, or stored within any drip line or at a higher elevation where drainage could affect the health of the tree(s).

(e) In the event an underground utility line is to be located within five (5) feet of a tree designated for preservation, said utility line shall be augured to prevent damage to the tree's root system.

(2) If a deciduous tree designated for preservation is damaged, razed or removed as a result of construction, such tree shall be replaced with new trees at a rate of three (3) inches in caliper of the replacement trees to each one inch in caliper of a damaged or removed tree (notwithstanding any Village law, ordinance, rule or regulation which may specify a different or lesser standard). Applicant is required to obtain the Building

Commissioner's prior written approval of a replacement tree plan that indicates the installation location and specific size and specie of such replacement trees.

(3) If an evergreen tree designated for preservation is damaged, razed or removed as a result of construction, such tree shall be replaced with new evergreen trees at a rate of three vertical feet of replacement evergreen tree for each vertical foot of damaged or removed tree (notwithstanding any Village law, ordinance, rule or regulation which may specify a lesser or different standard). Applicant is required to obtain the Building Commissioner's prior written approval of a replacement tree plan that indicates the installation location and specific size and specie of such replacement trees.

(4) Replacement trees shall only be of those species approved by the Village.

#### 6.4 - Lighting

A Planned Unit Development shall comply with regulations for exterior lighting as set forth herein and in Village codes. Lighting shall be designed to minimize light spillage at the property line. Applicant shall provide sufficient buffers, by means of fences, walls, trees, shrubs, and berms, to screen any adjacent residential areas from on-site lighting and vehicle headlights.

- (a) Parking lot lighting shall be no greater than one foot candle at the property line.
- (b) Parking lot lighting shall be turned off from 11:00 p.m. to 7:00 a.m.
- (c) Security lighting may be illuminated between the hours of 11:00 p.m. to 7:00 a.m.
- (d) No light pole located on the Property shall exceed 25-feet in height from grade.

#### 6.5 - Driveway, Driveway Apron, and Parking Lot Construction

(a) Concrete - Concrete driveways shall be constructed in compliance with the provisions of this Section, so far as they are applicable and shall not be less than eight (8) inches thick, plus a three (3) inch bedding for commercial and industrial property use. Expansion joints shall be used between the back of the curb and the driveway and between the sidewalk and the driveway. All concrete driveways must be reinforced with a six (6) inch by six (6) inch welded wired mesh or fiber mesh concrete additive.

#### (b) Asphalt

(1) The crushed stone base course shall be six (6) inches in thickness and compacted until all voids are filled with finely crushed stone or sand. The asphalt surfaced course shall be constructed of bituminous plant-mix Type B-4 or B-5 conforming to the Standard Specifications for Road and Bridge Construction latest edition as prepared by the Illinois Department of Transportation (IDOT) and its Supplemental Specifications and Recurring Special Provisions latest edition, as approved by IDOT.

(2) All driveways, aprons and parking lots shall be constructed in two (2) courses and shall not be less than eleven (11) inches in thickness after compaction.

(c) Barrier Curbs - A six (6) inch continuous poured-in-place concrete barrier curb shall separate all driveway aprons from landscaped areas.

(d) Sidewalk, Driveway, and Parking Lot Materials - All materials shall conform to the Standard Specifications for Road and Bridge Construction latest edition as prepared by the Illinois Department of Transportation (IDOT) and its Supplemental Specifications and Recurring Special Provisions latest edition, as approved by IDOT.

(e) Control of Materials - The developer shall, when requested by the Village and at his expense, have a commercial testing laboratory prepare and test samples of delivered concrete. One (1) set of tests shall be taken for the first twenty-five (25) cubic yards, or fraction thereof, and one (1) set of tests shall be taken for each additional fifty (50) cubic yards. A set of tests shall consist of four (4) standard cylinders [two (2) shall be broken at seven (7) days and two (2) shall be broken at twenty-eight (28) days], one (1) slump test and one (1) air content test. The laboratory shall perform tests in accordance with recognized ASTM standards and shall submit written reports of such tests to the Village Engineer for review.

#### 6.6 - Public Improvements

(a) All public improvements shall conform to the regulations and design standards of Village codes, except that the design standards may be modified if the function of the public improvement is not altered. Street construction plans and details shall be submitted to the Village Engineer for review and approval prior to final plan approval.

(b) A five foot (5') public sidewalk adjacent to the property line shall be installed and maintained in all Village Parkways. Existing sidewalks shall be replaced unless the Village Engineer determines that the existing sidewalk is in excellent repair and conforms to Village standards. Unless otherwise permitted by the Village Board of Trustees, all public improvements to be constructed by the applicant as part of an approved Planned Unit Development shall be constructed prior to the construction of the non-public improvements.

6.7 - Principal Structures - The provisions of Village codes and the zoning ordinance which prohibit the utilization of any parcel of land or lot for the purpose of erecting more than one principal building or structure may be waived by the Village Board of Trustees for buildings and structures in a Planned Unit Development.

6.8 - Relationship to Adjoining Land - A Planned Unit Development shall be developed with connections to adjoining land. Designs should emphasize accessibility, open views, and connections with the larger community and discourage development that divides neighborhoods or restricts access to adjacent property. The design of lots, streets, sidewalks, and paths within a Planned Unit Development shall make provisions for the continuation of such existing or proposed features to adjoining areas.

#### 6.9 - Density Increases

Unless waived by the Village Board of Trustees or modified by ordinance, densities in a Planned Unit Development shall be established by the bulk requirements of the underlying zoning district or the district where the use is first allowed. Increases in density may be granted where it is determined that such increases will not negatively affect the value or enjoyment of surrounding property, the provision of municipal services, or the flow of traffic on local streets. To be



granted density increases, a Planned Unit Development shall evidence a superior level of design and amenity enhancement. Features considered in this determination include, but are not limited to, the following:

- (a) Transit-supportive design.
- (b) Superior architectural design.
- (c) Enclosed, underground or depressed parking areas, or parking areas that incorporate landscaping in excess of the minimum standards established by ordinance or policy.
- (d) Plazas, malls, formal gardens, or other pedestrian areas.
- (e) Community amenities.
- (f) Preservation and/or enhancement of natural features.
- (g) Amount, quality, and interconnectedness of common open space.
- (h) Barrier-free design beyond the minimum accessibility standards required under the Illinois accessibility code, Village building code, or the Village fair housing ordinance, or any other applicable accessibility code.
- (i) Underground stormwater detention systems.
- (j) Other features as determined by the Zoning Board of Appeals or Village Board of Trustees.

#### 6.10 - Construction Materials

- (a) All exterior walls shall be of solid masonry construction, which shall include brick, stone, concrete block, or reinforced concrete.
- (b) The use of Exterior Insulation Finishing Systems (EIFS) for example, Dryvit, or similar products, on exterior walls is specifically prohibited.

#### 6.11 - Utility Services

All utility services shall be underground.

6.12 - Limitations Applicable to Modifications The following limitations shall apply to any modification or variation from the requirements of the Zoning Ordinance permitted under a Planned Unit Development:

- (a) No modification of the requirements set forth in Chapter 82 (Streets, Sidewalks and Other Public Places) and Chapter 86 (Subdivisions) of the Revised Municipal Code of the Village of Norridge (Village Code of Ordinances) concerning the minimum design, quality and construction standards for public improvements and infrastructure, shall be permitted.
- (b) No modification of the Environmental Standards set forth in Chapter 34 of the Village Code of Ordinances shall be permitted.
- (c) No modification of the code requirements set forth in the building, electrical, plumbing, fire prevention, or any other code or requirement provided for in Chapter 18 of the Village Code of Ordinances, shall be permitted.

## Section 7 - Procedures

A Planned Unit Development may be granted as a special use in the zoning district in which it is located. The following procedures and requirements shall be applicable to any request for approval of a Planned Unit Development:

### 7.1 - Pre-application

Prior to the filing of an application for the approval of a Planned Unit Development, the applicant shall meet and consult with the Building Commissioner to present a concept of the proposed Planned Unit Development. The Building Commissioner shall provide comments and recommendations to the applicant during this stage regarding areas of concern. Comments and recommendations made during the pre-application stage are advisory only. The applicant shall address these concerns either in writing or in overall design with the application.

(a) A request for a Pre-Application Conference shall be made in writing to the Building Commissioner. At least two (2) weeks prior to the scheduled date of the Pre-Application Conference, the applicant shall provide to the Building Commissioner:

- (1) Three (3) copies of a plat of survey of the subject property.
- (2) A written description of the proposed Planned Unit Development, accompanied by preliminary site drawing(s) showing the proposed location, dimensions and uses of all structures proposed for the subject property.
- (3) A list of all proposed modifications sought.
- (4) Such further or different information, documents or materials as the Building Commissioner may reasonably determine to be necessary in order to prepare for the Pre-Application Conference.

(b) Prior to the scheduled date of the Pre-Application Conference, the Building Commissioner and such further Village staff or consultants as the Village deems appropriate, shall review the proposal for its compatibility with the Zoning Ordinance, the Village Code Village Code of Ordinances, and the general planning policies and precedents of the Village.

(c) The Pre-Application Conference shall be held for the purpose of reviewing the applicant's proposal and providing the applicant with the Village staff's opinion of the feasibility of the proposal, along with an explanation of the required review procedures.

### 7.2 - Fees

All required fees and deposits must be paid prior to any processing of an application by the Village.

(a) Fee and Deposit Amounts: A fee as set forth in the schedule set forth in Chapter 38 Section 102 of the Revised Municipal Code of the Village of Norridge - 2002, plus a deposit of Ten Thousand Dollars (\$10,000.00) in cash or in an unconditional, irrevocable letter of credit in a form acceptable to the Village Attorney, shall be filed with the Building Commissioner by or on behalf of the owner or owners and applicant of the property affected. Processing Costs for said Planned Unit Development shall be assessed by the Village in the manner set forth herein.

(b) Professional Consultants: The Zoning Board of Appeals and the Board of Trustees may utilize the services of professional consultants in arriving at recommendations or decisions. The costs incurred for such consultants shall include the fees and costs for the preparation of any applicable ordinances and agreements, including but not limited to, development agreements and redevelopment agreements and other documents relating to the property which is the subject of the zoning application. The consultants may include, but not be limited to, persons who provide the Village with advice in the fields of engineering, law, planning, traffic, design and finance. The Zoning Board of Appeals and Board of Trustees shall use their reasonable discretion in determining those circumstances when the services of consultants are necessary.

(c) Processing Costs: In addition to the required application fee and deposits, the owner or owners and, if different, the applicant shall be responsible for the actual processing costs incurred by the Village which are in excess of the required deposit amounts in processing such application. For purposes of calculating the Village's actual costs (Processing Costs) incurred in processing a zoning application the following shall be considered costs incurred by the Village:

- (1) Publication of legal notices and any notification signs;
- (2) Court reporter and/or recording secretary services;
- (3) Professional and technical consultant services at the direct cost of such services;
- (4) Legal review, consultation and advice at the direct cost of such services;
- (5) Copy reproduction at the direct cost of such services;
- (6) Document recordation at the direct cost of such services.

(d) Liability for Payment of Fees, Deposits and Processing Costs: The owner or owners of the property which is the subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of all applicable fees, deposits and Processing Costs. By signing the application, the owner or owners and applicant shall be deemed to have agreed to pay all such applicable fees, deposits and Processing Costs and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within thirty (30) days following the mailing of a written demand for such payment to the owner or owners and applicant at the address shown on the application. Any lien filed pursuant to this Section may be foreclosed in the manner provided by statute for mortgages or mechanics liens.

(e) Payment and Deposit:

- (1) Initial Payment and Deposit: Every application filed pursuant to this Article of the Zoning Ordinance shall be accompanied by the required fee plus a deposit where this Zoning Ordinance so requires. The Building Commissioner and Village Clerk shall determine whether applicable Processing Costs will exceed the deposit. If the Building Commissioner and Village Clerk determine that applicable Processing Costs will exceed the required deposit, the Building Commissioner and Village Clerk shall determine the additional necessary amounts to be deposited with the Village. No interest shall be payable on any such deposit.

- (2) Charges Against Deposit: From the date of filing of any application pursuant to this Zoning Ordinance, the Village shall maintain an accurate record of the actual costs, as set forth above, of processing such application. The Building Commissioner or Village Clerk shall, from time to time, draw funds from the account established for such application deposit to pay such costs and shall transfer such funds to the appropriate Village accounts. The Building Commissioner and Village Clerk shall maintain an accurate record of all such draw-downs.
- (3) Additional Deposits: Should the Building Commissioner and Village Clerk at any time determine that the account established in connection with any application deposit is, or is likely to become, insufficient to pay the actual costs of processing such application, the Building Commissioner and Village Clerk shall inform the owner or owners and applicant of that fact and demand an additional deposit in an amount deemed to be sufficient to cover foreseeable additional Processing Costs. Unless and until such additional amount is deposited by the applicant, the Building Commissioner and Village Clerk may direct that processing of the application shall be suspended or terminated.
- (4) Final Settlement: As soon as reasonably feasible following final action on an application, the Building Commissioner and Village Clerk shall cause a final accounting to be made of the deposits made in connection with such application and the actual cost of processing such application and shall make a final charge of such costs against such deposits. A copy of the accounting shall be provided to the owner or owners and the applicant. If the amount in the deposit account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner or owners and the applicant. If unused balance remains in the deposit account after paying the total actual costs, it shall be returned to the applicant.
- (5) Payment: The owner or owners and applicant shall pay the Village the Processing Costs within ten (10) days after the submission of the bill from the Village. Such bill may cover services previously rendered, or a reasonable estimate of additional deposit amounts and Processing Costs.

(f) Condition of All Applications, Approvals and Permits: No application filed pursuant to this Article shall be considered complete unless and until all required fees, deposits and payments due have been paid. Every approval granted and every permit issued pursuant to this Code shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of required fees, and Processing Costs and any deposits as required by this Section 7.2. The failure to fully pay any such fee, Processing Cost or deposit, when due, shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the property, land or development to which the unpaid fee, Processing Cost, or deposit relates.

### 7.3 - Preliminary Plat

(a) An application for approval of a preliminary plat of Planned Unit Development shall be filed in writing with the Building Commissioner. The application shall contain a detailed statement of intent and concept which explains the character of the Planned Unit Development, the reasons why the applicant needs the flexibility of the Planned Unit Development, how it

accomplishes the purposes of the Planned Unit Development regulations, a written description of how the applicant is addressing concerns raised by the Village staff in the pre-application stage, and any other information required by the Village. All information and data required by this subsection and by subsection 8.2 of this Article shall be submitted to the Village before the application will be referred to the Zoning Board of Appeals. The Village Board shall refer the completed application to the Zoning Board of Appeals for review and public hearing.

(b) The Village Clerk shall cause notice of the public hearing before the Zoning Board of Appeals to be published in a newspaper of general circulation in the Village at least once before the public hearing.

(c) The Village Clerk shall give written notice of the public hearing to the persons to whom the current real estate tax bills are sent, as shown on the record of the county treasurer, of all lots lying within three hundred feet (300') exclusive of the public right of way, of the property lines of the parcel of land for which the Planned Unit Development is sought. The written notices shall be delivered personally or may be sent by certified or registered mail, properly addressed and with sufficient postage with return receipt requested. The Village Clerk shall maintain a list showing the names and addresses of the persons to whom the written notices have been sent and shall file the list with the Zoning Board of Appeals. The list shall be a presumption of the giving of said notices.

(d) The notice of public hearing shall contain the place, date, and time of the hearing, the common address or location of the property, the name and address of the applicant and owner of the property, the purpose of the hearing, and the address of the Village office where information may be obtained and shall be published and mailed at least fifteen (15) days and not more than thirty (30) days previous to the hearing.

(e) Posted notice. For any public hearing required by this Article for approval of a Planned Unit Development notice of the hearing shall be as required by Article XV of the Zoning Ordinance.

(f) The public hearing shall be conducted by the Zoning Board of Appeals, and a record of such proceedings shall be preserved in such manner as the Zoning Board of Appeals shall prescribe from time to time. A copy of the transcript shall be included in the Village's zoning case record.

(g) The Zoning Board of Appeals shall submit its recommendations on the proposed preliminary plat to the Village Board of Trustees.

(h) Applicant shall appear before the Advisory Review Committee which shall review those aspects of a proposed preliminary plat referred to it by the Village Board of Trustees. The Advisory Review Committee shall make recommendations to the Village on those matters referred to it by the Village Board of Trustees.

(i) After receipt of the recommendations of the Zoning Board of Appeals and the Advisory Review Committee, the Village Board of Trustees may, by ordinance, approve, or approve with modifications, the proposed preliminary plat of Planned Unit Development authorizing the Planned Unit Development as a special use. If the Village Board of Trustees does not approve a Planned Unit Development, it may deny the Planned Unit Development or refer the Planned Unit Development back to the Zoning Board of Appeals for further consideration.

(j) The preliminary plat of Planned Unit Development and supporting documents shall be attached to the ordinance approving the special use. Approval of a preliminary plat of Planned Unit Development as a special use shall not constitute

final approval of the final plat of Planned Unit Development rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat and as a guide to the preparation of the final plat of Planned Unit Development.

#### 7.4 - Final Plat

(a) A Planned Unit Development may be final platted in phases. The final plat or plats of the Planned Unit Development shall conform substantially to the preliminary plat of Planned Unit Development as approved. While the preliminary plat of Planned Unit Development shall generally specify uses of land and locations of buildings, the final plat of Planned Unit Development shall designate with particularity the uses of land and the location of buildings.

(b) An application for approval of a final plat of Planned Unit Development shall be filed in writing with the Building Commissioner, or his or her designee. The Building Commissioner, or his or her designee, shall be authorized to recommend approval of a final plat of Planned Unit Development to the Village Board of Trustees without referring the final plat to the Zoning Board of Appeals if it is determined that the final plat is in substantial conformance to the preliminary plat of Planned Unit Development as approved by the Village Board of Trustees. If it is determined that the final plat is not in substantial conformance to the preliminary plat of Planned Unit Development, the final plat shall be referred to the Zoning Board of Appeals for action in accordance with this Article.

(c) If a final plat of Planned Unit Development is referred to the Zoning Board of Appeals, the Zoning Board of Appeals shall review the proposed changes to the preliminary plat of Planned Unit Development as set forth in the final plat and a record of such proceedings shall be preserved in such manner as the Zoning Board of Appeals shall prescribe from time to time.

(d) The Zoning Board of Appeals shall submit its recommendation on the proposed final plat of Planned Unit Development to the Village Board of Trustees.

(e) After receipt of the recommendation of the Zoning Board of Appeals, the Village Board of Trustees may, by ordinance, approve, or approve with modifications, the proposed final plat of Planned Unit Development authorizing the Planned Unit Development as a special use. If the Village Board of Trustees does not approve a Planned Unit Development after recommendation by the Zoning Board of Appeals, it may deny the Planned Unit Development or refer the Planned Unit Development back to the Zoning Board of Appeals for further consideration. The final plat of Planned Unit Development and supporting documents shall be attached to the ordinance approving the special use.

### Section 8 - Content Of Planned Unit Development Submittals

For each stage in the Planned Unit Development review process, the following information and data shall be submitted:

#### 8.1 - Pre-application

(a) Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land within one-half (1/2) mile of the subject property.

(b) Sketch drawing showing the proposed location of the uses of land, major streets, and other features.

- (c) Property survey and legal description of the subject property.
- (d) A written statement justifying the need for a Planned Unit Development.

#### 8.2 - Preliminary Plat

(a) Drawing: A drawing of the Planned Unit Development, at a scale of one hundred feet to one inch (1" = 100'), composed of one or more sheets showing the following information:

- (1) Title by which the proposed Planned Unit Development is to be referred.
- (2) Legal description of the property and total acreage included.
- (3) Scale, north point, and date of preparation.
- (4) Name and address of the owner, applicant, architect, structural engineer, civil engineer, and land surveyor.
- (5) Certification of ownership of subject property and applicant's interest in the subject property, including proper certification of the application by either the owner or an entity with authority to act on behalf of the owner. For property held in trust, disclosure of ownership of beneficial interest in the subject property, as may be required by state law.
- (6) A statement by applicant with regard to future selling or leasing of all or a portion of the subject property, and planning objectives to be achieved.
- (7) Location of Village, county, and township boundary lines at or near the Planned Unit Development.
- (8) Location, dimensions, and acreage of proposed land uses including business and commercial areas, open spaces, and common open spaces.
- (9) Location and dimensions of proposed streets, alleys, easements, and storm water control areas.
- (10) Copies of all covenants, grants of easements and other limitations or restrictions existing or to be imposed upon the use of the subject property's land, buildings or other structures.
- (11) Dimensions of the lots into which the property is proposed to be subdivided.
- (12) Density of the Planned Unit Development for both the entire development and individual land use areas.
- (13) Location map showing the location of the Planned Unit Development within the Village.
- (14) Character of the surrounding area within two hundred feet (200') of the Planned Unit Development including existing land uses, subdivision of lands, location and dimensions of streets, alleys, easements, and storm water control areas, and location of buildings and structures.

(15) The zoning classification of the subject property and the surrounding area within two hundred feet (200').

(16) Location and dimensions of existing streets, alleys, easements, stormwater control areas, buildings, structures, and public utilities within the Planned Unit Development.

(17) Plan for sidewalks or pedestrian access and circulation and bicycle circulation systems.

(18) List of uses proposed within the Planned Unit Development including the general internal uses of each building or structure.

(19) Ground elevations on the tract showing one foot (1') contours for land that slopes less than one-half percent (<0.5%); two foot (2') contours for land that slopes more than one-half percent (>0.5%); spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred feet (100') apart in all directions (refer to USGS datum in compiling data).

(20) A statement of intent and concept which explains the character of the Planned Unit Development.

(b) Purpose: An explanation of the purpose of the Planned Unit Development, the reasons why it needs the flexibility of the Planned Unit Development regulations, and how it accomplishes the purposes of the Planned Unit Development regulations. This statement shall be in writing and shall address the substance of each of the factors set forth in Section 10 of this Article, explaining why the proposed project fulfills each of the criteria for approval.

(c) Design Schedule: The following shall be included with the preliminary plat:

(1) A listing of the area, lot width, yard, height and bulk requirements including density applicable to the Planned Unit Development.

(2) Number of parking spaces.

(3) Total and footprint square footage for principal structures.

(4) Total and footprint square footage for accessory structures.

(5) Square footage of commonly owned and maintained open space by type.

(6) Square footage of commonly owned and maintained green space on the PUD property.

(7) Square footage of the publicly owned green space on the PUD property.

(8) If the development is to be constructed in phases, the design schedule shall include a designation of the phase components.

(d) Preliminary Building Elevations: Preliminary building elevations for all buildings, including proposed materials and colors.

(e) Preliminary Landscape Plan: Plans which meet the minimum requirements of applicable Village codes and ordinances.

(f) Preliminary Lighting Plan: Plans which meet the minimum requirements of applicable Village codes and ordinances.



(g) Preliminary Utility Plan: Plans which meet the minimum requirements of applicable Village codes and ordinances and shows the location of all utilities underground.

(h) Traffic Analysis: A preliminary traffic analysis performed by a Licensed Professional Engineer providing information on the existing roads and future improvements deemed necessary to service the Planned Unit Development.

(i) Open Space Statement: A statement is required describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that the residents will utilize the space either actively or passively.

(j) Subdivision Sketch Plan: The Village may require the submittal of a sketch plan that illustrates the maximum number of lots that could be achieved through a conventional subdivision of the site including the location of public streets that would provide access to such lots. The design and layout of all lots and streets in such subdivision sketch plan shall comply with all standards and requirements found in this Article and other applicable sections of Village codes and ordinances, including but not limited to Chapter 86 of the Village Code of Ordinances.

(k) Preliminary Plat of Subdivision: A preliminary plat of subdivision, if deemed applicable by the Building Commissioner.

(l) Off-Street Parking Facilities: Information on all off-street parking facilities including numbers of parking spaces.

(m) Preliminary Engineering: Engineering in sufficient detail which will convey the general basis of design of the sanitary sewer, water, storm water control including and the location of any on-site storm water/runoff detention, flood control, and street facilities including the capacity of any existing water, sanitary sewer or storm sewer mains that will be tied into.

(n) Natural Features Study: An analysis of the natural features and drainage patterns of the property.

(o) Geological and Soil Analysis: An examination of the adequacy of the property for development.

(p) Impact Studies: Impact studies and geological analysis and other information and data as the Village may require for the full and complete consideration of the Planned Unit Development.

(q) Public Facilities: Detailed construction plans shall be submitted for all public facilities to be built. Public facilities shall include, but are not limited to: roads; curbs; gutters; sidewalks; street lights; street signs; water mains; sewers; improvements of open spaces; recreational facilities; and public parking facilities.

(r) Other information: Any other information deemed necessary by the Building Commissioner or the applicant to fully explain the proposed Planned Unit Development.

### 8.3 - Final Plat

The purpose of the final plat is to designate the areas which are consolidated or subdivided, as the case may be, into lots as well as those areas not so divided

into common open areas and building areas and to designate the design controls and uses of each building or structure and of the subject property, in general.

(a) Drawing: A drawing of the Planned Unit Development, suitable for recording with the Cook County Recorder of Deeds, showing the following information:

(1) Designation with particularity the uses of the land, the location of buildings and structures, green space, and common open space.

(2) Title under which the proposed Planned Unit Development is to be recorded.

(3) Legal description of the property and total acreage included.

(4) Scale, north point, and date of preparation.

(5) Location, dimensions and acreage of proposed land uses including business areas, and open spaces.

(6) Location and dimensions of proposed streets, alleys, easements, and storm water control areas.

(7) Dimensions of the lots into which the property is proposed to be subdivided.

(8) Plan for sidewalks or pedestrian access and circulation and bicycle circulation systems if applicable.

(9) A Planned Unit Development that will result in the subdivision of land shall have its final plat comply with the provisions of Village subdivision regulations.

(b) Design Schedule: The following shall be included:

(1) A listing of the area, lot width, yard, height and bulk requirements including density applicable to the Planned Unit Development.

(2) Number of parking spaces.

(3) Total and footprint square footage for principal structures.

(4) Total and footprint square footage for accessory structures.

(5) Square footage of commonly owned and maintained open space and common open space.

(6) If the development is to be constructed in phases, the design schedule shall include designations of the phase components.

(c) Guarantee Deposit: A guarantee deposit (Guarantee Deposit) shall be made to the Village in cash or a letter of credit approved by the Village Board in a form acceptable to the Village Attorney, payable to the Village which shall be sufficient to cover the full cost of all public facilities and improvements made necessary as a result of the Planned Unit Development in an amount estimated by the Village, plus twenty percent (20%) of the estimated cost of public facility installations and the demolition costs as set forth herein. The Guarantee Deposit shall:

(1) Be a guarantee of satisfactory performance of the public facilities constructed within the Planned Unit Development.

(2) Be available to the Village to permit the Village to demolish the non-public improvements to be constructed on the Planned Unit Development should the applicant commence construction of a building or buildings on the property that is the subject of the Planned Unit Development and fail to complete or demolish same by the date required to do so by the Village. In that event, the Village may, at its option, demolish the non-public improvements constructed on the property that is the subject of the Planned Unit Development as of such date and grade the surface level with gravel.

The Guarantee Deposit shall be held by the Village for a period of eighteen (18) months from the date of acceptance of the public facilities by the Village and completion of the planned non-public improvements on the property that is the subject of the Planned Unit Development. After eighteen (18) months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded to the applicant after reimbursement for amounts expended in correcting defective facilities or demolishing the non-public improvements.

(d) Common Open Space Documents: All common open space may be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and occupiers of the Planned Unit Development or retained by the developer. In any event, the Village Board of Trustees may require legally binding covenants and other guarantees, in a form approved by the Village Attorney, that the common open space will be permanently preserved as an open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien against the individually owned property in the Planned Unit Development for maintenance and improvement of the common open space. Such documents shall also provide that the Village shall have the right, but not the obligation, to perform necessary maintenance of the common open space, and shall have a lien against the individually owned property in the Planned Unit Development for the costs thereof.

(e) Covenants: Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development. If approved, these shall be recorded at the same time as the final Planned Unit Development Plat.

(f) Final Engineering: Complete and detailed engineering which shows the design of the sanitary sewer, water, storm water control, flood control, and street facilities including specifications.

(g) Cost Estimate: Estimates of cost for all public improvements.

(h) Landscape Plans: Plans which meet the minimum requirements of Village codes and ordinances.

(i) Final Building Elevations: Final building elevations for all buildings.

(j) Other Information Required: Other information and data as the Village may require for full and complete consideration of the Planned Unit Development.

## Section 9 - Changes to Planned Unit Development

A Planned Unit Development shall be constructed in accordance with the approved final plat of Planned Unit Development and all supporting data. The final plat shall control and limit the use of the parcel of land (including the general

internal use of buildings and structures) and the location of buildings and structures in the Planned Unit Development as indicated on the plat. Changes to the Planned Unit Development shall be considered to be either a major change or a minor change. In addition to the factors set forth in this subsection, the statement of intent and concept provided on the preliminary plat will also serve as a basis for determining whether a change is a major or a minor change.

9.1 - Major changes are modifications which alter the concept or intent of the Planned Unit Development. Factors which shall be considered in determining whether a proposed change constitutes a major or a minor change include:

(a) Components of a Planned Unit Development:

(1) The proposed change to the following components which constitute a greater than ten percent (10%) cumulative increase or decrease, based on the later of the first preliminary plat or the most recent preliminary plat that incorporates any major changes to the original Planned Unit Development:

(a) Gross floor area.

(b) Acres of area used.

(c) Total gross floor area of all buildings in the project.

(d) Total number of parking spaces for the project.

(2) Change in location or type of land use.

(3) Change in type, number or location of buildings.

(4) Greater than a ten percent (10%) increase in the height of a building.

(5) Change in the functional classification, dimension or location of a roadway, street, or alley.

(6) Reduction in the amount of open space or common open space.

9.2 - A revised preliminary plat of Planned Unit Development and supporting data shall be submitted with an application for a major change. If a final plat of Planned Unit Development has also been approved, a revised final plat shall also be submitted with the revised preliminary plat of Planned Unit Development, and the final plat of Planned Unit Development shall also be subject to the procedure set forth in this subsection for the approval of a major change.

9.3 - Minor changes are modifications that are not defined as major changes and do not alter the concept or intent of a Planned Unit Development and include replacement of a use with the same or similar use. Minor changes not approved through the administrative adjustment process set forth in the following subsection may be approved by the Village Board of Trustees without the review and recommendation of the Zoning Board of Appeals unless the Village Board of Trustees refers a request for a minor change to the Zoning Board of Appeals for review and recommendation.

9.4 - Minor changes which meet the criteria set forth in this subsection may be approved by the Building Commissioner through an administrative adjustment process without the approval of Village Board of Trustees if the proposed minor change does not result in the following:

- (a) Any increase in density.
- (b) Any change in circulation patterns or access.
- (c) Any change in grading or utility provisions.
- (d) Any change in the mixture of land uses.
- (e) Any reduction of an amount of common open space, landscaping, or buffering.
- (f) Any change to exterior elevations of buildings which alter rooflines, building materials, approved color schemes, or result in a change in architectural style.
- (g) Other changes of similar scale, proportion, or use.

9.5 - Upon application for a major change to a Planned Unit Development or a minor change that has been referred to the Zoning Board of Appeals, the applicant shall give written notice of the requested change to the owners of record, as determined by the records of the county treasurer, of all lots located within three hundred feet (300') of the property, exclusive of public rights of way.

(a) The notice shall conform to the requirements of subsection 7.3 of this Article and shall be given at least fifteen (15) days previous to the Zoning Board of Appeals meeting at which time the application may be considered.

(b) The applicant shall file a sworn affidavit including copies of the notices with the Village Clerk showing the names and addresses of the persons to whom the written notices have been sent. The affidavit shall create a presumption that the notices were properly given.

9.6 - For minor changes that are intended to be considered through an administrative adjustment process as set forth in subsection 9.4 of this section, the applicant shall give written notice to the owners of record, as determined by the records of the county treasurer, of all lots located within three hundred feet (300') of the property. The notice shall inform the owners of the pending administrative adjustment as a minor change to the Planned Unit Development and shall give the owners an opportunity to submit comments on the proposed minor change. The period for submitting comments shall be no less than fifteen (15) days from the date of mailing of the notice.

## Section 10 - Standards of Review for Planned Unit Developments

10.1 - The Zoning Board of Appeals shall not recommend approval of nor shall the Village Board of Trustees approve a special use for a Planned Unit Development or a major or minor change to the Planned Unit Development unless the proposed development or change complies with all of the following criteria:

(a) The design of the Planned Unit Development presents an innovative and creative approach to the development of land and living environments.

(b) The Planned Unit Development meets the requirements and standards of the Planned Unit Development regulations.

(c) The physical design of the Planned Unit Development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.

(d) Open space, common open space, and recreational facilities are provided.

(e) The modifications in design standards from the Subdivision Ordinance and the waivers in bulk regulations from the Zoning Ordinance fulfill the intent of those regulations.

(f) The Planned Unit Development is compatible with the adjacent properties and nearby land uses and shall not substantially diminish or impair property values within the neighborhood.

(g) The Planned Unit Development shall be so designed, located and proposed to be operated and maintained and that it will not impair an adequate supply of light and air to adjacent property or otherwise injure other property or its use, will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.

(h) The Planned Unit Development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The Planned Unit Development shall include such impact donations as may be reasonably determined by the Village Board, which shall be in reasonable proportion to impact of the Planned Unit Development on public facilities and infrastructure.

(i) The Planned Unit Development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.

(j) The Planned Unit Development shall have adequate provisions, including but not limited to adequate site area, which area may be greater than the minimum in the district in which the proposed site is located, as well as landscaping, public open space, and other buffering features to protect uses within the development and on surrounding properties.

(k) The Planned Unit Development fulfills the objectives of the planning policies of the Village.

(l) There shall be reasonable assurance that, if authorized, the Planned Unit Development will be completed according to schedule and adequately maintained.

(m) The design of all buildings, structures and facilities on the site of the Planned Unit Development shall meet the Village's appearance review standards.

(n) Any signage on the site of the Planned Unit Development shall be in conformity with Village sign regulations as set forth in the Zoning Ordinance or shall satisfy the standards of review for variations set forth therein.

10.2 - The Village Board of Trustees may but shall not be required to make written findings of fact based on the criteria for approval of an application for approval of a Planned Unit Development or a change to a Planned Unit Development.

## Section 11 - Effective Period of Planned Unit Development

11.1 - The Planned Unit Development shall be constructed in a timely manner. The Planned Unit Development shall be subject to revocation under the following conditions:

(a) Final platting does not occur within two (2) years from the date of approval of the preliminary plat of a Planned Unit Development.

(b) Construction does not commence within six (6) months and proceed to completion within two (2) years from the date of Village Board approval of the final plat of a Planned Unit Development.

(c) The development of the Planned Unit Development is abandoned or the developer has or has failed to follow the final Planned Unit Development plan. Abandonment of a Planned Unit Development means that the project for which the Planned Unit Development is granted is discontinued for a continuous period of six (6) months.

11.2 - The Village Board of Trustees may extend the time limits in up to one year increments.

## Section 12 - Progress of Development; Revocation of Approval; Public Hearing

12.1 - The Village Board of Trustees may, at any time, request written reports on the progress and development of the Planned Unit Development.

12.2 - The Village Board of Trustees may initiate or the owner or permittee of the parcel of land on which the Planned Unit Development is to be constructed may apply for the revocation of the Planned Unit Development.

12.3 - If the owner or permittee has abandoned the development of the Planned Unit Development, failed to follow the final Planned Unit Development plan, or failed to conform to the time limitations, the Village Board of Trustees or the Zoning Board of Appeals as directed by the Village Board of Trustees, shall hold a public hearing for the purpose of considering the revocation of all permits, approvals and action taken pursuant to this Article. Written notice of the public hearing shall be sent to the permittee by certified mail (return receipt) at the business address indicated in the application for the Planned Unit Development. Further notice of the public hearing shall be provided in the manner described in this Article. At the public hearing, the Village Board of Trustees shall receive such evidence as it deems relevant and the developer shall be permitted to respond and present evidence on its own behalf. If the Village Board of Trustees finds, by a majority vote of those corporate authorities present and voting, that the developer has abandoned the development of the proposed Planned Unit Development or has failed to follow the final Planned Unit Development plan, the Village Board of Trustees may revoke all permits, approvals and other actions taken under this Article. The Village Attorney shall thereafter cause to have filed with the Cook County Recorder of Deeds a memorandum of such revocation.

12.4 - Upon revocation of a Planned Unit Development, the parcel of land shall conform to the permitted uses and other regulations of the underlying zoning district of which it is a special use unless an amendment or other special use is initiated by the Village Board of Trustees or is applied for by the owner of the parcel of land on which the Planned Unit Development was to be constructed and granted by the Village Board of Trustees.

## Section 13 - Special Conditions and Guarantees

Prior to granting a special use permit for a Planned Unit Development, the Zoning Board of Appeals may recommend and the Village Board of Trustees may stipulate in the ordinance granting the special use such conditions and restrictions upon the establishment, construction, location, maintenance and operation of the Planned Unit Development as deemed necessary for the protection of the public interest and to insure satisfaction of the requirement specified herein, or as may be from time

to time required. In all cases where Planned Unit Developments are approved, the Village Board of Trustees shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be satisfied. No permit shall be issued for any construction, occupancy or use in a Planned Unit Development until the developer posts with the Village such deposits or other sureties as may be specifically required by this Article and any other applicable provisions of the Village Code of Ordinances concerning the public right-of-way or public facilities and infrastructure.

#### Section 14 - Destruction of Buildings or Structures in the Planned Unit Development

Any building or structure within the Planned Unit Development which is totally or substantially destroyed, whether by fire, windstorm, flood, earthquake or other catastrophic event may be reconstructed only in compliance with the final Planned Unit Development plan, unless an amendment to the final Planned Unit Development plan is approved following the procedures set forth in this Article for original application and approval.



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## ARTICLE XI-B

### "CO" Cannabis Overlay District

(Ord. No. 2087-22 Nov. 9, 2022) (Ord. No. 2089-22, Nov. 9, 2022), (Ord. No. 2124-24, Mar. 27, 2024)

#### Section 1 - Intent and Purpose

1.1 - The State of Illinois enacted the Cannabis Regulation and Tax Act ("Act"), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019. The Act provides that the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive.

#### Section 2 - Permitted Uses

Table XI-B Cannabis Overlay District Permitted Uses lists permitted uses for the Cannabis Overlay Districts ("CO"). A "P" indicates that use is considered permitted within that district. A blank space or absence of a use in the table indicates that use is not permitted within that district.

Village of Norridge  
Table XI-B: Cannabis Overlay District Permitted Uses  
P = Permitted Use

	R-1	R-1A	R-2	R-2A	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	M	C	PUD	CO
<b>CANNABIS USES</b>																
Adult-Use Cannabis Craft Grower Organization																
Adult-Use Cannabis Cultivation Center																
Adult-Use Cannabis Dispensing Organization																P
Adult-Use Cannabis Infuser Organization																
Adult-Use Cannabis Processing Organization																
Adult-Use Cannabis Transporting Organization																
Medical Cannabis Cultivation Center																
Medical Cannabis Dispensing Organization																P

### Section 3 - Use Standards and Conditions

Adult-Use Cannabis Dispensing Organizations shall comply with the Act and following conditions and requirements:

3.1 - Adult-Use Cannabis Dispensing Organizations shall be located only in and comply with all requirements of the underlying zoning districts. An Adult-Use Cannabis Dispensing Organization shall not be located within a house, apartment, condominium, or an area zoned for residential use.

3.2 - Adult-Use Cannabis Dispensing Organizations may not conduct any sales or distribution of cannabis other than as authorized by the Act and this Article.

3.3 - The perimeter walls of an Adult-Use Cannabis Dispensing Organization may not be located within 500 feet of the property line of a pre-existing public primary or secondary school. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The five hundred foot (500') distance limit in this subsection C shall be measured in a straight line from the nearest "lot line" of the Adult-Use Cannabis Dispensing Organization to the nearest "lot line" of the "land use" from which the setback is sought; provided that if an Adult-Use Cannabis Dispensing Organization is to be situated in a distinct tenant space within a multi-tenant building, then the setback described in this subsection C shall be measured from the nearest demising wall of the distinct tenant space within the building in which the Adult-Use Cannabis Dispensing Organization is proposed to the nearest "lot line" of the "land use" from which the setback is sought.

3.4 - An Adult-Use Cannabis Dispensing Organization shall not be established as an accessory use or a component land use with any other land use, except a Medical Cannabis Dispensing Organization.

3.5 - At least 75% of the floor area of any tenant space occupied by an Adult-Use Cannabis Dispensing Organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized by the Village.

3.6 - An Adult-Use Cannabis Dispensing Organization shall not include a Drive Through facility, nor distribution of cannabis by a vending machine, nor distribution by delivery to residences or other locations where purchasers may be.

3.7 - In addition to those documents required for any application for a Building Permit Or Business License for an Adult-Use Cannabis Dispensing Organization shall also include:

- a. A complete copy of all applications and plans submitted for required state licenses;
- b. An inventory control plan;
- c. A floor plan;
- d. A plan for the removal, recycling, disposal, and/or destruction of cannabis waste; and

e. A security and outdoor lighting plan. The Village Police Department shall review the items required by this subsection and forward its recommendation regarding same to the Village Building Commissioner.

3.8 - Any building intended to be occupied by an Adult-Use Cannabis Dispensing Organization shall comply with the architectural standards for a commercial building established by the Village and is subject to review by the Advisory Review Committee.

3.9 - On-site consumption of cannabis is prohibited. A sign, at least twenty-four (24) inches by thirty-six (36) inches, shall be posted inside, at a location clearly visible to patrons, with the following language, "Smoking, eating, drinking, or other forms of consumption of cannabis or products containing cannabis is prohibited anywhere inside or on the grounds of this establishment."

3.10 - Signage shall comply with the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, the regulations promulgated thereunder, and this Zoning Ordinance.

3.11 - Adult-Use Cannabis Dispensing Organizations must include the legal name of the dispensary on the packaging of any cannabis product it sells.

3.12 - Adult-Use Cannabis Dispensing Organizations are prohibited from selling alcohol.

3.13 - An Adult-Use Cannabis Dispensing Organization may only accept cannabis deliveries into a restricted access area.

3.14 - A dispensary may operate between 8:00 a.m. and 10:00 p.m.

3.15 - Building enhancements, such as security cameras, lighting or other improvements, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs shall be installed. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

3.16 - An Adult-Use Cannabis Dispensing Organization shall comply with the security provisions of 410 ILCS 705/15-100. Dispensaries must ensure that the dispensary interior and exterior premises are sufficiently lit to facilitate surveillance, and must ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight. (See 410 ILCS 705/15-100 (a)(13) and (14)).

3.17 - The owner, manager or a key holder of the Adult-Use Cannabis Dispensing Organization is required to respond by phone or email pertaining to non-emergency situations within 24 hours of contact by a Village official.

3.18 – Adult-Use Cannabis Dispensing Organization business shall be ventilated so that odor or marijuana cannot be detected by a person with a normal sense of smell at the exterior of the business.

3.19 – Disposal of adult-use cannabis and cannabis byproducts: all products must be made unusable and unrecognizable prior to the removal from the business.

3.20 – It is prohibited to cultivate, distribute, produce, smoke, use, or ingest marijuana openly or publicly in a place open to the general public.

3.21 – Operation of the Adult-Use Cannabis Dispensing Organization business is prohibited when:

- a. the video surveillance equipment is inoperative
- b. the point-of-sale equipment is inoperative.
- c. the State’s cannabis electronic verification system is inoperative
- d. there are fewer than two people working at any time within a dispensing organization.

3.22 – The owner of the Adult-Use Cannabis Dispensing Organization shall file three original copies of an affidavit with the Village Clerk (with a signed original of the affidavit also being filed with the Police Department and with the Building Department) prior to initial issuance of a business license and every year thereafter prior to renewal of such business license affirming full compliance with this Article as well as all other applicable ordinances, laws, rules and regulations as provided herein and all other requirements of the Act.

3.23 – An Adult-Use Cannabis Dispensing Organization as a principal use is required to comply with all use standards of this Article, in addition to all other regulations of the Zoning Ordinance.

#### Section 4 – Location of CO Districts

CO – Cannabis Overlay District. Area and Boundaries

The Cannabis Overlay District is comprised of four areas which contain the following properties are described as follows:

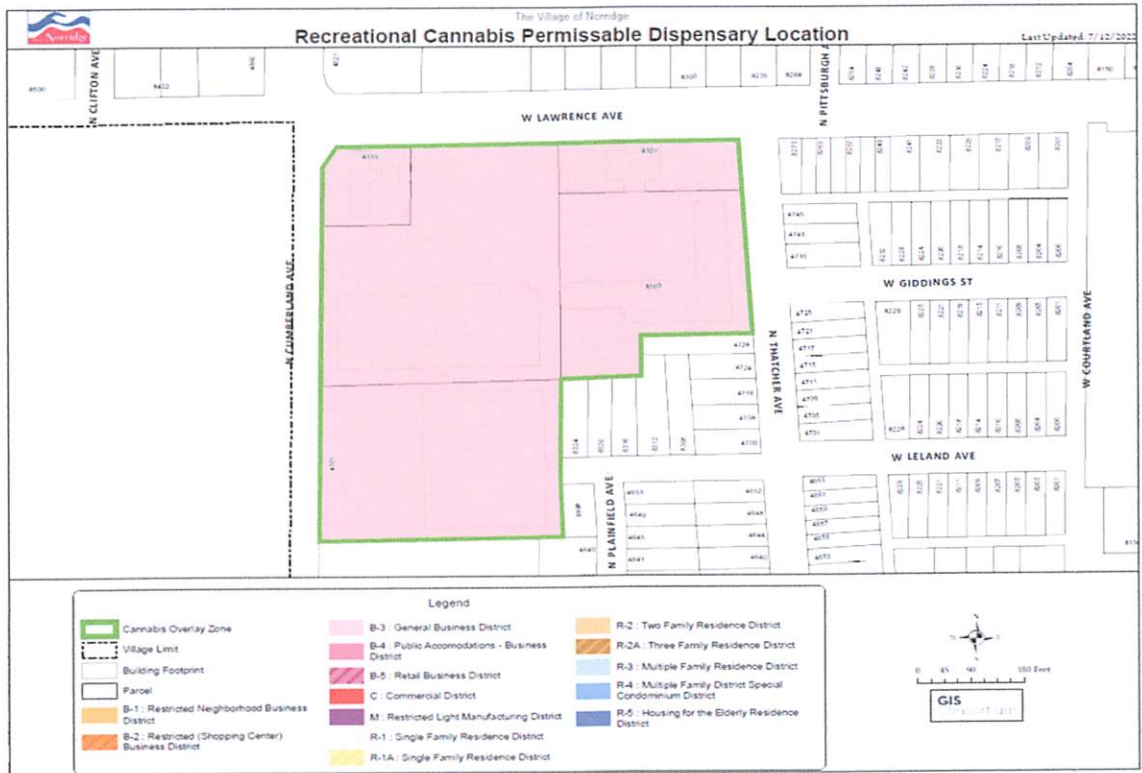
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# Area 1

4.1 – Area 1 Properties in the Village of Norridge, (Ord. No. 2124-24, Mar. 27, 2024)

The following is a general description of properties located within the Area 1 Cannabis Overlay District and as identified on the map below:

- The parcels fronting the south side of W. Lawrence Avenue between N. Thatcher Avenue and N. Cumberland Avenue.
- The second parcel south of W. Lawrence Avenue adjacent to N. Thatcher Avenue.
- The third parcel south of W. Lawrence Avenue adjacent to N. Cumberland Avenue.



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## Area 2

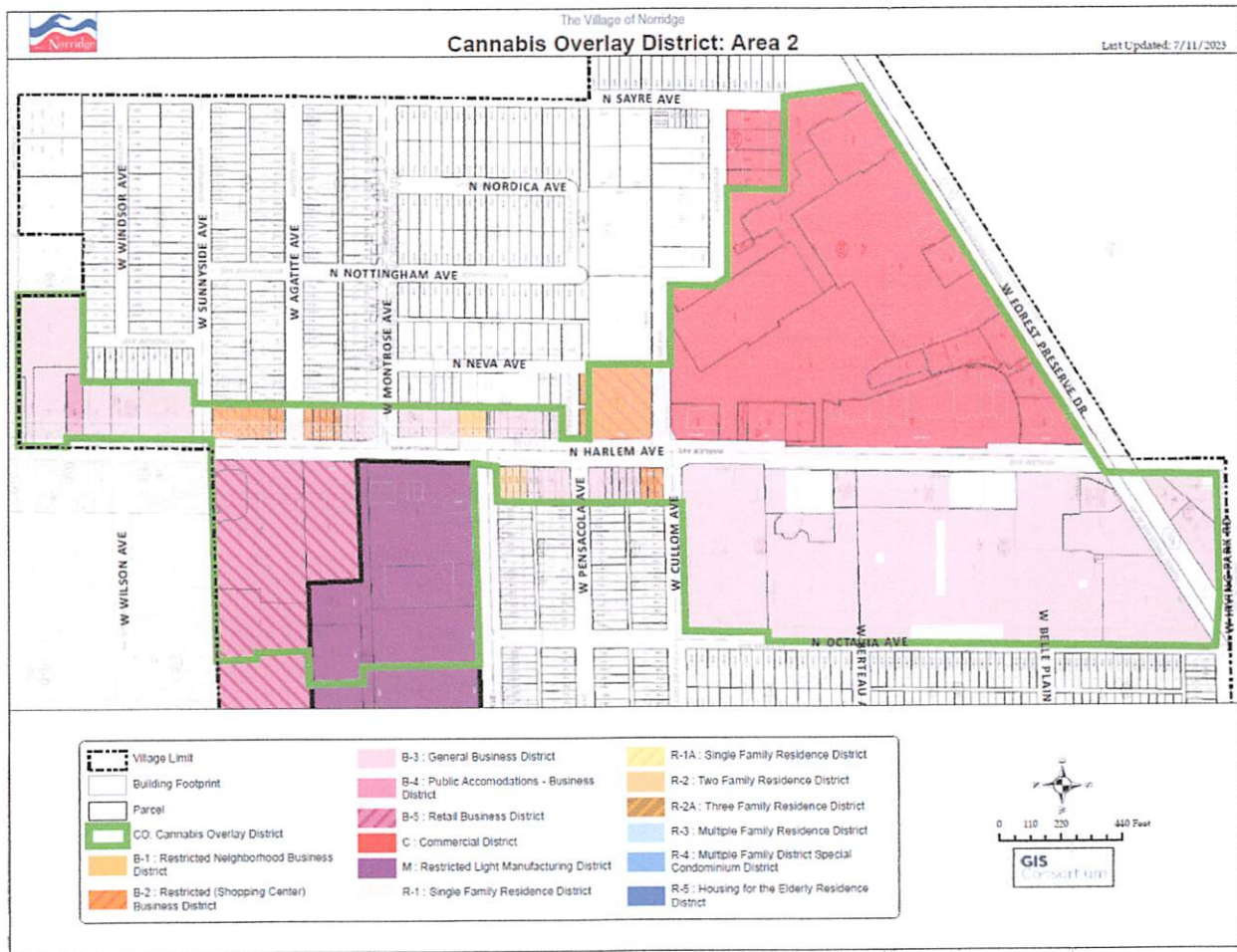
4.2 – Area 2 Properties in the Village of Norridge. (Ord. No. 2124-24, Mar. 27, 2024)

The following is a general description of properties located within the Area 2 Cannabis Overlay District and as identified on the map below:

- The parcels fronting the east side of N. Harlem Avenue, north of W. Sunnyside Avenue and south following the Norridge municipal border to the north and east.
- The first three parcels fronting the west side of N. Harlem Avenue, north of W. Montrose Avenue, south of the Norridge municipal border.
- The parcels fronting the east side of N. Harlem Avenue south from W. Sunnyside Avenue to W. Pensacola Avenue.
- The parcels fronting the west side of N Harlem Avenue south from W. Montrose Avenue to W. Cullom Avenue.
- The corner parcel at the northeast corner of N. Harlem Avenue and W. Cullom Avenue.
- The parcels bounded by N. Octavia Avenue to the west, W. Cullom Avenue to the north, N. Sayre Avenue to the east and W. Forest Preserve Drive to the south; excluding the four parcels immediately to the west of the N. Sayre Avenue terminus.
- The parcels bounded by W. Forest Preserve Drive to the northwest, N. Harlem Avenue to the east and W. Irving Park Road to the south.

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# Area 2 Continued



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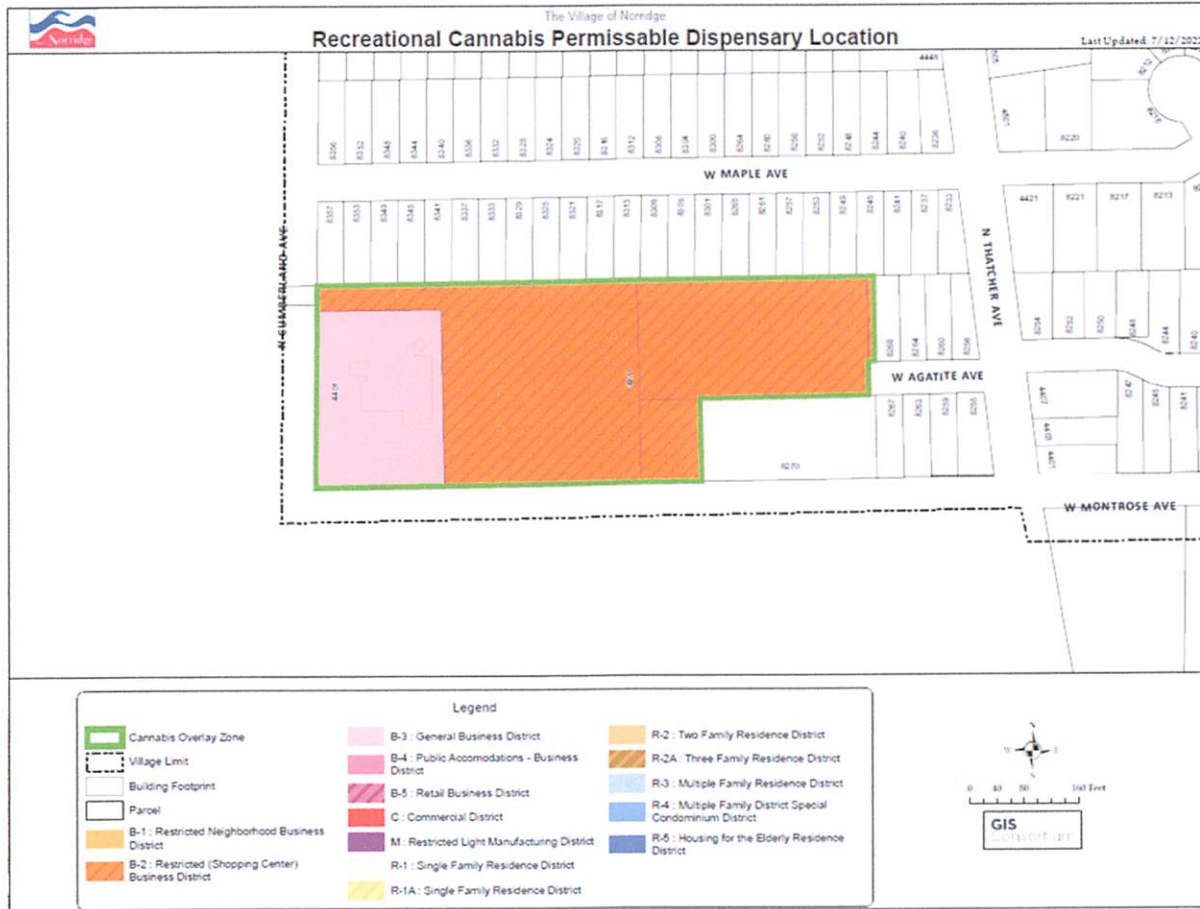


### Area 3

4.3 – Area 3 Properties in the Village of Norridge. (Ord. No. 2124-24, Mar. 27, 2024)

The following is a general description of properties located within the Area 3 Cannabis Overlay District and as identified on the map below:

- The four business zoned parcels at the northeast corner of W. Montrose Avenue and N. Cumberland Avenue.



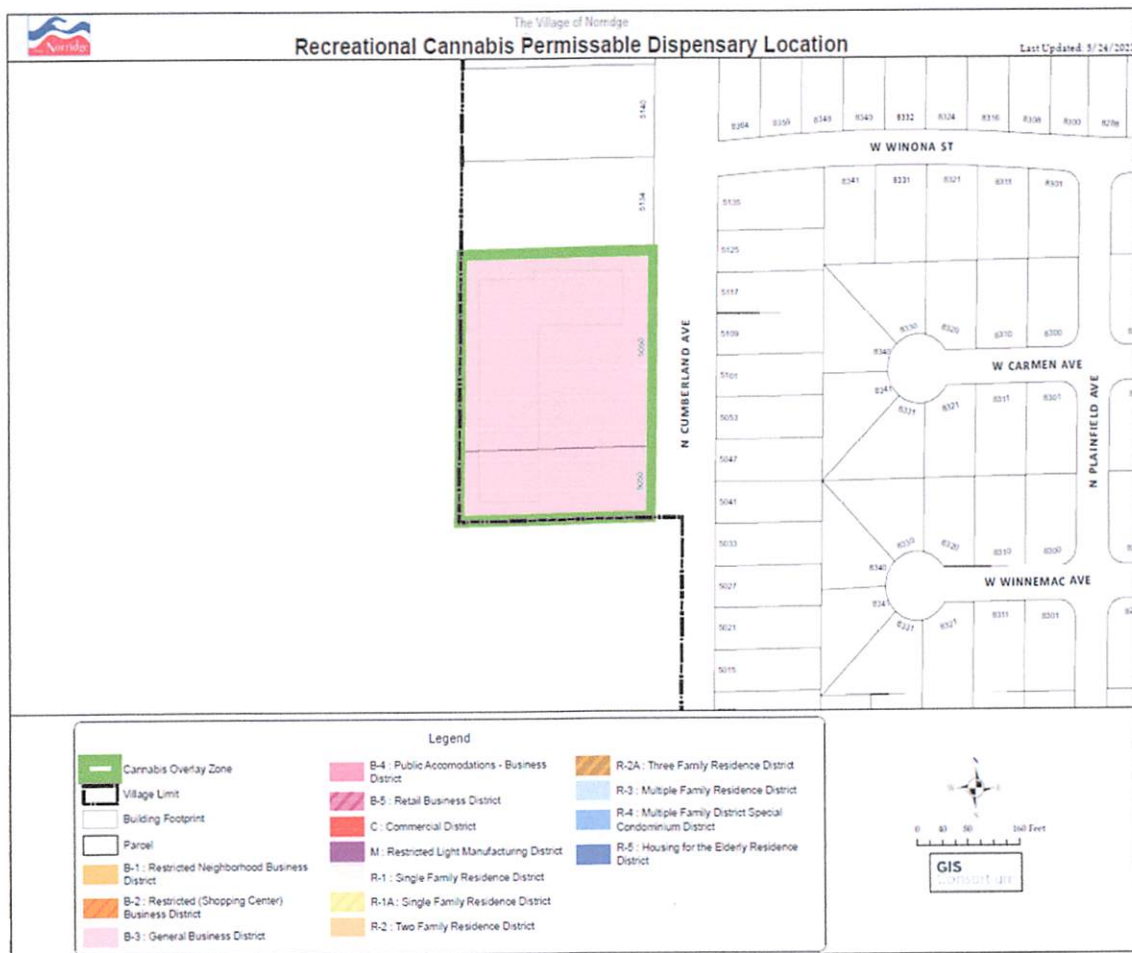
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## Area 4

4.4 – Area 4 Properties in the Village of Norridge. (Ord. No. 2124-24, Mar. 27, 2024)

The following is a general description of properties located within the Area 4 Cannabis Overlay District and as identified on the map below:

- The first two parcels bounded by the Norridge municipal border to the south and west and N. Cumberland Avenue to the east.



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## Section 5 - Area, Size and Yard Regulations

5.1 Dimensional Standards - The dimensional standards within the CO Overlay District shall be those development standards in effect in the underlying zoning district or districts.

## Section 6 - General Standards of Applicability

6.1 - Restrictions and Licensure Provisions - All uses set forth in this Article are subject to Village licensing provisions and any other restrictions set forth in the Village Code as may be amended from time to time and any other applicable federal, state, or county laws, statutes, ordinances and regulations.

6.2 - Parking and Loading - Parking and loading shall be as required in accordance with Article XII (Parking): 1 space for every 150 sq. ft. of gross floor area plus employee parking.

6.3 - Signs - Signs as required in accordance with Article XI (Signs) and in accordance with the Act and state law.

6.4 - Accessory Uses and Site Development Standards - Accessory use and site development standards, including performance standards, as required in accordance with Article XII (Accessory Use and Site Development Standards).

6.5 - Landscaping and Screening - Landscaping and screening as required in accordance with Article VIII (Landscaping and Screening).

6.6 - Number of Dispensaries - No more than two (2) Adult use Cannabis Dispensing Organization facilities permitted in the Village.

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## ARTICLE XII

### *Parking Areas, Parking Lots and Loading*

#### Section 1 - Parking Areas - General Provisions

1.1 - In order to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public, an automobile off-street parking space with adequate access to all spaces shall be provided at the time of erection or enlargement of any main building or structure.

1.2 - All parking areas shall be so graded as to drain to a storm water inlet located on the lot and connected to a public sewer, except that if in the opinion of the Village Board the sewer is inadequate to receive the storm water runoff from the lot, the Village Board may require that provision be made to drain the storm water into the setback area of the lot; and, further, no storm water shall be permitted to drain onto adjacent property. Where the construction of the parking area will adversely affect drainage of adjacent property, such construction shall provide adequate drainage from said adjacent property.

1.3 - Off-street parking shall be provided in all Residential, Business, Commercial and Manufacturing Districts and shall be properly lighted.

1.4 - All parking areas in R-3, R-4, R-5, B-1, B-2, B-3, B-4, B-5, C and M Districts, shall be so constructed that one (1) entrance and one (1) exit shall be provided in order to ensure the public health and safety of pedestrians on public walks adjacent thereto. Plans for these areas shall be submitted to and approved by the Village Board of Trustees.

1.5 - When units of measurement determining number of required off-street parking spaces results in a requirement of fractional space, such fractional space shall be considered as a full space.

1.6 - All applications for building permits, when off-street parking is required, shall be accompanied by a plat, in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance.

1.7 - All required parking areas shall be covered with an all-weather, dust-proof material and shall be so graded as not to drain onto adjacent property.

1.8 - All required parking areas shall be a part of, or adjacent to, the lot or parcel of land on which the building or buildings are erected and for which the parking area is required.

1.9 - No house trailer shall be parked or stored in a Residential District.

1.10 - No vehicles weighing over one and one-half (1 1/2) tons other than those owned and operated by the Village shall be parked in any residential area overnight.

## 1.11 - Required Spaces

### (a) Dwellings:

(1) All buildings under "R-1" and "R-1A" Single family Residence Districts, constructed after the passage of this ordinance, shall provide two (2) off-street enclosed parking spaces. (i.e. a two (2) car private garage).

(2) All buildings under "R-2" Two Family Residence District, constructed after the passage of this ordinance, shall provide two (2) off-street parking spaces for each dwelling unit.

(3) The "R-2A" Three Family Residence District shall provide a total of five (5) off-street parking spaces.

(b) For medical or dental clinics - six (6) parking spaces per doctor on duty at clinic, plus one (1) space for each employee.

(c) For mortuaries or funeral parlors - twelve (12) parking spaces for each room used as a chapel or parlor, plus one (1) space for each funeral vehicle maintained on the premises, plus two (2) spaces for each family residing on the premises.

(d) For bowling alleys - four (4) parking spaces for each alley plus one (1) parking space for each two hundred (200) feet of floor area devoted to affiliated uses such as bars, restaurants and the like.

(e) For retail stores and service shops (individual or in groups) under one (1) roof having a total floor area of one thousand (1000) square feet devoted to retail sales, one (1) parking space for each three hundred (300) square feet of retail floor area over and above one thousand (1000) square feet.

(f) For furniture and appliance stores, motor vehicle sales, wholesale stores, household equipment or furniture repair shops, or machinery sales, having more than one thousand (1000) square feet of floor area under one (1) roof (individual stores or groups of stores in one (1) building) - one (1) parking space for each six hundred (600) square feet of floor area over and above one thousand (1000) square feet.

(g) Skating rinks, dance-halls, private clubs, banquet halls, on site catering, restaurants, billiard and pool halls, and video stores, one (1) parking space for each one hundred and fifty (150) square feet of floor area.

(h) Other uses - Off-street requirements for other uses not here-in provided for, shall be established as determined by the Village Board of Trustees upon the approval of a petition for such use.

(i) Business Districts -The number and ratio of off-street parking spaces shall be one (1) parking space for each employee, based upon the maximum number of persons to be employed at any one work period during day or night, plus such additional parking facilities as shall be required for all vehicles used in the conduct of the enterprise.

(j) "R-3" Multiple Family Residence District- All buildings under "R-3" Multiple Family Residence District, constructed after the passage of this ordinance, shall provide two and one half (2 1/2) parking spaces for each dwelling unit.

(k) Commercial District- The number and ratio of off-street parking spaces shall be one (1) parking space for each employee, based upon the maximum number of persons to be employed at any one work period during the day or night, plus such additional parking facilities as shall be required for all vehicles used in the conduct of the enterprise. Parking must be provided for visitors.

(l) Manufacturing District- The number and ratio of off-street parking spaces shall be one (1) parking space for each employee, based upon the maximum number of persons to be employed at any one work period during the day or night, plus such additional parking facilities as shall be required for all vehicles used in the conduct of the enterprise. Parking must be provided for visitors.

#### 1.12 - Variation

The Board may grant a variation in the manner as provided for in Article XIV, Section 3, and waive the parking requirements in the outlying business or the Manufacturing and Commercial Districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

#### 1.13 - Parking Area Set Back

No permitted or required parking area in Business, Commercial and Manufacturing Districts shall be closer than thirty (30) feet to the property line of any property so used, which is adjacent to, or across the street from a Residence District.

### Section 2 - Parking Lots

2.1 - Parking lots shall be established in the Business, Commercial and Manufacturing Districts by a special permit granted by the Village Board of Trustees provided such parking lot will substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property. Such a permit may be granted only after a public hearing, held by the Zoning Board of Appeals and advertised as provided herein.

2.2 - Such parking lot shall also meet any and all protective restrictions as may be established by the Village Board as desirable for the specific lot, and restrictions shall be made a part of the special permit.

### Section 3 - Loading

#### 3.1 - General Requirements

On the same lot, with every building structure, or part hereof, erected hereafter to be used for other than exclusive dwelling purposes, or as an accessory use for dwelling purposes, there shall be provided on the lot, adequate space for standing, loading and unloading of motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fifteen (15) feet height clearance, and one (1) such space shall be provided for each twenty thousand (20,000) square feet or fraction thereof of floor or lot area used for other than residence purposes.



### 3.2 - Location

No permitted or required loading berth shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination, thereof not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Loading berths open to the sky may be located in any required yards.

### 3.3 - Other Loading Uses

Other off-street loading requirements for other uses not herein provided for shall be established as determined by the Village Board upon the approval of a petition for such use.

## Section 4 - Drive-through Facilities

All drive-through facilities shall have separate access lanes to parking and drive-through service lanes.

### 4.1 - Access Lanes

All parking spaces shall be accessed from an access lane which is not used, in whole or part, for cars entering into, in, or exiting from the drive-through lanes. Access lanes shall be designed to allow traffic flow in a single direction which will run from the street access to a street exit. There shall be a free flow of traffic through the parking lot without regard to the use of the drive-through lanes.

### 4.2 - Drive-through Lanes

Drive-through lanes shall be designed to allow traffic flow in a single direction which will run from the street access to a street exit.

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## ARTICLE XIII

### *Signs*

Signs shall be permitted as follows:

#### Section 1 - Residential Districts

Non-flashing, non-illuminated signs are permitted under the conditions set forth hereinafter:

##### 1.1 - Nameplates and Identification Signs

Nameplates and identification signs subject to the following:

(a) There shall be no more than one (1) nameplate not exceeding one (1) square foot in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation.

(b) For multiple family dwellings and for hotels and for buildings other than dwellings, a single identification sign, not exceeding nine (9) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed.

(c) Projection - No sign shall project beyond the property line onto the public way.

(d) Height - No sign shall project higher than seven (7) feet above curb level in R-1 & R-1A Districts and fifteen (15) feet above curb level in R-2, R-2A and R-3 Districts.

##### 1.2 - "For Sale" and "To Rent" Signs

There shall be not more than one (1) such sign per lot. No sign shall exceed six (6) square feet in area, nor be closer than eight (8) feet to any other zoning lot.

##### 1.3 - Flashing Signs

Flashing signs are not permitted.

#### Section 2 - Churches and Public Institutions

2.1 - One unlighted or illuminated nameplate not exceeding one hundred thirty (130) square inches in area on either side, with an eighteen (18) inch maximum for any dimension bearing the name of the occupants of a resident; and bulletin boards for churches and identifying signs for schools or other public or semi-public institutions not exceeding twenty four (24) square feet in area on either side with a seven (7) foot maximum for any dimension.

##### 2.2 - Flashing signs are not permitted.

#### Section 3 - "B-1" Business Districts

In the B-1 Business District non-flashing business and advertising signs are permitted subject to the following:

3.1 - Illumination of all signs shall be diffuse or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way.

3.2 - The number of square feet of the gross surface area of all business signs on a lot shall not exceed two (2) times the number of lineal feet in the frontage of the lot. Each side of a building which abuts upon more than one (1) street shall be considered as a separate frontage.

3.3 - No sign shall project more than eighteen (18) inches from the face of the wall of any building or across any required yard setback.

3.4 - The gross surface area of all outdoor advertising signs shall not exceed two (2) times the lineal number of feet in the frontage of the lot. Advertising signs shall be affixed flat against the wall of a building or not project there from more than eighteen (18) inches. Such signs shall be placed so that they do not obstruct any required fire exits or windows required for light and air.

3.5 - No sign shall project higher than four (4) feet, above the parapet line or the roof line whichever is higher.

3.6 - For integrated shopping centers in single ownership or under unified control one (1) additional sign may be erected not exceeding sixty (60) square feet in area advertising only the name and location of the integrated shopping center. Such sign shall be setback at least half (1/2) the required yard distance from each fronting street, and the bottom edge of such sign shall be at least (8) feet above the level of the ground, and the overall height shall not exceed sixteen (16) feet above the curb level.

3.7 - Signs located inside of show windows shall not occupy more than twenty-five (25) percent of the surface area of such windows, and shall not have flashing or intermittent illumination.

#### Section 4 - "B-2" Business Districts

In the Business District, business and advertising signs are permitted subject to the following:

4.1 - Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way.

4.2 - The number of square feet of the gross surface area of all business signs on lot shall not exceed four (4) times the number of lineal feet of frontage of the lot. The number of square feet of the gross surface area on either side of all flashing signs shall not exceed two (2) times the lineal frontage of the building. Each side of a lot which abuts on more than one (1) street shall be considered as a separate frontage.

4.3 - Any sign located in the direct line of vision of any traffic control signal shall not have flashing lights of any color.

4.4 - No signs shall project more than six (6) feet across the front yard setback lines or side yard setback lines along side streets.

4.5 - Any sign located within three (3) feet of a driveway or parking area shall have an elevation not lower than twelve (12) feet above the curb level.

4.6 - The gross surface area of advertising signs shall not exceed four (4) times the number of feet in the frontage of the lot. Advertising signs shall be affixed flat against the wall of a building or not project there from more than eighteen (18) inches. Such signs shall be placed so that they do not obstruct any required fire exits or windows required for light and air.

4.7 - No sign shall project higher than four (4) feet above the parapet line or the roof line, whichever is higher.

4.8 - For integrated shopping centers in single ownership or under unified control, one (1) additional sign may be erected not exceeding one hundred twenty (120) square feet in area advertising only the name and the location of the integrated shopping center. Such signs shall be setback at least half (1/2) the required yard distance from each fronting street and the bottom edge of such sign shall be at least eight (8) feet above the level of the ground, and the overall height shall not exceed sixteen (16) feet above the curb level.

4.9 - No sign may be painted or posted directly on the surface of any wall.

4.10 - Signs located inside of show windows shall not occupy more than Twenty-Five (25) percent of the surface area of such windows, and shall not have flashing or intermittent illumination.

#### Section 5 - "B-3" and "B-5" Business Districts

In the B-3 and B-5 business district, signs are permitted subject to the following:

5.1 - There may be a total of not more than two (2) free-standing ground signs on each of the boundary streets surrounding the shopping district located not less than forty (40) feet from any street line; provided that none of such signs shall exceed a total area of One Thousand (1,000) square feet on either side, and all of them shall be limited to advertising the shopping district, its merchandise or services.

5.2 - Signs may be attached to one (1) or more facades or to the roof of any building, provided that they conform to the following requirements:

(a) They shall not project more than thirty (30) inches from any facade.

(b) The total area of any sign attached to a facade or roof shall not exceed two percent (2%) of the gross floor area including basements of the building to which such sign is attached.

(c) Such signs shall be limited to advertising the name of the store, its merchandise or services, or the shopping district as a whole.

#### Section 6 - "B-4" Business Districts

In the B-4 business-district, signs are permitted subject to the following:

6.1 - There may be a total of not more than two (2) free-standing ground signs on each of the boundary streets surrounding the shopping district located not less than forty (40) feet from any street line; provided that none of such signs shall exceed a total area of One Thousand (1,000) square feet on either

side, and all of them shall be limited to advertising the shopping district, its merchandise or services.

6.2 - Signs may be attached to one (1) or more facades or to the roof of any building, provided that they conform to the following requirements:

(a) They shall not project more than thirty (30) inches from any facade.

(b) The total area of any sign attached to a facade or roof shall not exceed two percent (2%) of the gross floor area including basement of the building to which such sign is attached.

(c) Such signs shall be limited to advertising the name of the store, its merchandise or services, or the shopping district as a whole.

### Section 7 - "C" Commercial Districts

In the "C" Commercial District signs are permitted subject to the following:

7.1 - There may be a total of not more than two (2) free-standing ground signs on each of the boundary streets surrounding the shopping district located not less than Forty (40) feet from any street line; provided that none of such signs shall exceed a total area of One Thousand (1,000) square feet on either side, and all of them shall be limited to advertising the shopping district, its merchandise or services.

7.2 - Signs may be attached to one (1) or more facades or too the roof of any building, provided that they conform to the following requirements.

(a) They shall not project more than thirty (30) inches from any facade.

(b) The total area of any sign attached to a facade or roof shall not exceed two percent (2%) of the gross floor area including basement of the building to which such sign is attached.

(c) Such signs shall be limited to advertising the name of the store, its merchandise or services, or the shopping district as a whole.

### Section 8 - "M" Light Manufacturing Districts

In the "M" light manufacturing district, business and advertising signs shall be permitted subject to the following:

8.1 - The number of square feet in the gross area on either side of the signs on a lot shall not exceed four (4) times the number of lineal feet of frontage of the building, provided that the number of square feet of the gross area on either side of all flashing signs shall not exceed the lineal frontage of such building. Each side of a building which abuts on more than one (1) street, shall be considered a separate frontage.

8.2 - No business sign shall project more than six (6) feet across the front yard setback lines or side yard setback lines along side streets.

8.3 - A business sign or flood light having an elevation not less than twelve (12) feet above the curb level and supported by a single column having a maximum diameter or horizontal exterior dimension of twelve (12) inches, measured four (4) feet above the curb level, and from four (4) to twelve (12) feet above

the curb level, having a diameter of not more than six (6) inches, shall be permitted to be located within three (3) feet of the street line.

8.4 - Any sign located in the direct line of vision of any traffic control signal shall not have flashing lights.

8.5 - Signs, unless otherwise provided for herein, shall observe the same setback lines required for other principal buildings and structures.

## Section 9 - Miscellaneous Provisions

9.1 - Signs, clocks or other advertising devices erected upon standards of separate supports shall be placed so as to be entirely within the property lines of the premises upon which it is located, and no part of the sign or standard shall have a total height greater than twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level if such ground level is above the street level, nor shall the surface of any such sign exceed an area of one hundred (100) square feet.

9.2 - No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals, shall not be permitted.

9.3 - Traffic or directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the subject lot.

9.4 - For the purpose of selling or renting any lot or group of lots, or for any existing or proposed building or group of buildings (structures or group of structures), a billboard may be erected on approval of location, size and necessity, by the Village Board, for a period of six (6) months; after which time, it may be renewed for each six (6) month period upon a necessity by the petitioner.

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## ARTICLE XIV

### *Non-Conforming Use and Public Use*

#### Section 1 - Non-Conforming Use

The lawful use of a premises existing at the time of the adoption of this Ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the following provisions of this ordinance.

1.1 - The lawful use of a building existing at the time of the time of the adoption of this Ordinance may be continued, subject to the provisions of this ordinance, although such use does not conform with the provisions hereof. If no structural alterations are made a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use such shall not thereafter be changed to a less restricted use.

1.2 - No building shall be erected upon any premises devoted to a non-conforming use, and no building located on any such premises, which has been damaged by fire or other causes to the extent of more than fifty percent (50%) of its value shall be repaired or rebuilt, except in conformity with the regulations of this ordinance.

1.3 - When the boundary line of any Use District divided the lot in a single ownership at the time of the adoption of this Ordinance, nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of ground, to the entire parcel, but for a distance of not greater than ten (10) feet.

1.4 - In the event that a non-conforming use of building or premises is discontinued, or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

#### Section 2 - Public Use

THE BOARD OF TRUSTEES OF THE VILLAGE OF NORRIDGE may after public notice and subsequent hearing, as provided herein, authorize in any location, a structure or premises to be used by a public service corporation or for public utility or municipal purposes, which it deems reasonably necessary for public convenience and welfare.

2.1 - Exception - the foregoing requirements shall be subject to the following exceptions:

Property taken or dedicated for public purposes:

Whenever the area of any lot or tract of land shall be reduced below the minimum width, length, or area required for the uses permitted in the district in which said lots or tract of land is located as the result of the requisition, dedication or condemnation of a portion of any such lot or tract of land, notwithstanding such reduction in width, length of area, shall be considered to

be in compliance with the minimum requirements of this Ordinance, and shall have the same status as though any such lot or tract of land so reduced in area, has been recorded in the Office of the Registrar of Titles of Cook County, Illinois, prior to the passage of this Ordinance.

## 2.2 - Height

(a) That in the twenty-six (26) feet height districts, public or semi-public buildings, churches, temples, hospitals, sanitariums, or schools may be erected to a height of not exceeding sixty (60) feet.

(b) Churches and temples, which have side yards on all sides, and comply with the area restrictions of R-1, R-1A, R-2, R-2A, R-3, R-4 and R-5 Residential Districts may be erected, provided they shall be in accordance with the height regulations of the existing or hereafter adopted Ordinances of the Village.

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## **ARTICLE XV**

### *Administration*

#### Section 1 - Board of Appeals

##### 1.1 - Creation and Membership

A board of appeals is hereby authorized to be established. The word "Board" when used in this section shall construe to mean the "Board of Appeals". The said Board shall consist of seven (7) members appointed by the President of the Village of Norridge, and consented to by the Village Board of Trustees. The members of said Board of Appeals shall serve one-year terms beginning with members appointed on or after May 1, 2003. One of the members of said Board shall be by the President of the Village designated as Chairman of said Board, and shall hold his office as Chairman until his successor is appointed. Such Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The President of the Village with the approval of the Board of Trustees, shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member. The Chairman and members of the Board shall receive such allowances for expenses and such compensation as shall be provided by the President and Board of Trustees.

##### 1.2 - Meetings

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. All meetings of said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon any question or if absent or failing to vote indicate such fact and shall also keep record of its examinations and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, specifying the reasons for making such variations. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Village Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with the statute in such case made and provided.

#### Section 2 - Jurisdiction and Procedures

##### 2.1 - Jurisdiction and Authority

The Board of Appeals is hereby vested with the following jurisdiction and authority:

(a) to hear and decide appeals from any order, requirement, decision, or determination made by the Building Commissioner under this Zoning Ordinance;

(b) to hear and make reports of findings and recommendations to the Board of Trustees upon applications for variations from the terms provided in this comprehensive amendment in the manner and subject to the standards set forth in this article;

(c) to hear all applications for amendments and special uses and thereafter make reports of findings and recommendations thereon to the Board of Trustees in the manner set forth in this article;

(d) to hear and decide all matters referred to it or upon which it is required to pass under this Zoning Ordinance.

## 2.2 - Vote Required

The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

## 2.3 - Public Hearing Required; Notice of Public Hearing, Findings of Fact and Report and Recommendations.

(a) Public Hearing Required. The Zoning Board of Appeals (or such other commission or committee designated by the Board of Trustees) shall make no recommendation regarding a variation, special use, amendment of this Ordinance, planned unit development, or any other matter before it, except in a specific case, and after a public hearing conducted by the Zoning Board of Appeals (or such other commission or committee).

(b) Report and Recommendations; Findings. The Zoning Board of Appeals (or such other commission or committee designated by the Board of Trustees) report and recommendation shall be to the Board of Trustees. Such report and recommendation shall be accompanied by findings of facts specifying the reason or reasons for making the recommendation.

(c) Published Notice. Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the Village at least once, not more than thirty (30) days nor less than fifteen (15) days previous to the hearing. Such notice shall contain the date, time, place and purpose of the hearing, address or location of the property and the legal description of the property for which the variation, special use, amendment, planned unit development, or other ruling by the Zoning Board of Appeals is sought, as well as a brief description of the nature of the appeal or relief sought.

(d) Mailed Notice.

(1) Request for Variation From the Requirements of the Zoning Ordinance for R-1 and R-1A Properties Only.

(a) Concurrently with the filing of an application for a variation from the requirements of the Zoning Ordinance only for properties zoned R-1 and R-1A the Village shall provide a list of the names and addresses of the owners and occupants of all property located within three hundred (300) feet of the subject property boundaries including streets and alleys as reflected by the Cook County real estate tax records. The three hundred (300) feet shall be measured from all directions along the perimeter of the subject property.

(b) Written notice of the time and place of such public hearing shall be sent by the Village by first class mail, postage prepaid to each person whose name appears on such list, at the address shown on such list, not less than fifteen (15) nor more than thirty (30) days prior to the date of such public hearing. The notice must include the application number (if any), date, time, place and purpose of such hearing, the name of the applicant and the address of the subject property. The notice must be mailed in a plain white envelope bearing the words "Village of Norridge Public Notice Enclosed" which must be on the front of the envelope to indicate that the contents are an official notice and not a commercial solicitation. The failure of any person to receive such written notice shall not invalidate, impair or otherwise affect any such variation subsequently granted by the Board of Trustees following such public hearing before the Zoning Board of Appeals (or such other commission or committee designated by the Village Board of Trustees).

(c) Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(2) Requests for Relief From the Requirements of the Zoning Ordinance (Not Including Variation Requests for Properties Zoned R-1 and R-1A)

(a) For All Properties (except those properties zoned R-1 and R-1A requesting a variation from the requirements of this Zoning Ordinance as set forth in Article XV, Section 2.3(d)(1) herein) concurrently with the filing of an application for variation, special use, planned unit developments, or where a proposed amendment involves a change in the zoning classification of particular property, the applicant shall provide the list of the names and addresses of the owners, and addresses of the occupants of all property located within three hundred (300) feet of the subject property boundaries including streets and alleys as reflected by the Cook County real estate tax records. For public hearings written notice shall be on forms provided by the Village and shall be mailed by regular mail no less than fifteen (15) but not more than thirty (30) days prior to the public hearing to the owners and occupants of all properties located within three hundred feet (300) feet from the property line of the subject property boundaries including streets and alleys. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant and the address of the subject property.

(b) The applicant shall provide the stamped and addressed notices to the Village who shall seal and deposit them in a United States postal facility for delivery. The notice must be mailed in a plain white envelope bearing the words "Village of Norridge Public Notice Enclosed" which must be on the front of the envelope to indicate that the contents are an official notice and not a commercial solicitation. The applicant shall also provide a list of the parties to whom a notice is being mailed along with an affidavit stating that the stamped notices include each property within three hundred (300) feet of the subject property as reflected by the Cook County real estate tax records. The three hundred (300) feet shall be measured from all directions along the perimeter of the subject property. In the event of a planned development, the distance shall be measured from the outermost property line of the entire planned development.

(c) The applicant must provide the sworn affidavit to the Village, on a form provided by the Village, containing a complete list of the names and last known addresses of the persons entitled to notice, the property identification numbers (PIN) of all notice recipients and the method by which notice is to be delivered to each of them. This affidavit must be filed with the Zoning Administrator not less than ten (10) days in advance of the scheduled hearing or meeting, exclusive of the date of the hearing or meeting itself. The Zoning Board of Appeals shall not proceed with the public hearing until the requisite affidavit has been filed.

(d) Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.

(3) Notice - Appeals From Decisions of the Administrative Officer. Notice of all Zoning Board of Appeals hearings from appeals taken from decision of the officer charged with enforcement of this Ordinance in Section 6 of this Article XV, shall be made in the same manner as notice of applicants for R-1 and R-1A variations as set forth in Subsection 2.3(d) herein. A public hearing on all appeals shall be conducted by the Zoning Board of Appeals.

(4) Failure to Receive Notice - This section is intended to be a directive and failure of any such person to receive such written notice shall not invalidate, impair or otherwise affect any such variation, special use, planned unit development or amendment subsequently granted by the Village Board of Trustees following such public hearing before the Zoning Board of Appeals (or such other commission or committee designated by the Village Board of Trustees) nor shall it deprive the Zoning Board of Appeals or the Village Board of Trustees of jurisdiction to hear any such matter.

(5) Mailed Notice Recipients.

(a) Owners and Occupants.

(i) Owners are defined as persons who receive current real estate tax bills as shown on Cook County real estate tax records.

(ii) Occupants are defined as occupants of all residential, business and institutional properties.

(b) Mailed Notice Delivery. Mailed notices may be delivered by United States Mail.

(i) Any notice that is delivered by mail must be sent to the person's last known address by first-class mail. Notices delivered by mail are deemed to have been given when deposited in the United States Mail.

(ii) Any notice that is mailed to an occupant may be addressed simply to "Occupant" at the appropriate address, without the actual name of the occupant being specified. Notices delivered by mail are deemed to have been given when deposited in the United States Mail.

(iii) If after a *bona fide* effort to serve such written notice, there are returned notices, the notice requirements of this section shall be deemed satisfied or if, after a *bona fide* effort to determine such by

the applicant the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant (or the Village in Section (d) (1) above) of an affidavit evidencing the inability to serve such notice.

(iv) If written notification is sent to a trust company or lending institution of record the notice requirement of this section shall be deemed satisfied.

(c) Condominiums. If any part of a condominium property is located within three hundred (300) feet of the property which is the subject of a hearing, written notification, as outlined above, shall be sent to each taxpayer of record within all condominium buildings that are located within or partially within the required distance from the property lines as well as the condominium association.

(e) Posted Notice. Not less than fifteen (15) nor more than thirty (30) days prior to such hearing notice of such hearing shall be posted on the Subject Property in such a way as to be plainly visible from the roadway or right-of-way passing the frontage of the land. The notice posted on the land shall be maintained until the date of hearing, on a weatherproof sign that is a least three (3) feet by four (4) feet in size. The sign shall have a white background and contain the word "NOTICE" at least in six (6) inch high, red capital letters. The remaining lettering shall be a minimum of three (3) inches in height and in black capital letters. The Notice shall contain at least the following language: "This property is the subject of a zoning hearing before the Norridge Zoning Board of Appeals on (date) at (time) at (location)."

(f) Notice for Applications Initiated by the Village.

- (1) Where the Village seeks a variation, special use, planned unit development, or zoning map amendment which is limited to a single, specific village-owned lot or contiguous group of village-owned lots, the Village shall follow the notice requirements in Article XV Sections 2.3(c), 2.3(d) (1), and 2.3(e).
- (2) For zoning map amendments and text amendments initiated by the Village, the Village shall provide written notice not less than 15 nor more than 30 days prior to a hearing thereon by certified mail or hand delivery to owners and occupants of all lots which will be rendered non-conforming as to the uses allowed thereon or for whom the permitted uses shall be substantially changed by such proposed map amendment or text amendment. Notice by certified mail need not be provided by the Village for parcels in any district if the amendment is a comprehensive amendment to the zoning ordinance.
- (3) For those amendments to the zoning map or text of this Ordinance which are initiated by the Village and are technical in nature, which add to or increase the permitted or special uses allowed on an affected lot, or which do not substantially affect the existing or permitted uses on properties affected by such proposed amendments, notice by publication shall be sufficient. Any additional notice requirements of this Section shall not apply to any amendments initiated by the Village.

(g) Notice of Continued Hearings or Meetings. In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason a continued hearing or meeting date or time needs to



be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:

- (1) Posting the continued meeting or hearing notice at Village Hall; and
- (2) Posting the continued meeting or hearing notice on the Village website.

Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting. In the event a quorum is not present for the initial hearing or meeting or a continued hearing or meeting, a majority of the Zoning Board members present may reschedule the hearing or meeting to a new date and time. No additional mailed or published notices shall be required for hearings or meetings continued as provided in this Section.

(h) Recording. A court reporter will be present for hearings to enable the transcription of a verbatim account of the hearing. In the event a copy of the hearing transcript is requested, the requestor will be responsible for the costs to produce the transcript.

(Article XV, Section 2 - Jurisdiction and Procedures, Subsection 2.3 repealed in part, amended in part, reenacted in part, by Ordinance 1980-20 effective 1-22-2020 and set forth herein in its entirety)

#### 2.4 - Issuance of Report and Recommendations

Within a reasonable time after the public hearing, the Board of Appeals shall report its findings of fact and recommendations in writing to the Board of Trustees.

#### 2.5 - Decisions

The Board of Trustees, by a majority vote, in the exercise of its discretion, and within a reasonable time, may grant, deny or modify a proposed variation, special use, or amendment, or may return the matter to the Board of Appeals for further consideration and findings.

### Section 3 - Variations - Rules

#### 3.1 - Purpose

Where in specific cases permits are applied for and there are practical difficulties or particular hardships in the way of carrying out the strict letter of any provision or regulations of this Ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, the Board of Appeals may recommend and the Board of Trustees may authorize a variation of their application in harmony with their general purpose and interest and in accordance with the following rules:

(a) No variation in the application of the provisions of this Ordinance shall be recommended by the Board of Appeals concerning the use of land, the intensity of such use, the size, the shape or location of courts, or open spaces, or the height of structures now existing or to be constructed, unless after a public hearing as provided for in this article.

(b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

(c) The plight of the owner is due to unique circumstances, and

(d) The variation, if granted, will not alter the essential character of the locality; provided that this subsection shall not govern consideration of applications for variations of property located within the R1-A Single Family Residence District.

### 3.2 - Findings

The Board of Appeals should also take into consideration the extent to which the following facts favorable to the applicant have been established, and shall find that such variation:

- (a) Will not impair an adequate supply of light and air to adjacent property.
- (b) Will not increase the hazard from fire and other dangers to said property.
- (c) Will not diminish the taxable value of land and buildings throughout the village.
- (d) Will not increase the congestion of the public streets.
- (e) Will not otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of said Village.
- (f) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

### 3.3 - Authorized Variations - Limitations

Variations from the regulations of this Zoning Ordinance shall be granted by the Board of Trustees only in accordance with the standards set forth in this section and may be granted only in the following instances, but no such variation shall be made in any case unless the same shall comply with the following limitations:

- (a) Such variation, whether applicable to new buildings or to additions or to alterations of extensions, of existing buildings, shall not reduce the required dimensions of open spaces by more than twenty (20) per cent, nor reduce the required total area of open spaces by more than ten percent (10%) nor reduce the required total lot area by more than five percent (5%).
- (b) Such variation shall not permit an increase in the height of structures more than twenty per cent (20%) above the maximum height permitted by this Ordinance.
- (c) Such variation shall not permit any extension of non-conforming use throughout a building or lot contrary to the limitation imposed in paragraphs one (1) and two (2) of this section.

### 3.4 - Condition on Variations

The Board of Appeals may recommend and the Board of Trustees may impose such conditions and restrictions upon the premises benefited by a variation as may be deemed necessary to assure compliance with the standards set forth in this article, to reduce or minimize the effect of such variation upon other property in the neighborhood, or to implement the general purpose and intent of this comprehensive amendment. Further, the Board of Trustees may require such evidence and guarantees as it may deem necessary to assure compliance with such stipulations, conditions or restrictions.

### 3.5 - Conditional Period

A variation shall be conditionally valid for a period of no longer than three hundred sixty-five (365) days from the date it is granted, except as provided for herein. The condition shall be deemed fulfilled when the applicant obtains a building permit which requires the variation. The Village Board of Trustees may grant an extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application and good cause shown, without notice or hearing. A written application for an extension shall be filed with the Village Clerk no less than sixty (60) days prior to the expiration of the variation period to enable the Village Board of Trustees to consider the request for the extension prior to the expiration of the variation period or such extension period previously approved by the Village Board of Trustees. If the condition is not fulfilled within three hundred sixty-five (365) days or such extended period as may have been granted by the Village, then the grant of the variation lapses and no variation shall be deemed to exist.

## Section 4 - Special Uses - Rules

### 4.1 - Purpose

The development and execution of this article are based upon the division of the Village into zoning districts within which districts the use of buildings, structures and land, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special types of uses which because of their specific characteristics in relationship to uses permitted by right in a particular district, or the services which they provide, cannot be properly permitted by right in a particular district without consideration, in each case, of the impact of such uses upon neighboring land, or of the public need for such uses at a particular location.

### 4.2 - Findings

No special use shall be recommended by the Board of Appeals pursuant to this section unless the applicant shall establish that:

- (a) The proposed special use will be in harmony with the general and specific purposes for which this Zoning Ordinance was enacted and for which the regulations of the district in question were established.
- (b) The proposed special use will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.
- (c) The proposed special use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.
- (d) The proposed special use will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
- (e) The proposed special use complies with all additional standards imposed on it by the particular provision of this Zoning Ordinance authorizing such use.

#### 4.3 - Authority

Special uses shall be authorized or denied by the Board of Trustees in accordance with the regulations and conditions set forth in this comprehensive amendment for special uses.

#### 4.4 - Conditions on Special Use

The Board of Appeals may recommend and the Board of Trustees, in all cases, may apply such stipulations, conditions or restrictions as it deems necessary to assure the protection of the public health, safety, comfort, morals or general welfare, and compliance with the standards as set forth in this article and, if any, in the district regulations. Further, the Board of Trustees may require such evidence and guarantees as it may deem necessary to assure compliance with such stipulations, conditions or restrictions. In addition, the Board of Trustees may provide that all such stipulations, conditions and restrictions may be modified or revised from time to time by the Board of Trustees following public notice and hearing, the procedure being that as specified in this article for general special use application. Violation of any such stipulation, condition and restriction, when made a part of the terms under which the special use is granted, shall be deemed a violation of the provisions and regulations of this Zoning Ordinance.

#### 4.5 - Limitations on Special Use Permits

(a) Except as otherwise specifically provided in a special use permit, no special use shall be enlarged or extended by structural alteration of a building or other structure, unless the procedure specified in this article for a special use application shall have first been complied with and a special use permit granted.

(b) A special use permit shall become null and void if the construction or occupancy for which the permit was granted has not been actively pursued within one year and completed and occupied within eighteen (18) months following the date of approval by the Board of Trustees, except that such time limits may be extended by the Board of Trustees, at its discretion, following a written request to do so.

(c) A special use permit shall become null and void if the special use for which the permit was granted ceases for more than six consecutive months.

### Section 5 - Amendments - Rules

#### 5.1 - Purpose

The provisions, regulations and districts contained within this Zoning Ordinance may be amended from time to time by ordinance, but no such amendment shall be made without a hearing before the Board of Appeals (or such other commission or committee designated by the Board of Trustees), which shall report its findings and recommendations to the Board of Trustee.

#### 5.2 - Standard and Findings

No amendment shall be recommended or granted pursuant to this section unless the following factors are considered:

(a) Existing uses of property within the general area of the property in question and their relationship to one another.

(b) The zoning classification of property within the general area of the property in question and their relationship to one another.

(c)The suitability of the property in question for the uses permitted under the existing zoning classification.

(d)The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification and that the trend is consistent with the proposed amendment.

(e)Where applicable, the length of time the property in question has been vacant or unutilized as currently zoned.

And the Board of Appeals recommends and the Board of Trustees finds that the proposed amendment is reasonably necessary to the promotion of the public health, safety or general welfare of the Village.

## Section 6 - Appeal and Review

### 6.1 - Appeal

An appeal may be taken from the officer charged with the enforcement of this Ordinance by any person aggrieved, or by an office department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this comprehensive amendment. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

### 6.2 - Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal has been filed with him by reason of facts stated in the certificates, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

### 6.3 - Time and Place of Hearing

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent, or by attorney. The Board of Appeals may revise or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have the power of the officer from whom the appeal is taken.

### 6.4 - Review Procedure

All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" of the State of Illinois, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "Administrative Review Act" of the State of Illinois.

## Section 7 - Applications and Filing Fees

7.1 - At the time of filing, the applications shall be accompanied by: Proof of ownership, or proof of authority on behalf of the owner or owners of the property affected, or current contract to purchase or lease the subject property, and;

7.2 - Payment of the required fees as set forth in Chapter 38, Section 102 of the Revised Municipal Code of the Village of Norridge - 2002.

7.3 - All fees shall be paid to the Village Clerk.

## Section 8 - Home Rule Authority

The Village of Norridge reenacted the entirety of this article XV of the Zoning Ordinance pursuant to its authority as a home rule municipality in accordance with Article VII Section 6 (a) of the Constitution of the State of Illinois of 1970.

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## **ARTICLE XVI**

### *Permits*

#### Section 1 - Permits for Occupancy or Use of Buildings or Land

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the Building Commissioner, stating that the building complies with all the building and health laws and ordinances and with the provisions of these regulations. No change of use shall be made in any building or part thereof, now or hereafter erected or altered that is not consistent with the provisions of these regulations. Nothing in this section shall prevent the present occupancy or use of any existing building, except as may be necessary for safety of life and property.

#### Section 2 - Application

Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such buildings shall have been completed.

#### Section 3 - Record of Certificates

A record of all certificates shall be kept on file in the office of the Building Commissioner and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the buildings affected. A fee of two dollars (\$2.00) shall be charged for each original certificate and one dollar and fifty cents (\$1.50) for each copy thereof.

#### Section 4 - Unlawful to Build or Occupy without a Permit

To permit for excavation for the erection of any building shall be issued before application has been made for certificate of occupancy and compliance. No building or premises may be occupied until such certificate shall have been issued. All permits are reviewed on an annual basis and if not exercised, the permits are automatically rescinded.

#### Section 5 - Excavation

No excavation for the erection of any building shall be made until permit for the erection of such building has been granted by the Building Commissioner.

#### Section 6 - Permits for Temporary Buildings

A temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Building Commissioner is notified in writing that the building or premises is or isn't ready for occupancy.



## Section 7 - Plats

All applications for building permits shall be filed in writing with the Building Commissioner, and shall be accompanied by a plat, in duplicate, drawn to scale showing the actual dimensions of the lot or plot to be built upon, the size, shape and location of the building to be erected, and existing buildings, if any, and areas for parking. A careful record of such applications and plats shall be kept in the office of the Village Clerk.

## Section 8 - Special Use Permits

No special use permit for the special use of property in accordance with this zoning ordinance shall be issued until the Board of Trustees duly authorizes such special use in accordance with the procedures set forth in this zoning ordinance.

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## **ARTICLE XVII**

### *Violation, Penalty, Enforcement*

#### Section 1 - Penalty for Violation

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction, be fined not less than Fifty dollars (\$50.00) nor more than Seven Hundred Fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### Section 2 - Enforcement

It shall be the duty of the Building Commissioner to enforce this ordinance. It shall also be the duty of all officers and employees of the Village and especially of all members of the Police Department to assist the Building Commissioner by reporting to him upon new construction, reconstruction, or land uses, or upon seeming violations.

#### Section 3 - Proceedings for Enforcement

In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance or other regulation made under the authority conferred thereby, the proper local authorities of the Village of Norridge, in addition to other remedies, may institute any appropriate action or proceedings:

- (a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use,
- (b) to prevent the occupancy of the building, structure, or land,
- (c) to prevent any illegal act, conduct, business, or use in or about the premises, or;
- (d) to restrain, correct, or abate the violation.

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**ARTICLE XVIII**  
(Reserved)

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# ARTICLE XIX

## *Miscellaneous Provisions*

### Section 1 - Annexed Land

All land and territory annexed to the Village of Norridge, Cook County, Illinois, after this ordinance becomes effective, shall from the date of annexation, constitute R-1 Single Family Residential District, and the Zoning Map referred to under Article III Section 2 of the Zoning Ordinance shall be changed by adding such annexed land and territory thereto and show such land and territory in the R-1 District.

### Section 2 - Interpretations and Conflicts

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance relative to the use of buildings, structures or land, nor is it intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that wherever this ordinance imposes a great restriction upon the use of buildings, structures, or land, or further restricts the size or placing of buildings, or structures, then the provisions of this ordinance shall control.

### Section 3 - Fallout Shelters

All fallout shelters shall comply with the minimum construction standard established by the Office of Civil and Defense Mobilization in the following publications:

MP-15 "THE FAMILY FALLOUT SHELTER" - JUNE 1959 (REPRINTED NOVEMBER 1960)

NP-10-2 NATIONAL PLAN APPENDIX SERIES "FALLOUT SHELTER SURVEYS:  
GUIDE FOR ARCHITECTS AND ENGINEERS" - MAY 1960 (REPRINTED JULY 1960)

### Section 4 - Earth Station Antennae (Satellite Dishes)

#### 4.1 - Definition; Purpose And Policy

A Satellite dish antenna ("Satellite Dish") is any disc antenna whether flat or concave, or parabolic, which is designed to receive signals from satellites or other sources, or to transmit such signals to a receiving station for non-commercial purposes. Satellite Dishes are regulated by the Village for the purpose of protecting the health and safety of the people and property in the Village and for preserving the aesthetic quality of those neighborhoods where Satellite Dishes are installed.

The purpose of this Section is to provide for the preservation of the aesthetic quality of the neighborhoods within the Village by controlling installations so that they blend in with the appearance of the subject property and surrounding properties to the extent practical, and are installed and secured in a safe manner.

Satellite Dishes shall be installed in compliance with the public safety requirements of the most current versions of the BOCA Building Code; the Chicago Electrical Code and the BOCA Property Maintenance Code ("Codes") as adopted by the Village. Compliance with the Codes is required to ensure that each Satellite Dish is securely fastened and will operate in a manner that will not cause an electrical or fire hazard.

This section shall not be interpreted in such a manner as to prevent or impose unreasonable limitations on the reception of satellite-delivered signals by those Satellite Dishes which are specified in section (b), or to impose costs or other burdens on the viewers of those same Satellite Dishes which are excessive in light of the purchase and installation cost of the equipment.

#### 4.2 - Permitted Use

A Satellite Dish shall be treated as a permitted use provided that:

(a) It is a receive-only Satellite Dish with a diameter no greater than one (1) meter (approx. 3.3 feet); or

(b) It is a receive-only Satellite Dish with a diameter no greater than two (2) meters (approx. 6.6 feet), and is located in either the B-1, B-2, B-3, B-4, B-5, C, or M zoning district.

(c) It is not visible from the public street when installed on any zoning lot so long as this placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay.

#### 4.3 - Special Use Permit Required

All installations of Satellite Dishes which are not permitted uses as set forth in Section (b) above, shall be considered as Special Uses, and may only be installed upon obtaining a special use permit as provided by the Municipal Code of the Village, and a building permit prior to commencing installation of said special use.

#### 4.4 - Permit Issuance Criteria; Residential Zone

No special use permit for building permit implementing such special use permit shall be granted for a Satellite Dish in a residential zoned district (R-1, R-1A, R-2, R-2A, R-3, R-4, and R-5), unless:

(a) Such Satellite Dish shall be of a size no greater than ten (10) feet in its maximum dimension. Any such Satellite Dish shall be mounted as close to the ground as possible, and shall not exceed ten (10) feet in height from the ground at its maximum point. For safety reasons elevated installations on poles or roofs are prohibited.

(b) The construction and installation of a Satellite Dish shall strictly conform to all Village Ordinances and applicable codes. Once the Satellite Dish is installed, it shall be properly maintained and the condition of the Satellite Dish and any guy wires, mountings, mounting brackets or supports, shall not be allowed to deteriorate or fall into disrepair.

(c) The Satellite Dish shall be shielded or screened from view by neighbors and the general public at all times of the year. If a landscape screen is used it must be maintained in a healthy growing condition and be opaque at all times of the year.



(d) Not more than one (1) such Satellite Dish may be installed on a single zoning lot.

(e) Satellite Dishes shall be located in the rear yard. The location shall not be in the required setback area, unless encroachment in the required side or rear setback areas provides an acceptable location if otherwise in conformity with all of the other provisions of this Section. In such case, a variation is required, and the applicant shall file a petition with the Zoning Board of Appeals.

(f) All installations shall exhibit architectural quality, be non-reflective, and neutral in color to blend with surroundings, and shall exhibit structural integrity. For safety reasons, materials used in the installation of a Satellite Dish shall conform to applicable Codes. The entire installation, including plantings, shall be compatible with the character of the surrounding area of the Village and shall have no adverse impact on the property, the neighborhood, or general public. Permanent foundations shall be adequate for anticipated wind loads as required by applicable Code. Electrical connections shall be as required by applicable Code provisions. Each Satellite Dish shall be adequately grounded for protection against a direct strike of lightning with an adequate ground wire as required by Code. Consideration shall be given to protection of children, as in the case of an attractive nuisance.

#### 4.5 - Special Use Permit Issuance; Nonresidential Zoning

No special use permit or building permit implementing such special use permit shall be granted for Satellite Dishes in a nonresidential district (B-1, B-2, B-3, B-5, C, and M), unless:

(a) Such Satellite Dish shall be of a size no greater than ten (10) feet in its maximum dimension. Any such dish to be mounted on a rooftop shall be reviewed by a licensed engineer or architect and certified as being safe and in compliance with Village Ordinances and applicable Codes. No installation shall exceed the height of any existing structure on the building or surrounding buildings, provided that the overall height of the satellite dish does not exceed twenty-six (26) feet from the ground to the top of the Dish. Elevated installations on poles are prohibited. Any such dish shall be mounted as close to the ground or roof as possible and shall not be more than ten (10) feet in height from the ground or no higher than the established ridge line of the roof at its highest point.

(b) The construction and installation of Satellite Dishes shall strictly conform to all Village Ordinances. Once the Satellite Dish is installed, it shall be properly maintained and the condition of the Satellite Dish and any guy wires, mountings, mounting brackets or supports, shall not be allowed to deteriorate or fall into disrepair.

(c) The Satellite Dish shall be shielded or screened from view of neighbors and the general public at all times of the year. If a landscape screen is used, it must be maintained in a healthy growing condition and be opaque at all times of the year. For purpose of rooftop installations, no part of the dish structure shall be visible from the ground.

(d) Not more than one such Satellite Dish may be installed on a single zoning lot.

(e) Where nonresidential property abuts residential property, a Satellite dish installation must comply with the location requirements of subsection (d)5 of this Ordinance on the abutting side.

(f) All installations shall exhibit architectural quality, coloration to blend with surroundings, and structural integrity. The entire installation shall be

compatible with the character of the surrounding area of the Village. Permanent foundations shall be adequate for anticipated wind loads in accordance with Code requirements. Electrical connections shall be as required by applicable Codes. Each Satellite Dish shall be adequately grounded for protection against a direct strike of lightning with an adequate ground wire as required by Code. Consideration shall be given to the protection of children, as in the case of an attractive nuisance.

#### 4.6 - Procedure

An application for a special use permit for installation of a Satellite Dish shall be obtained from the office of the Building Commissioner. The application shall be submitted first to the Plan Commission for review, and a written recommendation shall be made to the President and Board of Trustees for final decision. Where a variation, pursuant to subsection (d)5 of this Ordinance is requested or required, the application shall be submitted to the Plan Commission for its review and written recommendation, followed by the Zoning Board of Appeals for its review and written recommendation, and then to the Board of Trustees for a final decision.

#### 4.7 - Application for Special Use Permits

In all requests for special use permits, the application shall include all items generally required for the actions sought (i.e., applicable fees, special use permit, building permit, zoning variation, etc.), plus the following:

(a) Plot plan showing proposed location and dish projection at extremes of the satellite band to be viewed. This requirement will be satisfied by drawing radial lines from a point representing the pivot point of the dish to each end of the satellite band, then drawing a line perpendicular to each radial at a distance scaled to the distance between the rim of the dish to the pivot point. Each perpendicular line shall be scaled to the diameter of the dish to show its maximum protection on the plan at the extremes of its satellite scan. Compass direction will be adequate for this requirement.

(b) Plans and specifications for the installation, including elevations, dish configurations, mounting, and foundation.

(c) Complete description of any vegetation on the property.

(d) Landscape plan for complete screening of the installation from the neighboring and street view pursuant to, and as required for, the review of the Plan Commission.

(e) Location of principal structures on adjacent lots.

#### 4.8 - Nonconforming Satellite Dish

Any Satellite Dish legally in existence at the time of the passage of this Section shall be considered "grandfathered" for a period of one year from the effective date of this Section. At the end of the one-year period, the Satellite Dish must be in compliance with the provisions of this Section.

#### 4.9 - Fees

There shall be charged a filing fee of One Hundred Dollars (\$100.00) to applicants for each application for a special use permit for the construction of a Satellite Dish.

#### 4.10 - Penalty

Any person, firm, corporation or entity convicted of any violation of the provisions of this Ordinance shall be fined not less than Two Hundred Dollars (\$200.00) and not more than Seven Hundred Fifty Dollars (\$750.00).

#### 4.11 - Effective Period

No special use permit or variation granted under this section shall be valid for a period longer than one hundred eighty (180) days from the date it is granted unless a building permit is obtained within such period or the uses commenced within such period. The Village Board may grant one extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application and good cause shown, without notice or hearing. If any special use is abandoned, or is discontinued for a continuous period of six (6) months, the special use permit for such use shall become void and such use shall not thereafter be re-established unless a new special use permit is obtained. This subsection shall apply to all special use permits and variations heretofore granted but with respect to which no building permit or certificate of occupancy has been obtained; provided, however, that for purposes of the enforcement hereof, the date of issuance of such special use permits and variations shall be deemed to be the date of adoption of this Section by the Board of Trustees.

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## **ARTICLE XX**

### *Validity and Repeal of Conflicting Ordinances*

#### Section 1 - Validity

Should any section, paragraph, subdivision, clause sentence or provision of this ordinance be adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect, impair, invalidate or nullify the validity of the remainder of the ordinance as a whole, or any part thereof, other than the part so adjudged to be invalid.

#### Section 2 - Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

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## **ARTICLE XXI**

### *Adoption and Effective Date of the 1962 Ordinance*

This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health and safety, and shall be in full force and effect from and after its due passage, approval and publication as provided by law.

Adopted this 25<sup>th</sup> day of April, 1962, by the Board of Trustees of the Village of Norridge, Illinois.

Presented by me to the President of the Board of Trustees this 25<sup>th</sup> day of April, 1962.

Approved by me this 25<sup>th</sup> day of April, 1962.

Published in pamphlet form this 3<sup>rd</sup> day of May, 1962.