

STAFF REPORT 2018-47P: Zoning Chapter Amendment

Community Development Department

Council Chambers, 7:30 PM, February 7, 2019

To: Paul Luke, Chairman, Skokie Plan Commission
From: Steve Marciani, Planning Supervisor
Case: **2018-47P: Zoning Chapter Amendment**
 Reorganization of General Provision

General Information	
<i>Petitioner</i>	Skokie Village Manager
<i>Purpose</i>	To review and possibly modify the Zoning Chapter of the Village Code with the purpose of reorganizing and modernizing Division 1.1. General Provisions.

PETIRIONER'S REQUEST

The Skokie Village Manager is requesting to review and possibly modify the Zoning Chapter of the Village Code with the purpose of reorganizing and modernizing Division 1.1. General Provisions. This effort is part of a continuing process to keep the Zoning chapter up to date.

STAFF ANALYSIS

Over the years, as new sections were added or existing sections were modified, the organization of the Zoning chapter has become difficult to navigate. This amendment attempts to make it faster to find information in the chapter by:

1. Reorganizing the Division 1.1 so that all of the sections that apply throughout the Village (except landscaping the parking) are in one article and all of the sections that regulate specific uses are in a separate article.
2. Moving sections that only apply to a single subgroup of zoning districts into that appropriate article, like impermeable surface requirements for residential districts.
3. Separating all other divisions in Article III into their own articles to make each article shorter, with less scrolling on the computer or page turning to find what you need.
4. Cleaning up grammar, punctuation, formatting, and references to uses that no longer exist.
5. Eliminating a loophole for window wells that affected side yard drainage in residential districts.

6. Reorganizing the Antennas section to group regulations that apply to all antennas, ground mounted antennas, and accessory antennas.
7. Updating and modernizing the Stormwater Control section to be consistent with MWRD regulations and granting the Village the authority to provide credits for green roofs, permeable pavers, and permeable pavements.
8. Modifying the Adult Use section to be consistent with federal case law and the International Zoning Code and specifically prohibiting adult uses as a home occupation.
9. Greatly simplifying the calculation of the irregular front yard setbacks in residential zoning districts that had the unintended effect of slowly pushing houses father and father from the street over time on some blocks, not accommodating blocks where all or most of the block has buildings closer to the street than the ordinance allows, and potentially penalizing lots adjacent to buildings with irregular shapes.
10. Correcting the definition of site distance triangle to that it does not apply to the interception of driveways and alleys. These have always been be regulated by principle and accessory building setback lines.
11. Modifying other Article and Section numbering as needed.
12. Making room for future needs as this reorganization process continues.

This table summarizes the section shuffling:

<i>New</i>	<i>Current</i>	<i>New</i>	<i>Current</i>	<i>New</i>	<i>Current</i>
Article III	Art. III, Div. 1	Sec. 118-68	Sec. 118-93	118-122	118-78
Article VI	Art. III, Div. 1.1	Sec. 118-69	Sec. 118-94	118-123	118-74(b)
Sec. 118-55	Sec. 118-74(a)	Sec. 118-70	Sec. 118-87	118-124	118-111
Sec. 118-56	Sec. 118-74(c)	Article V	new	118-125	118-112
Sec. 118-57	Sec. 118-55	Sec. 118-90	No change	118-126	118-113
Sec. 118-58	Sec. 118-58	Sec. 118-91	Sec. 118-79	118-127	118-114
Sec. 118-59	Sec. 118-75	Sec. 118-92	Sec. 118-82	118-128	118-125
Sec. 118-60	Sec. 118-56	Sec. 118-93	Sec. 118-85	Article VII	Art. III, Div. 3
Sec. 118-61	Sec. 118-57	Sec. 118-94	Sec. 118-86	Article VIII	Art. III, Div. 4
Sec. 118-62	Sec. 118-76	Sec. 118-95	Sec. 118-88	Article IX	Art. III, Div. 5
Sec. 118-63	Sec. 118-83	Sec. 118-96	Sec. 118-89	Article X	new - reserved
Sec. 118-64	Sec. 118-81	Sec. 118-97	Sec. 118-95	Article XI	Article IV
Sec. 118-65	Sec. 118-84	Sec. 118-98	Sec. 118-96	Article XII	Article V
Sec. 118-66	Sec. 118-91	Article VI	Art. III, Div. 2	Article XIII	Article VI
Sec. 118-67	Sec. 118-92	Sec. 118-121	new - reserved	Article XIV	Article VII

STAFF RECOMMENDATION

Staff recommends repealing in whole Sections 118-55 through 118-96 of Chapter 118 of the Skokie Village Code and that the chapter be amended, with the text to be added highlighted and the text to be deleted ~~highlighted and stricken through~~, as shown below:

ARTICLE II. DEFINITIIONS

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Sight distance triangle means a volume with a triangular base established at the intersection of two rights-of-way or a **street** right-of-way and a driveway where obstructions are limited in height or width so as to not obstruct the sight of pedestrians or motorists. The measured distance is the length of the legs of the triangle at grade from the point where the two rights-of-way intersect or where a right-of-way and driveway intersect.

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ARTICLE III. ~~DISTRICT REGULATIONS~~ USE DISTRICTS

~~DIVISION 1. - USE DISTRICTS~~

Sec. 118-41. - District classifications.

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Sec. 118-42. - Zoning map.

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Sec. 118-43. - Annexed territory.

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Sec. 118-44. - Uses.

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~~DIVISION 1.1.~~ ARTICLE IV. - GENERAL PROVISIONS

Sec. 118-51. Approval and availability of essential services.

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Sec. 118-52. Sight distance triangle.

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Sec. 118-53. Residential uses below grade.

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Sec. 118-54. Number of buildings on lot.

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Sec. 118-55. Reduction of lot area.

No lot shall be reduced in area so that the yards or lot area become less than required by this chapter.

Moved from 118-74(a)

Sec. 118-56. Front lot line on through-lots.

Either of the lot lines abutting a street right-of-way line in a given block may be established as the front lot line. However, when the front lot line of a lot in a block containing multiple through lots has been established by an existing building, such front lot line shall be the front lot line for the remaining lots in the block.

Moved from 118-74(c)

Sec. 118-57. Required lot consolidation.

No building or set of buildings shall be on a separate lot from any other part of a building, any associated required on-site improvements, or any other land used by or necessary to such buildings or improvements, with the following exceptions: the separate lot is an undeveloped side yard that is a buildable lot in a residential district, the lot line runs through a building containing townhouses, the site is divided by a public right-of-way, or the site is consistent with a subdivision associated with a planned development.

Moved from 118-55

Sec. 118-58. Required site plan approval.

In business, mixed-use and residential districts site plan approval is required for the development, redevelopment, or modification of buildings and structures or site plan modifications of sites 1 acre or larger in size.

Moved from 118-56

Sec. 118-59. Permitted obstructions in required yards.

(a) *General.* Any obstruction permitted in this section may be further restricted in compliance with another Village code, ordinance, and rule, or regulation.

Moved from 118-75 and combined like uses with the same regulations.

(b) *All yards.*

(1) Basketball backboards with standards, bicycle parking spaces and racks (except in front yards of detached, 2-unit multifamily, and townhouse residences), flagpoles, landscaping, ornamental light standards, signs and nameplates as regulated by the Signs chapter, steps and ramps necessary for access to permitted buildings or for access to lots from streets, required exterior fire escapes, and temporary construction fences required as a condition of a Village permit or license.

Clarified that although signs and nameplates might be allowed, they are still regulated elsewhere in the Code.

(2) Chimneys, window wells, sills, belt courses, cornices, or other ornamental features projecting not more than 1.5' into the required yard.

Added window wells to this category to allow for better side yard drainage. Previously 1' from lot line.

(c) *Front yards.*

(1) Individual window or through-the-wall installed air conditioning units and fences at schools, public parks, governmental uses, and public utilities that are required for the protection of the public.

Removed “only in residential districts” for fences that protect the public.

(2) Decorative fences with site plan approval at nonresidence uses in residential districts.

- (3) Awnings, canopies, or one-story bay windows that are not ground-supported projecting not more than 3' into the required front yard, except that the total width of the bay windows must be less than 50% of the width of the building wall containing the bay windows.
- (4) Terraces or porches that do not have permanent roofs not more than 4' above the average level of the abutting ground and not projecting over 10' into the required front yard.
- (5) Overhanging eaves and gutters projecting not more than 15% into the depth of the required yard.

(d) *Rear yards.*

- (1) Air conditioning condensers in compliance with § 118-66, individual window or through-the-wall installed room air conditioning units, arbors, trellises, balconies, open porches, barbecues, clotheslines, accessory structures in compliance with § 118-60, fences in compliance with § 118-61, recreational and playground equipment, swimming pools, and tennis courts.
- (2) Awnings and canopies that are not ground-supported and not projecting more than 5' into the required rear yard.
- (3) Dog runs, subject to Building Division and Health Department approval, except that dog runs in residentially zoned and used properties must be at least 3' from any property line.
- (4) Overhanging eaves and gutters, provided that eaves and gutters of accessory buildings are at least 2' from any lot line and of principal buildings are not projecting more than 15% into the depth of the required rear yard.
- (5) Terraces or porches that do not have permanent roofs not more than 4' above the average level of the abutting ground and not projecting over 10' into the required rear yard.

(e) *Side yards.*

- (1) Fences in compliance with § 118-61, individual window or through-the-wall installed room air conditioning units with a capacity not exceeding 12,000 Btu's, and air conditioning condensers in compliance with § 118-66.
- (2) Awnings and canopies that are not ground-supported and are at least 2' away from the lot line.
- (3) Overhanging eaves and gutters projecting not more than 3' into the required side yard and at least 2' away from the lot line.

Sec. 118-60. Accessory buildings, structures, and uses.

Moved from 118-56.

(a) *Accessory classifications in districts.*

- (1) Accessory structures shall be allowed in all districts, except those structures specifically prohibited.
- (2) Accessory buildings and uses are allowed only in residential zoning districts.

(b) *Maximum height.* An accessory building cannot exceed 1 story or 15' in height. The distance from grade to the top of eave or to the top of the highest point on a flat roofed building cannot exceed 10' above grade, except that an open roof deck railing cannot exceed 15' above grade.

(c) *Area.* The ground floor area of all accessory buildings must not exceed the ground floor area of the principal building.

(d) *Rear yard coverage.* The total area of all accessory buildings shall not occupy more than 30% of the rear yard.

(e) *Use of accessory buildings in residential districts.* In residential districts a motor vehicle garage or other accessory building shall not be used as a residence, temporary residence, or in conjunction with a commercial or business activity, except that commercial vehicles may be parked or stored in the garage.

(f) *Setbacks.* Except for legal fences or as otherwise provided, an accessory building or structure erected, altered, enlarged, or moved must conform to the following:

- (1) International Residential Code, as amended in Chapter 22, as if all accessory buildings are garages.
- (2) An accessory building less than 50 ft² in area and of noncombustible construction is permitted to abut the principal building.
- (3) An accessory building or structure is prohibited in a required front or side yard or within 60' from a front lot line.
- (4) An accessory building or structure in a rear yard shall be at least 3' from a lot line except that the setback required shall be at least:
 - a. The distance required for a side yard abutting a street on corner lots.
 - b. The distance required for a front yard on through lots.
 - c. 5' from the lot line abutting the alley.

(g) *Colocation.* Accessory buildings shall occupy the same lot as the principal use or building.

Moved from 118-57.

Sec. 118-61. Fences.

- (a) A building permit shall be required for the construction, installation, or replacement of any fence.
- (b) All fence posts and other supporting members must face to the owner's side or be enclosed on two sides by fencing.
- (c) Fence location.
 - (1) No fence or portion of a fence shall be allowed on any part of a front yard or corner side yard except at schools, public parks, governmental uses, and public utilities, required for the protection of the public in residential zoning districts. Decorative fences in the front yard of a nonresidence use in a residential zoning district may be allowed with site plan approval.
 - (2) A temporary fence required as a condition of a Village permit or license at a construction or work site shall be allowed in all required yards.
- (d) *Height.* A fence in a required yard may be erected to a height not exceeding 6' from ground level, except as otherwise provided below:

- (1) Not exceeding 5' from ground level in a residential zoning district when abutting another lot in a residential zoning district if the fence is either along a side lot line or in a required side yard.
 - (2) Not exceeding 8' from ground level in an industrial zoning district or where a side or rear lot line of a property in a residential zoning district abuts either an industrial district or an alley abutting an industrial district.
 - (3) Not exceeding 30" from ground level within a sight distance triangle.
- (e) The following types of fences and fence attachments are prohibited unless otherwise stated:
- (1) Electrically charged.
 - (2) Barbed wire, razor wire or any guard or barricade intended to cause injury. Barbed wire shall only be allowed at industrially zoned property, located at least 6' above ground level, and extended inward towards the property enclosed.

Sec. 118-62. Outdoor storage, parking, or standing of recreational vehicles, boats, boat trailers, and commercial trailers.

- (a) *General conditions.* The following general conditions shall apply to recreational vehicles, boats, boat trailers, or commercial trailers:
- (1) State license plates and Village vehicle license stickers, if applicable, shall be current and properly displayed.
 - (2) Such vehicles shall not be used as living quarters or an accessory building, for storage, or in conjunction with any business enterprise.
 - (3) Such vehicles shall not be parked, stored, or stand with flammable liquids aboard other than in State Department of Transportation approved containers.

(4) Such vehicles shall not be parked, stored, or be permitted to stand in such a manner as to create a dangerous or unsafe condition on the property.

(5) Other than in a self-service storage facility, the owner of such vehicles shall also be the legal or beneficial owner or lessee of the real estate upon which such vehicles are stored, standing or parked. Upon request by an authorized Village official, proof of vehicle ownership shall be provided.

(6) The prohibitions set forth in this section shall not apply to van-type recreational vehicles provided that they bear "RV" or passenger license plates and are standard stock models as produced by the original vehicle manufacturers. No modifications affecting the overall length, width, or height of standard production models shall be permitted to such van-type vehicles. Customizing, such as, but not limited to, special painting, "mag" wheels, and plastic dome vents shall not be considered a modification.

Exemption for motor vehicle storage facility was removed because it is no longer a use.

(b) *Residential districts.* Parking commercial trailers outdoors is prohibited in residential districts. A recreational vehicle, boat, or boat trailer may be stored, parked, or permitted to stand out of doors in any residential district subject to the following conditions and restrictions:

(1) A recreational vehicle or boat trailer shall be maintained in mobile condition.

(2) No major construction or major repair shall be permitted.

(3) Such vehicles shall not exceed the following dimensions:

Removed the prohibition on storage on a lot less than 40' because the protects are covered by other sections in the code.

Dimension	RV/Boat/Boat Trailer
Length, excluding hitches and bumpers (feet)	14
Width (feet)	8

Height, excluding antenna (feet)	11
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(4) Such vehicle shall not cover more than 3% of the area of the lot on which it is located.

(5) Such vehicles shall not be parked or stored within 3' of any lot line or within any front yard, side yard, or front driveway unless otherwise specifically permitted.

(c) *Business and industrial districts.* A recreational vehicle, boat, boat trailer, or commercial trailer may be stored, parked, or permitted to stand out of doors in any business or industrial district subject to the following conditions and restrictions:

(1) Recreational vehicle, boat, or boat trailer—at a motor vehicle or boat sales facility or operated with self-service storage only.

(2) Commercial trailer—operated with a permitted or special use in that district.

(3) Such vehicles shall not block access to any off-street parking space.

Sec. 118-63. Antennas.

(a) Antennas shall be allowable accessory structures in all districts. Antennas shall also be allowable principal uses in districts designated in Appendix A.

(b) *Generally.*

(1) Permitted use antenna structures may be up to 25' in height above the district height regulations.

(2) All antennas located in residential districts shall be for the personal use and benefit of the resident occupants of the subject property unless the antenna is operated by a public utility company or is a small cell antenna as defined in Chapter 103 and is co-located on an existing utility pole or Village or governmentally owned structure as defined in Chapter 103.

Moved from 118-83 and reorganized into general, ground mounted, and accessory sections.

The term "public utility" shall be defined in the same manner as in the Illinois Compiled Statutes, as amended now or in the future.

- (3) Ground-mounted antennas located in mixed-use and business districts shall be exclusively used for the operation of the principal use of the subject property, unless operated by a public utility company.
- (4) A Village permit shall be secured for all antenna ancillary equipment utilizing standard line voltage electrical current or whose installation requires any structural modifications. A Village permit shall also be required for any small cell antenna located in a public right-of-way.
- (5) Prior to the issuance of a Village permit for a principal use antenna, a copy of the FCC license for an individual antenna or the license for the Chicago Major Trading Area shall be submitted to the Village. A copy of this license shall be submitted to the Village upon its renewal.
- (6) Antennas located in residential districts whose width exceeds 3' shall be constructed in such a manner as to be at least 50% transparent by light and air.
- (7) All antennas exceeding 3' in width located in the R1, R2, and R3 zoning districts shall be mounted at a location closest to the ground, except when a higher or different location is needed for signal reception. In addition, all antennas shall meet all other location and height requirements.
- (8) An antenna shall not be located less than 60' from the front lot line, except when attached to the side of an existing steeple, church belfries, chimneys, elevator bulkheads and building equipment penthouses.
- (9) Antennas and their related facilities shall be removed upon abandonment. An antenna will be considered abandoned when it is deactivated or out of service, its FCC license has lapsed or has not been renewed, or the antenna is not used for its intended and authorized purpose for a period of 90 days. The owner(s) of an antenna shall inform the Village of

their intent to abandon an antenna. An antenna will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.

(10) All antenna support structures and antennas shall comply with the International Building Code, the National Electrical Code, and FAA and FCC requirements.

(11) The fabrication and testing of antennas shall be governed by the allowable land use classifications as stated in the industrial district sections of this chapter.

(b) *Ground mounted.*

(1) The base of a ground-mounted antenna shall be screened to a height of 6' to shield its view from neighboring property and the street fronting the property. Screening shall consist of landscaping. Screening shall not be located so as to interfere with the reception of the antenna.

(2) Principal use antennas shall be located a minimum of 100', or a distance equal to the height of the antenna structure, whichever is greater, from residentially zoned property.

(3) The owners of principal use antenna support structures in industrial districts are encouraged to design such structures to allow the co-location of other communication providers' equipment so as to minimize the proliferation of antenna support structures throughout the community.

(4) The owner of principal use antenna support structures shall allow the collocation of other communication providers' equipment, where technically feasible, on a commercially reasonable basis.

(5) Antennas which alter the approved site plan of a special use site shall be subject to the abbreviated special use process for review and approval. The following siting requirements shall be met:

a. The antenna shall not be mounted in a required yard.

- b. The antenna shall not be mounted in any required off-street parking spaces or affect traffic circulation.
- c. Where possible, the base and back of the antenna support structure and antenna shall be screened with landscaping to a height of 6'.
- d. The antenna support structure shall not interfere with or reduce on-site water detention.

(c) *Accessory.* Accessory antenna structures may be up to 12' in height above the district height regulations except small cell antennas co-located on a utility pole or Village structure. Such antennas shall not exceed a height of 7' above the pole height and shall be mounted with non-metallic materials of a neutral color approved by the Village as is further defined in Chapter 103.

Sec. 118-64. Stormwater control.

(a) *Purpose.* The purpose of this section is to promote the public health, safety, and welfare, by controlling stormwater runoff resulting from the urbanization of the Village. Because the Village is located in a Combined Sewer Area, is committed to reduce combined sewer overflows occurrences, and is encouraging the use of Green Infrastructure on private development projects.

Moved from 118-81 and (a) has been updated to be consistent with current MWRD goals and regulations.

(b) *Applicability of the WMO.* The Metropolitan Water Reclamation District's (MWRD) Watershed Management Ordinance (WMO) applies to all development within the Village boundaries. Components that are regulated under the WMO include qualified sewer construction, drainage and detention, volume control, floodplain management, isolated wetland protection, riparian environment protection, and soil erosion, and sediment control. As such:

That section was added to establish the jurisdiction of MWRD's WMO.

(1) The Village requires that all development obtain a permit letter of determination from MWRD's Engineering Department.

(2) As developments within the Village may not be required to meet certain site stormwater management requirements under the WMO, the Village maintains its rights to enforce the Village's stormwater requirements as applicable under this section.

(3) The Village requires that an Earthwork/Foundation permit consistent with WMO requirements be obtained from MWRD if site disturbance is to commence prior to the issuance of the MWRD permit. The purpose of this limited scope permit is to allow the issuance of an advanced 'Foundation' permit from the Village.

(4) Credit shall be given to Village required stormwater detention volumes for any volume control, as expressly required by WMO, or as installed by the developer.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Allowable release rate means the rate at which stormwater runoff is allowed to flow from the site into the Village sewer system.

Control structure means a structure having an outlet designed to control the stormwater runoff release rate.

Developed state means the condition of the site after development that is represented by a composite runoff coefficient based upon an impervious runoff coefficient of 0.95 and a pervious runoff coefficient of 0.25.

Excess stormwater runoff means the portion of the stormwater runoff that exceeds the allowable release rate.

100-year frequency rainfall shall be as defined by the Illinois State Water Survey.

On-site stormwater detention means the utilization of an on-site stormwater storage facility that is designed and maintained to temporarily contain stormwater only when excess stormwater runoff occurs.

On-site stormwater retention means the utilization of an on-site stormwater storage facility that is designed and maintained to temporarily contain stormwater when excess stormwater runoff occurs and to permanently hold an additional volume of water at a level which is at or below the level of the discharge point for such a storage facility.

Peak runoff rate means the rate of stormwater runoff that occurs when the duration of the rainfall is equal to or greater than the time of concentration.

Rainfall intensity means the amount of precipitation that occurs within a given period, expressed in inches of rainfall per hour.

Rational Method means the empirical method that relates stormwater runoff to rainfall intensity by the formula " $Q = CiA$ " where "Q" is the peak runoff rate in cubic feet per second, "i" is the average rainfall intensity in inches per hour, and "A" is the area of the site in acres.

Runoff coefficient means the percentage of precipitation that appears as stormwater runoff.

Stormwater runoff means the portion of the precipitation from a rainfall event remaining after interception and evaporation losses which flows from the site into the Village sewer system.

Stormwater runoff release means the rate at which stormwater runoff is released from the site to the Village sewer system.

Time of concentration means the time required for the stormwater runoff to become established and flow from the most remote part of the site to the point under consideration into the Village sewer system.

Two-year frequency rainfall shall be as defined by the Illinois State Water Survey.

Undeveloped state means the natural condition of the site prior to development that is represented by a runoff coefficient of 0.15.

(d) *Stormwater control requirements and exemptions.*

- (1) All developments resulting from the construction of any building, parking lot or other improvement on any parcel or combination of parcels of land located within the Village shall control the stormwater runoff release rate and provide storage of the excess stormwater runoff in accordance with the following requirements:

- a. Stormwater control calculations shall be performed in accordance with the Rational Method and in the format required by the Village;
- b. The allowable release rate shall not exceed the peak runoff from the site in its undeveloped state for a 2-year frequency rainfall; and
- c. The excess stormwater runoff, as determined to be the difference between the stormwater runoff from the site in its developed state for a 100-year frequency rainfall less the allowable release rate, shall be temporarily contained on the site by means of on-site stormwater retention and/or detention facilities.

(2) The following developments are exempt from the stormwater control requirements of this section:

- a. All developments existing prior to February 17, 1987, shall be exempt.
- b. A parcel or parcels of land used for detached, or 2-unit multifamily residences shall be exempt.
- c. An individual undeveloped lot of record and subdivisions and resubdivisions with only 1 or 2 undeveloped lots shall be exempt from the stormwater control requirements.
- d. Any parking space with direct access from a public alley is exempt from the drainage requirements of this section, provided that surface drainage is made to a fully improved (paved) public alley. Direct access from a public alley shall be defined as a parking space utilizing the public alley as an access aisle without any intervening access aisle.

(3) The exemptions in subsection (d)(2) of this section shall not apply to the following and a determination of site impermeable surface shall be required:

- a. Deficient existing off-street parking facilities which have site drainage but which are deficient in on-site stormwater detention, which facilities shall make provision for maximum feasible detention as set forth in subsection (d)(5) of this section;

- b. Existing developments that are damaged by any cause to the extent of 50% of its value immediately prior to the event as determined by the Zoning Official, in which case such developments shall be restored and/or reconstructed in full accordance with the stormwater control requirement; and
 - c. Existing developments which are altered, rehabilitated or reconstructed such that the alterations, repairs, or reconstruction are in excess of 50% of its value immediately prior to the event as determined by the Zoning Official, or such that the alteration, repairs or reconstruction represent a substantial change in use, as determined by the Zoning Official, in which case such development shall be altered, rehabilitated or reconstructed in full accordance with the stormwater control requirement.
 - d. *Subdivisions and resubdivisions.* Subdivisions and resubdivisions with 3 or more undeveloped or redeveloped lots shall meet the following applicable requirements:
 - 1. Subdivisions served by existing streets and/or combined sewer systems shall be required to provide stormwater control for that portion of the subdivision behind the proposed front yard to ensure that the runoff from the majority of unimproved property and all roof water will be controlled, in accordance with Village standards, and minimize the stormwater impact of the subdivision on the surrounding area.
 - 2. Subdivisions where existing street and sewer improvements do not exist shall provide stormwater control for all property, including dedicated public streets, in compliance with the Village stormwater control requirement.
- (4) All new and unimproved existing off-street parking areas, either open or enclosed, shall make provision for adequate site drainage and detention of stormwater runoff, subject to the approval of the Village Manager or designee. The on-site stormwater detention requirement shall be based upon detention storage of the runoff from the developed site for a 100-year frequency rainfall less an allowable release rate based upon the runoff from the undeveloped site for a 2-year frequency rainfall. The 2-year and 100-year frequency rainfalls shall be those defined by the Illinois State Water Survey. The undeveloped site shall be defined as having a runoff coefficient of 0.15; the developed site shall be defined as having a composite

Updated b. and c. to be consistent with the discontinuance of use language used on the other section of the chapter.

runoff coefficient based upon an impervious runoff coefficient of 0.95 and a previous coefficient of 0.25. The maximum allowable depth of detention storage shall be 12".

- (5) Deficient existing parking lots which are deficient in drainage shall not be required to provide site drainage and detention of stormwater runoff. Deficient existing lots which have site drainage but which are deficient in detention of stormwater runoff shall make provision for maximum feasible detention of stormwater runoff, subject to the approval of the Village Manager or designee. The maximum feasible on-site stormwater detention requirement shall be based upon detention storage of the runoff from the existing developed site for 100-year rainfall less an allowable release rate based upon the runoff from the existing developed site for a 2-year frequency rainfall, except that this detention storage requirement shall not exceed the maximum detention storage that can be safely contained on the site without creating associated drainage hazards to the general public or adversely affecting the normal use of the site. The 2-year and 100-year frequency rainfalls shall be those defined by the Illinois State Water Survey. The existing developed site shall be defined as having a composite runoff coefficient of 0.95 and a previous runoff coefficient of 0.25. The maximum allowable depth of detention storage shall be 12".

(e) On-site stormwater retention-detention facilities.

- (1) The temporary storage of excess stormwater runoff shall be provided by means of on-site stormwater retention and/or detention facilities that are located wholly within the development, as determined by the Village Manager or designee.
- (2) The design and construction of on-site stormwater retention and/or detention facilities shall be performed in accordance with the following requirements:
- a. The permanent water surface area of an on-site stormwater retention facility shall not exceed 10% of the tributary drainage area contained in the development, provided that an individual retention facility shall have a permanent water surface area of at least ½ acre.

- b. The minimum normal water depth of an on-site stormwater retention facility shall be 4', except that a minimum of 25% of the permanent water surface area shall have a minimum depth of 10' when the facility is stocked with fish.
- c. On-site stormwater retention facilities shall include suitable shoreline protection methods to prevent erosion from wave action. These facilities shall be provided with adequate aeration and/or circulation facilities to prevent stagnation, and shall be subject to periodic inspection to ensure proper operation and compliance with local health standards.
- d. Landscaped on-site stormwater retention and detention facilities shall have a minimum side slope of 100:1, and a maximum side slope of 3:1. The side slopes shall be kept as close to the natural land contours as practicable. Facilities proposing side slopes in excess of 3:1 in order to meet storage requirements shall be allowed only as those cases specifically approved by the Village Manager or designee.
- e. Landscaped areas utilized as on-site stormwater detention facilities shall be designed to serve a secondary purpose for recreation, open space, or other types of uses that will not be adversely affected by periodic storage of excess stormwater runoff.
- f. Paved areas utilized as on-site stormwater detention facilities shall have a minimum grade of 0.5% percent and a maximum slope established by the Village Manager or designee based on the use. Maximum storage depth shall not exceed 6".
- g. Roof areas utilized as on-site stormwater detention facilities shall use permanent outlet control structures and parapet walls to contain excess stormwater runoff on the rooftop. An emergency overflow shall be provided to ensure that the weight of water stored will not exceed the structural capacity of the roof. Volume controls provided on green roofs shall be credited to any Village required stormwater detention.
- h. On-site stormwater detention facilities shall be provided with a positive gravity outlet to a storm sewer which is designed in such a manner as to require minimum maintenance for proper operation. On-site stormwater retention facilities should be provided with a positive gravity outlet, if at all possible, to allow the ambient water level to be lowered for cleaning and shoreline maintenance.

Maximum storage depth is being reduced from 1' to 6".

Credit now will be given for green roofs.

- i. On-site stormwater retention and detention facilities shall be provided with a method of emergency overflow in the event that the outlet control structure becomes nonfunctional due to failure, clogging or other reason, or in the event that a rainfall event in excess of the 100-year frequency rainfall occurs.
- j. At no time during the construction of the development shall the stormwater runoff release rate exceed the runoff from the site in its undeveloped state for a 2-year frequency rainfall.
- k. During the construction of the development, suitable facilities shall be provided and methods employed to prevent erosion and siltation of abutting areas.
- l. Plans, specifications and all calculations prepared in conjunction with the stormwater control requirement shall be submitted to the Village Manager or designee for review and approval prior to the issuance of any permit otherwise required for construction or substantial reconstruction of the development.

(f) *Design and construction standards.* The Village Manager or designee shall prepare or cause to be prepared such minimum specifications for materials, designs, construction methods and erosion control as may be necessary to implement the provisions, requirements and regulations set forth in this chapter. The design and construction of storm drainage and stormwater control systems shall be performed in accordance with these specifications established by the Director of Public Works.

(g) *Maintenance.* All on-site stormwater retention and detention facilities shall be maintained in a fully operational condition.

Sec. 118-65. Amusement devices.

Amusement devices that are not part of an arcade establishment are permitted with allowable uses in mixed-use and business districts, provided that such devices are clearly incidental and secondary to the principal use and are limited to a maximum of 3 devices.

Moved from 118-84.

Sec. 118-66. Air conditioning condenser regulations.

Moved from 118-91.

- (a) A permit shall be required for the installation or replacement of an air conditioning condenser.
- (b) Air conditioning condensers cannot be located in a required front yard or side yard facing a street.
- (c) *Residential regulations.* The following conditions shall apply to air conditioning condensers that are located on a lot with a detached or 2-unit multifamily residence:
 - (1) Air conditioning condensers must be located at grade level.
 - (2) Air conditioning condensers must be located at least 6' from a lot line.

Sec. 118-67. Fire safety zone.

Moved from 118-92.

For all yards abutting a street, a building setback shall be required such that the height of the building shall not exceed 3 times the furthest distance an emergency vehicle may park on that street in order to provide emergency services to that building. The furthest distance shall be measured from the face of the building on any given story to the inside edge of the furthest driving lane from the building, regardless of the direction of the traffic flow of that lane.

Sec. 118-68. Wind energy systems.

Moved from 118-93.

- (a) *Standard conditions for all wind energy systems are as follows:*
 - (1) A Village permit is required for the installation of a wind energy system on any property (the "Subject Property").
 - (2) Wind energy systems shall comply with the International Building Code, National Electrical Code, Federal Aviation Administration (FAA) requirements, and all federal and state statutes, laws, rules, and regulations and all Village codes.

- (3) The maximum noise level shall not exceed 60 decibels as measured from the Subject Property.
- (4) A wind energy system shall be for the use and benefit of the occupants of the property on which it is located, except for reverse metering as allowed by the appropriate state or federal agency.
- (5) All abandoned or unused wind energy systems shall be deemed a nuisance 12 months after the cessation of operations, unless an extension is approved. If an extension is not approved by the Village Manager or designee, the Village may act to abate such nuisance and require its removal at the property owner's expense. After the wind energy system is removed, the owner of the Subject Property shall restore the Subject Property to a condition consistent with the property's condition prior to the installation of the system.
- (6) One wind energy system is allowed per Subject Property. Additional wind energy systems may be allowed with site plan approval.

(b) Rooftop wind energy systems.

- (1) All permit applications will be reviewed and approved, or denied, by the Village Manager or designee.
- (2) Rooftop wind energy systems shall be allowed as accessory structures in all zoning districts.
- (3) The height of a wind energy system shall be no more than 15' above the highest point of a building's roof or 15' above the existing allowable building height in the district, whichever is lower in height.
- (4) In all zoning districts, no portion of any rooftop wind energy system shall be in any required yard. In residential, mixed-use, and business districts, rooftop wind energy systems shall be at least 20' from the front yard line, or in the case of corner lots, at least 10' from the corner side yard line. A rooftop wind energy system that is mounted on the side of a structure may encroach, by no more than 1.5', into a required yard.

(c) Small wind energy systems.

- (1) Small wind energy systems shall only be allowed as accessory structures subject to site plan approval in the M1, M2, and M3 districts.
- (2) The height of a small wind energy system shall not exceed 70'.
- (3) The nameplate capacity of a small wind energy system shall not exceed 100 kilowatts.
- (4) The blade tip of any rotor of a small wind energy system shall, at its lowest point, have ground clearance of no less than 15' or 1/3 of the tower height, whichever is greater, above ground.

(d) *Large wind energy systems.*

- (1) Large wind energy systems shall be allowable accessory structures with site plan approval in an M3 district.
- (2) The total height of a large wind energy system shall not exceed 120'.
- (3) The blade tip of any rotor of a large wind energy system shall, at its lowest point, have ground clearance of no less than 25' or 1/3 of the tower height, whichever is greater, above ground.

(e) *Installation requirements for small and large wind energy systems.*

- (1) The system must include a wind turbine tower and not be mounted on a building.
- (2) Security fencing not less than 6' high equipped with an appropriate anti-climbing device shall be required.
- (3) The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy system's life.
- (4) An automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding is required.
- (5) Wind energy systems shall have lightning protection.

- (6) If guy wires are used to support the tower, these wires shall be clearly visible to a height of at least 6' above the guy wire anchors.
- (7) All access doors to wind turbine towers and electrical equipment shall be lockable.
- (8) A bird-friendly design to be approved by the Community Development Department is required in order to reduce the number of resting places near the turbine's rotors.
- (9) The minimum distance between a wind energy system and any property line or public utility pole shall be a distance equivalent to 1.1 times the total height.
- (10) All on-site electrical transmission lines connecting a wind energy system to a building or the public utility electricity distribution system shall be located underground.
- (11) Appropriate warning signage shall be placed on wind turbine towers and all electrical equipment.

Sec. 118-69. Automatic teller machines (ATMs).

Moved from 118-94.

- (a) *Principal use.* If the primary purpose of a building is to house an ATM, the use is considered a bank, and the building is subject to all building codes and requirements of this chapter.
- (b) *Indoor ATMs.* An ATM that is accessed within a completely enclosed principal building is permitted in all districts with a use that is allowed in that district.
- (c) *Requirements for outdoor ATMs.* An ATM that is accessed outside a completely enclosed principal building is allowed only under the following conditions:
 - (1) *Use.* An ATM is allowed with a special use permit, but only in districts where a bank is a permitted or special use. An ATM may be part of a drive-through facility that has a special use permit.
 - (2) *Appearance Commission.* An ATM and any associated structures and signage are subject to the review and approval of the Appearance Commission.

(3) *Customer standing area.* Each ATM shall have a minimum of a 3' by 3' customer standing area, centered in front of the face of the ATM.

(4) *Obstructions.* An ATM, customer standing area, and any structure surrounding the ATM shall be interpreted as an obstruction with respect to sight distance triangles, required parking spaces, effective walkway widths, vehicle overhangs, or other requirements of this chapter.

(5) *Use of public right-of-way.* No ATM or structure housing an ATM may be in a public right-of-way. The customer standing area may be in a public right-of-way with a permit from the Village.

(d) *Parking.* An ATM is exempt from off-street parking requirements.

Sec. 118-70. Electric vehicle charging stations.

Moved from 118-87.

(a) *Station location.* In residential districts, an electric vehicle charging station is permitted in any area where a vehicle may be parked. In all other districts, the station is permitted for use with any legal parking space that is not in a required vehicle parking space, except when that parking space is dedicated to a specific residence.

(b) *Equipment location.* The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.

(c) *Requirements for public use.* When the station is intended to be used by the public:

(1) *Equipment protection.* Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.

(2) *Signage.* Any charging station that is intended to be used for multiple users must have signage indicating that parking is for electric vehicle charging only, a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.

(3) *Parking space identification.* The parking space must be identified per the Electric Vehicle Charging Station Guidelines.

(4) *Principal use.* If the primary purpose of the lot is the charging of vehicles, the use is considered an automotive fuel station for zoning purposes.

ARTICLE V. SPECIFIC USE REGULATIONS

Sec. 118-90. Adult Uses.

- (a) No adult use may be located within 200' of any of the following uses: religious assembly, schools with students primarily under the age of 18 including the school's open space and parking areas, day care centers for children, parks, public recreation facilities, and libraries and archives.
- (b) An adult use may not be located closer than 500' to another adult use as from outside walls of the use.
- (c) Such distances shall be measured from the nearest point along the lot line of the site or location to the nearest point along the other lot line or site location, in a straight line without regard to intervening structures, topography, and zoning.
- (d) An adult-use is prohibited from being a home occupation.
- (e) Advertisements, displays, or other promotion of adult materials or products must not be visible to the public from pedestrian sidewalks, walkways, or other public or semipublic areas, including any interior areas of the adult use which may be open to minors.
- (f) All building openings, entries, windows, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

No change in numbering. Updated the distance requirement to make consistent with the International Zoning Code. Removed the waiver of provision section, which applied to theaters. Added a prohibition as a home occupation.

Sec. 118-91. Home occupations.

Moved from 118-79.

(a) *General.* A home occupation is permitted in all residences provided the home occupation is clearly and obviously subordinate to the residence use. A home occupation must be conducted wholly within the principal building on the premises.

(b) *Conditions.*

(1) Other than resident occupants in the residence, no more than one person may be employed or working in the home occupation.

(2) The home occupation does not exceed 15% of the floor area of the principal building.

(3) The home occupation does not change the fire rating of the building.

(4) The home occupation does not alter, amend, or modify the residential character of the building nor does the delivery or receipt of merchandise, goods, or materials interfere with the residential character of the neighborhood.

(5) There shall be no exterior display or storage of commercial goods on said premises.

(6) Inventory and supplies shall not occupy more than 50% of the area permitted to be used as a home occupation.

(7) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than 1 patron vehicle is on the premises at the same time.

(8) The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical magnetic interference (EMI) and radio frequency interference (RFI), fire hazard, or any other hazard or nuisance greater than that usually experienced in a residential district.

Sec. 118-92. Automobile sales or service establishments and automobile rental.

Moved from 118-82.

(a) *All uses.* The following regulations apply to all automobile sales and service uses and automobile rental listed in Appendix A:

- (1) When the subject property abuts or is across the alley from a residential district:
 - a. Visual screening at least 6' high must be provided along the abutting lot line.
 - b. There shall be no automobile repair work or washing of vehicles from 10:00 p.m. to 7:00 a.m.
- (2) All repair work must be performed within a building at all times except inspecting vehicles; adding fluids; and changing tires, batteries, windshield wipers, or light bulbs.
- (3) Outside storage and display of items for sale or lease, tools, equipment, vehicles, parts, or supplies is prohibited, except vehicles and propane for sale or lease. Those vehicles that are for sale or lease must never occupy a required off-street vehicle parking space.
- (4) Vehicles and boats are prohibited to be sold, advertised for sale, or, other than operational licensed vehicles owned by the establishment, remain outdoors on the property for more than 10 days, except at vehicle dealers.

(b) Additional requirements for automotive fuel stations.

- (1) At least 1 employee must be at the fuel control console at all times that self-serve fuel is being dispensed. At least 2 employees shall be on the premises from 7:00 a.m. to 9:00 p.m. when a convenience store or any other use over 1,000 ft² is collocated with the automotive fuel station.
- (2) The attendant must always have a clear view of the fuel dispensing area.
- (3) A system that allows communication between persons at each dispensing area and the employee at the fuel control console must be provided.
- (4) During the hours of operation, air and use of equipment for tire inflation, use of a tire pressure gauge, fluid and equipment for washing vehicle windows, water and use of a water container for filling radiators, and rest room facilities must be provided free of charge. Charging a fee for these services is prohibited.

- (5) A canopy must be provided over all fuel dispensing areas.
- (6) The pump islands and fuel tanks shall be removed upon closing of the automotive fuel station in accordance with the requirements of the State Fire Marshal.
- (7) A minimum lot size of 30,000 ft² is required when a car wash or hand car wash is collocated with the automotive fuel station.

(c) *Additional requirements for car washes and hand car washes.*

- (1) The Plan Commission will determine the appropriate number and location of drying spaces.
- (2) A traffic study must be included with the special use permit petition indicating needed vehicle stacking and site circulation that does not constitute a traffic hazard or create on- or off-site congestion.
- (3) Openings to a wash bay must not face any residentially zoned property unless the opening is located more than 50' from such property.
- (4) The operation of the use must minimize excessive water from collecting outside the building openings to a wash bay.

(d) *Additional requirements for automotive repair facilities.*

- (1) All automotive repair facilities require a special use permit.
- (2) Any vehicle outdoors in need of body repair must be parked in a legal parking space and screened from view from any public street in rights-of-way abutting the lot or an abutting residential zoning district. Such vehicle is prohibited from being parked outdoors for more than 10 days.
- (3) Servicing of any vehicle over 8,000 pounds gross weight is limited to M2 and M3 districts.
- (4) In mixed-use and business districts, repair shall be limited to brakes, mufflers, upholstery work, tire repair and change, lubrication, tune-ups, and minor engine, mechanical, or electrical repair.

Removed an exemption that expired in 2015.

Sec. 118-93. Food establishments and food services requirements.

- (a) A screened garbage corral with an impermeable surface shall be provided to contain all dumpsters.
- (b) No tables or eating counters shall be allowed at food establishments. The addition of tables or eating counters shall constitute the addition of a food service use at that location, and all additional regulations for that food service use shall apply.
- (c) At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the property and clear it of litter.
- (d) The sale of open alcoholic beverages at carryout restaurants is prohibited.
- (e) *Outdoor dining.*
 - (1) *Standard conditions.* The following shall apply to all outdoor dining areas:
 - a. Barriers, fencing, landscaping, and other features shall be utilized to define the outdoor dining area.
 - b. Use of the area shall be limited to between 8:00 AM and 10:00 PM, but not longer than the posted operational hours of the associated food service facility.
 - c. Dates of operation shall be limited to between April 1 and October 31 in a calendar year.
 - d. Outdoor dining areas shall be exempt from parking regulations if used or set up less than 7 months in a calendar year.
 - e. All food preparation must take place inside the associated food service establishment.
 - f. Adequate litter and refuse disposal shall exist as determined by the Health Department.
 - g. Advertising or promotional features shall be limited to umbrellas or canopies.

- h. A drive-through facility shall have at least one litter/refuse disposal container at its exit at a location determined by the Health Department.
- i. All applicable Village and State health requirements shall be met.
- j. Dining areas will be reviewed each year during the annual restaurant inspection. The outdoor dining permit may be revoked by the Village Manager at any time on 14 days' notice for failure to comply with the regulations set forth in this subsection.
- k. The outdoor dining area shall not be enclosed on more than two sides with walls if roofed over.
- l. The outdoor dining area must be located on a surface approved by the Village Manager or designee.
- m. The outdoor dining area shall not be located in a required parking space or block a private or public sidewalk.

(2) Outdoor dining on private property shall be a permitted use with an outdoor dining permit from the Village Manager or designee in TX, CX, B3, B4, and H1 districts subject to the following conditions:

- a. All conditions in subsection (e)(1) are met.
- b. The outdoor dining shall be on the same lot as or within a development that received site plan approval as its associated food service establishment.
- c. An outdoor dining area shall not be located within a 15' sight distance triangle or within 3' from any public alley.

(3) Outdoor dining shall be permitted on private property between November 1 and March 31, of the next calendar year, with an administrative permit from the Village Manager or designee, subject to the following conditions:

- a. An outdoor dining permit or a special use permit for outdoor dining has been issued for the site.
- b. The outdoor dining area must be in the same location as the approved outdoor dining permit or special use permit.
- c. The outdoor dining area cannot be used more than 4 periods during this time.
- d. The outdoor dining area cannot be used or set up for more than a period of 3 consecutive days.
- e. A site and floor plan must be approved by the Village Manager or designee.
- f. Administrative permit fee must be paid to the Village of Skokie prior to using the outdoor dining area.

(4) Outdoor dining on private property shall be a special use in NX, B1, B2, B6, and M1 districts or if relief is needed from any condition in subsections (e)(1), (e)(2), or (e)(3) in NX, TX, CX, B1, B2, B3, B4, B6, H1 and M1 districts.

(5) Outdoor dining on a public right-of-way shall be a permitted use with an outdoor dining permit from the Village Manager or designee in TX and CX districts subject to the following conditions:

- a. All conditions in subsection (e)(1) are met.
- b. The use of public right-of-way for outdoor furniture and appurtenances shall only be permitted incidental to the operation of a restaurant on private abutting property, and the outdoor dining area shall not extend laterally beyond the frontage of the permittee's establishment.
- c. All public sidewalks and parkways shall be maintained in accordance with § 90-43 and § 118-188.

d. A Use of Public Way for Outdoor Dining Agreement between the Village and both the operator of the food service and the abutting land owner shall be approved by the Village.

(6) Outdoor dining on public right-of-way shall be a special use:

a. In NX, B1, B2, B3, B4, B6, and M1 districts in conjunction with an approved Use of Public Way for Outdoor Dining Agreement between the Village and the operator of the food service.

b. In TX and CX districts if relief from any condition in subsection (e)(5) is needed.

(f) Existing limited-service restaurants are allowed with a special use permit in the M3 district and may rebuild, modernize, and/or add outdoor dining if the Plan Commission deems that the restaurant is operated and maintained in a manner consistent with the purpose of the district. All new restaurants are prohibited in this district except in retail planned developments.

(g) Drive-through facilities are prohibited at carryout and full-service restaurants.

Sec. 118-94. Child day care.

Moved from 118-86.

(a) *In residence uses.* Child day care in residences listed as restricted uses in Appendix A shall be subject to the following regulations:

(1) Child care in residences shall comply with Chapter 54, Article VII, Day Care Homes, of the Village Code.

(2) No more than 2 day care homes may be located within the same block or closer than 100' to another such facility along the face of a street as measured from the closest property line of each lot.

(3) A driveway or on-street parking adjacent to the lot must exist. If a driveway exists, it shall be available for the dropoff and pickup of children. If no driveway exists, an 18" wide carriage walk connected to the sidewalk shall be present along the street adjacent to the lot

and the dropoff and pickup of children shall only occur on the same side of the street as the day care home. No dropoff and pickup of children shall occur on an arterial street.

(4) Subject to subsections (1) through (3) above, a special use permit must be obtained, except in detached and townhouse residences in which the use is a permitted use.

(b) *Not in residence uses.*

(1) *Restricted uses in residential districts.*

a. Child day care collocated in the same building as a use requiring a special use in the district must also obtain a special use permit.

b. Child day care collocated in the same building as a use permitted in the district is a permitted use.

c. Child day care in its own building is a permitted use.

(2) *Not in residential districts.* Child day care uses shall be permitted or special uses as indicated in Appendix A.

Sec. 118-95. Congregate living facilities.

Moved from 118-88.

(a) Congregate living facilities may only be in a residence type otherwise identified as permitted or special uses in a district.

(b) No residential unit shall be permitted on the first floor in business or mixed-use districts.

(c) The facility shall be a permitted use if the sponsoring agency is eligible for and obtains State licensing or certification to operate the proposed use and the use is a permanent residence facility. If the sponsoring agency does not meet this criterion because there is no State licensing or certification required for the use or the facility is a temporary residence facility, a special use permit must be obtained in accordance with Article II of this chapter, and reasonable proof of ability to operate a reputable congregate living facility must be shown.

- (d) The facility shall be designated a permanent residence facility if all the residents intend to live at the facility for 1 year or more. The facility shall be designated a temporary residence facility if any of the residents intend to live at the facility for less than 1 year.
- (e) Any facility with more than 4 bedrooms in a residential unit, 2 or more residential units in a building, or 2 or more buildings on a lot or abutting lots operated by the sponsoring agency must receive site plan approval in accordance with Article II of this chapter.
- (f) The sponsoring agency must obtain an administrative occupancy permit prior to establishing a congregate living facility. The following criteria will be used in issuing a permit:
- (1) The facility must be located in an area reasonably accessible to public transportation and, if needed, employment, vocational, medical, psychiatric, recreational, and other community resources that might be utilized by the facility's residents. If this provision cannot be met, the sponsoring agency must ensure that the facility's residents have access to these services when needed.
 - (2) Except as allowed in (e) of this section, the facility shall not be located within the same block as another such facility nor closer than 800' to another facility as measured from the property line of the lot.
- (g) Proof of agency ownership, option to own or signed lease for the facility to be occupied shall be provided to the Village prior to occupancy. Ownership or lease of the facility by residents of the facility shall be permitted provided agency ownership and leasing requirements, set forth by the Illinois Department of Human Services Division of Mental Health and Division of Developmental Disabilities and delineated in Section 115.300 - Environmental Management of Living Arrangements, paragraphs b) and c), are complied with. The sponsoring agency shall be responsible for compliance of facilities owned or rented by residents.

Sec. 118-96. Assisted-living facilities.

Moved from 118-89.

In compliance with the State of Illinois Assisted Living and Shared Housing Act, 210 ILCS 9/1 et seq., and the adopted rules in Chapter 1, Subchapter c of Part 295 of Title 77, as may be amended from time to time, an assisted-living facility shall provide:

- (1) Community-based residential care for persons who need assistance with the activities of daily living, including personal, supportive, and intermittent health-related services available 24-hours a day, if needed, to meet the scheduled or unscheduled needs of a resident.
- (2) Mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative.
- (3) A physical environment that is a homelike setting that includes the following and other such elements as established by the State:
 - a. Individual living units, each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room ready and accessible to each resident.
 - b. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit.
 - c. Sufficient common space shall exist to permit individual and group activities.

Sec. 118-97. Animal shelters.

Moved from 118-95.

- (a) *Site selection criteria.* A special use permit may not be granted unless the following site selection criteria are met:
 - (1) The site must have adequate off-street parking to meet the needs of customers and employees.
 - (2) The site should be on an arterial street with bus service, for convenient access by customers and employees.

(3) The building must be sound proofed.

(4) The building should be adequately sized to allow space for required services and exercise for animals when outdoor exercise is not possible due to weather conditions.

(5) Nonprofit organizations should seek rental properties or currently tax exempt properties to preserve the Village's tax base.

(6) The site should be in an area where the animals can be brought outside for controlled exercise (walking on a leash).

(b) *Remittance of applicable taxes.* Pet supplies sales and pet services as well as educational, orientation, and fundraising activities are allowed in conjunction with the use. Collection and remittance of all applicable sales and use taxes are required.

Sec. 118-98. Brew pubs and tap rooms.

Moved from 118-96.

(a) All production supplies and waste materials associated with the microbrewery, microdistillery and micro-winery must be stored inside the building.

(b) The production area must be visible to the public.

(c) Service truck loading and unloading shall take place between the hours of 8:00 a.m. and 8:00 p.m.

(d) Drive-through facilities are prohibited.

ARTICLE VI. RESIDENTIAL ZONING DISTRICTS

~~DIVISION 2. — RESIDENTIAL DISTRICTS~~

Sec. 118-121. Reserved.

Reserved for a future purpose section.

Sec. 118-122. Impermeable surface requirements.

Moved from 118-78 because this only applies to residential districts.

- (a) *Scope.* The total permissible area of impermeable surfaces shall be limited as provided in this section. For the purpose of this section, coverage shall be the combination of all buildings and impermeable surfaces.
- (b) A permit shall be required for the construction, installation, or replacement of any impermeable surface in any district.
- (c) Impermeable surfaces on lots with certain uses shall have a maximum area as indicated in the following chart:

Zone	Use	Required front yard	Total lot area
R1	all	40%	50%
R2	all	55%	50%
R3	all	55%	65%
R4	detached residences	50%	50%
	2-unit multifamily, and townhouse residences	55%	65%
	multifamily residences with 3 or more units	35% ^a	b
	all other uses	b	b

^a Improvements utilizing a circular drive may increase impermeable areas to a maximum of 50%

^b No maximum

(d) Permeable surface installations will be permitted if the surface-volume from a 10-minute, 100-year storm is being stored within the permeable pavement base; such areas will be included in the lot's impermeable surface calculation at no less than 50% of the permeable surface area. Sample installations include permeable pavers and permeable pavements.

(e) Residential building permits which include any excavation work may require a grading plan. No grades within the Village shall be disturbed or otherwise altered except as allowed pursuant to a grading permit issued by the Director of Engineering.

(d) and (e) were added by Engineering and address new paving technologies and codifying regulation of grading that might adversely affect neighbors.

Sec. 118-123. Calculation of required front yard in residential zoning districts.

(a) The required front yard is set forth in the zoning district in which the lot is located, except in (b) of this section.

(b) If 60% or more of the interior lots fronting 1 side of a street within a block have an established building setback of a depth other than required for a front yard in the zoning district of that lot, the front yard depth for each remaining lot is the average of the of the building setbacks of the nearest principal structure on both sides of the lot. If no principal building exists on 1 side of the lot to the end of the block, then the required front setback for that zoning district is used for that adjacent lot.

Moved from 118-74(b) and modified. This because this only applies to residential districts.

Simplified and less punitive setback calculation for irregular building setbacks.

Sec. 118-~~111~~ 124. R1 Single-Family residential district.

The following requirements apply to the R1 Single-Family district:

...

~~(9) Maximum land coverage of impermeable surface. Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.~~

~~(10) (9) Floor area ratio. The floor area ratio for all buildings and structures on a lot shall not exceed 0.6.~~

~~(11) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

~~(12) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.~~

Sec. 118-~~112~~ 125. R2 Single-Family residential district.

The following requirements apply to the R2 Single-Family district:

...

~~(9) Maximum land coverage of impermeable surface. Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.~~

~~(10) (9) Floor area ratio. The floor area ratio for all buildings and structures on a lot shall not exceed 0.6.~~

~~(11) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

~~(12) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.~~

...

Sec. 118-~~113~~ 126. R3 Combined Housing district.

The following requirements apply to the R3 Combined Housing district:

...

~~(9) *Maximum land coverage of impermeable surface.* Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.~~

~~(10) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

~~(11) *Siting of development.* Siting of development shall be in accordance with the provisions contained in Division 1 of this article.~~

...

Sec. 118-~~114~~ 127. R4 Multifamily Housing district.

The following requirements apply to the R4 Multifamily Housing district:

...

~~(9) *Maximum land coverage of impermeable surface.* Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.~~

~~(10) *Stormwater control.* Stormwater control requirements shall be in accordance with the stormwater control provisions contained in Division 1 of this article.~~

~~(11) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

~~(~~12~~ 9) *Visual screening.*~~

...

~~c. The height and location of the required screening shall be in accordance with Division 1 of this article.~~

- ~~d~~ c. All screening shall be adequately protected from vehicular maneuvers, including parking and continual traffic flow. Such protection shall be subject to the approval of the Director of Engineering.
- ~~e~~ d. The screening shall be required to encompass the parking facilities and driveway.
- ~~f~~ e. When the required screening would be located in a utility easement or an alley boundary which is used by 1 or more of the utility companies for its service, the requirement must be reviewed by the Director of Engineering. The Director of Engineering shall determine, after a review of written statements from the public utility companies, whether each utility company is now using the easement or plans to in the future, and the characteristics of such use, and the type of utility line, its horizontal and vertical placement, and its relationship to other utilities and the access needed for installation and maintenance. When the utility easement is or will be in use, the Director of Engineering shall determine when the required screening on a lot would interfere with the utility companies' use of the easement and shall then determine a suitable location for such screening. If screening cannot be so placed to avoid interference with the utilities, alternate screening and location shall be determined by the Director of Engineering and the Director of Community Development.
- ~~g~~ f. When none of the foregoing is possible, then the waiver of this requirement may be sought from the Plan Commission as part of the site plan review.

~~(13) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.~~

...

Sec. 118-~~115~~ 128. R5 Elderly and Disabled Housing ~~residential~~ district.

...

~~(4) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

- (5 4) *Covenant regarding occupancy restrictions.* The owner shall execute a covenant running with the land ensuring continuous occupancy by the persons eligible for the housing. The Village shall be a party to such covenant and such covenant shall not be released without the consent of the Village.
- (6 5) *Annual certification.* Annual certification shall be submitted to the Department of Community Development to verify:
 - a. The age of all occupants and the nature of any disabled occupants.
 - b. That all required equipment and facilities provided for convenience and/or safety of the occupants are maintained in place and in good working order.

ARTICLE VII. BUSINESS ZONING DISTRICTS

~~DIVISION 3. BUSINESS DISTRICTS~~

...

Sec. 118-142. B1 Service Commercial district.

...

~~(4) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

Sec. 118-143. B2 Commercial district.

...

~~(4) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

Sec. 118-144. B3 Business district.

...

~~(4) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

Sec. 118-145. B4 Regional Shopping district.

...

~~(3) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

Sec. 118-147. B6 Downtown Science and Technology district.

...

~~(6) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

Sec. 118-148. H1 Hospital district.

...

~~(6) *Off-street parking and loading.* Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

ARTICLE VIII. INDUSTRIAL ZONING DISTRICTS

~~DIVISION 4. INDUSTRIAL DISTRICTS~~

...

Sec. 118-175. - OR Office Research district.

...

~~(10) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.~~

...

ARTICLE IX. MIXED-USE ZONING DISTRICTS

~~DIVISION 4. MIXED USE DISTRICTS~~

...

Sec. 118-187. - Public sidewalks and parkways.

All business, servicing, storing, or processing shall be conducted within completely enclosed principal buildings, except as otherwise provided by this chapter, other applicable Village codes, or as follows:

- (1) Outdoor dining on private property or public right-of-way, subject to Sec. 118-85 93.

...

Sec. 118-187. - Public sidewalks and parkways.

To promote a pedestrian scale environment, the following design standards shall apply:

- (1) Sidewalks must have a minimum paved width of 5' feet and have a common alignment within a block.

Correction to formatting

- (2)- The effective walkway width of a sidewalk shall at all times be at least 5' ~~feet~~ wide. The effective walkway width is the shortest hard-surfaced distance between obstructions, hazards, or buildings along a walkway.
- (3)- All efforts shall be made to promote and preserve street trees.
- (4)- All sidewalk and parkway improvements shall be consistent with Village streetscaping plans.

ARTICLE X. [RESERVED]

This Article is reserved for future Special Purpose zoning districts
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ARTICLE ~~IV~~ XI. OFF-STREET PARKING AND LOADING FACILITIES

Sec. 118-201. - Scope of regulations.

The off-street parking and loading provisions of this article shall apply as follows:

- (1) Off-street parking and loading shall be provided as required by the regulations of this article for all buildings and structures erected and all uses of land established in each district after the effective date of the ordinance from which this article is derived.
- (2) When the intensity of use of any building, structure, or premises shall be increased through the addition of residential units, gross floor area, seating capacity, bedrooms, or other specified units of measurement, additional parking and loading shall be provided as required by this article. Any additional parking or loading may require additional water detention as required in § 118-64 ~~Article III, Division 1 of this chapter.~~

...

Sec. 118-208. Outdoor storage lots.

- (a) Lots for outdoor storage of vehicles shall not be used for customer or employee parking or vehicle preparation activities and may be used for sale or rental of motor vehicles and boats in conjunction with a motor vehicle and boat sales facility.
- (b) Except for lots used for sale or rental of motor vehicles and boats in conjunction with a motor vehicle and boat sales facility, a storage lot shall not be required to meet the design requirements of this article, provided that it is surfaced with gravel and drained subject to the approval of the Engineering Division. If such a lot is to be paved, it shall comply with the drainage and surfacing requirements in § 118-64 as stated in Article III, Division 1 of this chapter.

...

Sec. 118-212. Motor vehicle parking facility design standards.

...

- (g) *Drainage.* Drainage shall be provided in accordance with § 118-64 Article III, Division 1 of this chapter.

...

Sec. 118-217. - Motor vehicle parking in yards.

...

- (c) *Residential districts.*

- (1) *Permitted vehicles.*

- a. *Generally.* Only the following motor vehicles shall be allowed to be parked in the open on a lot in a residential district:

- 1. Motorcycles.

2. Recreational vehicles, boats, and boat trailers, ~~as regulated by Section 118-76~~ in accordance with § 118- 62 and elsewhere in this chapter.

...

Sec. 118-220. Off-street loading.

Off-street loading spaces shall be provided as follows:

...

- (3) *Surfacing.* All open off-street loading spaces shall be improved with pavement and stormwater drainage facilities in accordance with such standards set forth in this article and §118-64. ~~in Article III, Division 1 of this chapter.~~

...

ARTICLE ~~V.~~ XII. LANDSCAPING

...

ARTICLE ~~VI.~~ XIII. NONCONFORMING STRUCTURES, LOTS, AND USES

...

ARTICLE ~~VII.~~ XIV. PLANNED DEVELOPMENTS

...

APPENDIX A. USE TABLE

USE	R1	R2	R3	R4	R5	NX	TX	CX	retail street	B1	B2	B3	B4	B6	H1	M1	M2	M3	OR
RESIDENCE AND ACCOMODATION																			
...																			
<i>Housing Services of the Elderly or Disabled</i>																			
Assisted-living facility, subject to § 118- 89 96				S		S	S	S			S	S			S				
Congregate living facility, subject to § 118- 88 95	R	R	R	R		R	R	R											
...																			
GENERAL SALES OR SERVICE																			
<i>Retail Sales or Service</i>																			
Automobile sales or service establishment, subject to § 118- 82 92:																			
...																			
Food establishments, subject to § 118- 85 93:																			
...																			
<i>Finance and Insurance</i>																			
...																			
Rental and leasing:																			
Automobile rental, subject to § 118- 82 92												S	S			S	S	S	
...																			
<i>Food Services, subject to § 118-85 93</i>																			
...																			
<i>Pet and Animal Sales and Services</i>																			
Animal shelters, subject to § 118- 95 97							S												
...																			
EDUCATION, PUBLIC																			

ADMINISTRATION, HEALTH CARE, & OTHER INSTITUTIONS																			
...																			
<i>Health and Human Services</i>																			
...																			
Social assistance, welfare, and charitable services:																			
...																			
Child day care in a residence, subject to § 118- 86 94	R	R	R	R		R	R	R		R	R	R							R
Child day care not in a residence, subject to § 118- 86 94	R	R	R	R		S	S	S	S	S	S	S	P	P	P	S	S	S	R
...																			