



# Village of Lincolnwood Zoning Code

Adopted: November 6, 2008

Amended Through: August 20, 2009

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## **Assistance provided by**

Teska Associates, Inc.

visited 7/7/2010

## **Amendments**

1. Ordinance No. Z 2009-368; Amendment regarding landscaping requirements.

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## **ARTICLE I – TITLE, INTENT AND PURPOSE, JURISDICTION**

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### **1.01 TITLE**

This comprehensive amendment shall be known, cited, and referred to as “the Village of Lincolnwood Zoning Ordinance.” Throughout this document it is referred to as the “Zoning Ordinance.”

### **1.02 AUTHORITY**

This Zoning Ordinance is adopted pursuant to the powers granted and the limitation imposed by state law and pursuant to the Village of Lincolnwood’s home rule authority as set forth in Article VII, Section 6(a) of the Illinois Constitution.

### **1.03 PURPOSE AND INTENT**

- (1) This Zoning Ordinance is adopted for the purpose of:
  - a. Promoting and protecting the public health, safety, comfort, morals, convenience, and general welfare;
  - b. Securing adequate natural light, pure air, and safety from fire and other dangers;
  - c. Conserving the taxable value of land and buildings;
  - d. Avoiding or lessening congestion in the public streets; and
  - e. Avoiding or lessening the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters.
  
- (2) This Zoning Ordinance is intended to accomplish the foregoing purposes by:
  - a. Dividing the entire Village of Lincolnwood into districts and restricting and regulating therein the location, construction, reconstruction, alteration and use of building structures and land, whether for residential, business, manufacturing or other specified uses;
  - b. Preventing the overcrowding of land through regulating and limiting the height and bulk of buildings thereafter erected as related to land area;
  - c. Establishing, regulating and limiting the building or setback lines on or along streets, alleys or property lines;

- d. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding such buildings;
- e. Establishing standards to which buildings or structures therein shall conform;
- f. Prohibiting uses, buildings or structures incompatible with the character of the residence, business or manufacturing districts;
- g. Preventing additions to, and alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed herein;
- h. Providing for the gradual elimination of those uses, buildings and structures which are incompatible with the character of the districts in which they are located, including, without being limited thereto:
  - i. Elimination of such uses of unimproved lands or lots when the existing rights of the persons in possession thereof are terminated, or when the uses to which they are devoted are discontinued;
  - ii. Elimination of uses to which such buildings and structures are devoted; Elimination of such buildings and structures when they are substantially destroyed or damaged as hereinafter provided.
- i. Defining and limiting the powers and duties of the Zoning Officers and bodies as hereinafter provided; and
- j. Prescribing penalties for the violation of the provisions of this Zoning Ordinance, or of any amendment thereto.

## ARTICLE II – RULES AND DEFINITIONS

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### Organization:

#### Part A: Rules and Definitions

2.01 Rules

2.02 Definitions

### PART A: RULES AND DEFINITIONS

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#### 2.01 RULES

In the construction of this comprehensive amendment, the rules and definitions contained in this Article II shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the future;
- (2) The singular number shall include the plural and the plural the singular;
- (3) The word "building" shall include the word "structure";
- (4) The word "shall" is mandatory and not discretionary; and
- (5) The word "may" or "should" is permissive.

#### 2.02 DEFINITIONS

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**ABUT:** To touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or right-of-way.

**ACCESSORY BUILDING:** A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the dominant use of the principal building.

**ADJOINING:** Touching or contiguous, as distinguished from lying near or adjacent.

**ALLEY:** Any right of way, with a width of not less than sixteen feet (16') nor more than twenty four feet (24'), which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

**ALTERATION:** Any change in size, shape, occupancy or use of a building or structure.

**ANIMAL GROOMING, SALES AND SERVICE:** Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

**ANIMAL HOSPITAL AND VETERINARY OFFICE:** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**ANIMAL SHELTER/KENNEL:** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**ANTENNA:** Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communications purposes including, but not limited to television, AM/FM radio, microwave, cellular telephone and similar forms of communications.

**APPLICANT:** Any person who requests relief pursuant to this Zoning Ordinance, including, without limitation, all record owners and beneficial owners of the property that is subject of the requested relief.

**ARCHITECTURAL FEATURE:** An element of a building design intended to be Ornamentation or decorative features attached to or protruding from an exterior wall.

**ART GALLERY:** An establishment engaged in the sale, loan, or display of art, books, paintings, sculpture, or other works of art. This definition does not include a place designed to be used as a dwelling unit.

**ARTIST STUDIO:** Place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing, vocal or instrumental music, painting, sculpture or writing.

**ASSISTED LIVING FACILITY:** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

**AUTO BODY AND REPAIR:** An establishment, building, or land used for the repair and maintenance of automobiles, motorcycles, trucks or similar vehicles including but not limited to body, fender, muffler, or oil change and lubrication, motor replacement or rebuilding, but excluding dismantling and salvage and establishment and facilities where the servicing and repair of vehicles is incidental to marketing and selling activities.

**AUTO SERVICE or GAS STATION:** Any building or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement of minor parts and accessories, but not including major repair work such as motor replacement or rebuilding.

**AUTOMOBILE WRECKING YARD:** See Junk Yard.

**AWNINGS:** A roof-like mechanism, retractable in operation, which projects from the wall of a building for the purpose of affording weather protection to doorways and windows. Often, awnings provide identity for a business and provide shade for display areas.

**BAKERIES RETAIL, BAKERIES WHOLESALE:** A Retail Bakery is one where not more than fifty percent (50%) of the floor area is devoted to processing or manufacturing of baked goods. A Wholesale Bakery is one where the floor area is devoted to processing or manufacturing baked goods, and not to include retail sales.

**BANK, CREDIT UNION, SAVINGS AND LOAN:** A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

**BANQUET FACILITY, BANQUET HALL:** A banquet facility or banquet hall is a building or portion (excluding facilities located in restaurants or hotels) thereof where food, either prepared on the premises or otherwise and/or beverages are provided on a prearranged basis for consumption on premises; is primarily intended to accommodate one or more groups of diners or patrons for functions such as banquets, wedding receptions and similar functions, is not open to the public, and the use thereof is restricted to the invitees of the party contracting for use of the facility.

**BASEMENT:** A portion of a structure located partly underground, but having less than half of its clear floor-to-ceiling height over more than half of its floor area below grade.

**BED AND BREAKFAST:** A private, owner-occupied business in a single-family residence where overnight accommodations and a morning meal are provided to transients for compensation.

**BERM:** A mound of soil, either natural or man-made, used to screen and visually separate, in part or entirely, one area, site or property from the view of another area.

**BILLIARD CLUB:** A business establishment containing more than two pool or billiard tables for the use of patrons.

**BLOCK:** A tract of land bounded by streets, or by a combination of streets, public lands, railroad rights-of-way, bulkhead lines or waterways, or boundary lines of the Village.

**BOARD OF TRUSTEES:** The President and Board of Trustees of the Village of Lincolnwood.

**BOAT:** Means any device (including jet skis and personal water craft devices) used or capable of being used for navigation on water.

**BOAT TRAILER:** Every Vehicle designed or utilized for the transportation of any Boat, without motive power, designed for being drawn by another vehicle.

**BUFFER:** Landscaping (other than mere grass on flat terrain), or the use of landscaping along with berms, walls or decorative fences, that at least partially and periodically obstruct the view from the street, in a continuous manner, of: vehicular use areas; parking lots and their parked cars; detention and retention ponds; cellular tower facilities; and other similar uses.

**BUILDABLE AREA OF A LOT:** That portion of a lot bounded by the yards required pursuant to this Zoning Ordinance.

**BUILDABLE ENVELOPE SPACE:** That portion of a Lot determined to be buildable by code and not including the required, Front, Side and Rear Yards.

**BUILDING:** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and which is permanently affixed to the land.

**BUILDING, ACCESSORY:** (See ACCESSORY BUILDING).

**BUILDING CODE:** Chapter Six of the Village Code, as amended.

**BUILDING COVERAGE:** The horizontal area measured within the outside of the exterior walls of the ground floor of all principles and accessory buildings on a lot.

**BUILDING, DETACHED:** A building surrounded by open space.

**BUILDING, HEIGHT OF:** The vertical distance from the grade at the top of the curb to the highest point of the coping of a flat roof, or to the peak of the ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height. (See also specific regulations for each zoning district; see also, Def. "Finished First Floor Height" and Def. "Eave Height")

**BUILDING MATERIAL SALES:** Establishments or places of business primarily engaged in retail or wholesale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

**BUILDING, PRINCIPAL:** A building or structure in which the primary use of the lot on which the building is located is conducted

**BUILDING, TEMPORARY:** Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.

**BULK (REGULATIONS):** The regulations set forth in this Zoning Ordinance pertaining to the permissible or required height, volume, area, floor area, floor area ratio, minimum lot area and dimensions, building coverage, lot coverage, yards and setbacks, and usable open space applicable to uses and structures.

**BUSINESS:** An occupation, employment or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold, or where services are offered.

**CABINET:** An exterior casing or console or other enclosure having horizontal dimensions of not more than four feet by six feet, and used to protect and provide security for equipment associated with one or more antennas.

**CALIPER:** The diameter of the trunk of a tree measured in inches at a point six (6) inches above ground line.

**CAR AND LIGHT TRUCK RENTAL:** Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxi-cab dispatch areas.

**CAR WASH:** Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets.

**CARPORT:** A roofed automobile shelter, with one or more open sides.

**CATERING:** A business or activity, the purpose of which is the processing, preparing, and serving of meals or food items for off-premise consumption. This definition shall not include any business location where on-premise over-the-counter retail sale of food items occurs and shall not include banquet halls or banquet facilities as defined in this Zoning Ordinance.

**CELLAR:** A story having more than one-half (1/2) of its floor to clear ceiling height below grade.

**CHARACTER:** Special physical characteristics of an existing or proposed building or structure or an area that set it apart from its surroundings and contributes to its individuality. Character- defining considerations include, but are not limited to, building height, shape, materials, orientation and architectural style and features, as well as the site's interior spaces and relationship to the surrounding area.

**CHILD/ELDERLY DEVELOPMENT CENTER:** A building or part of a building, other than a child development home or elderly daycare home, used for the licensed care, education, counseling, or training of individuals 15 years of age or less and/or for the care of elderly individuals, totaling six or more persons, who are not related by blood or marriage to the caregiver and who are present for less than 24 hours per day. This definition encompasses facilities generally known as child care centers, preschools, nursery schools, before-school and after-school programs, senior care centers, elder care programs, and similar programs and facilities. A child/elderly development center includes the following accessory uses: counseling, education, training, and

health and social services for the parents or principal guardians of children attending the center.

**CLINIC, MEDICAL OR DENTAL:** (See MEDICAL OR DENTAL CLINIC).

**CLOSED CUP FLASH POINT:** The lowest temperature at which a combustible liquid under the most favorable conditions, will give off a flammable vapor which will burn momentarily.

**CLUB or LODGE, PRIVATE:** A nonprofit association of persons who are in fact members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises, provided they are secondary and incidental to the principal use.

**CO-USE AND COLLOCATION:** The location and use of two or more antenna on a single monopole, tower, antenna support structure or mast.

**COLLEGE or UNIVERSITY:** An educational institution authorized by the State of Illinois to award associate, baccalaureate, or higher degrees.

**COMMERCIAL VEHICLE:** Either a Class 1 or Class 2 commercial vehicle and any trailer including, but not limited to tar hoppers, generators, cement trailer, or any portable construction or maintenance equipment that is not a camper trailer, or a recreational vehicle trailer.

- (1) CLASS 1: Any vehicle, other than a recreational vehicle, regardless of the use to which the vehicle is put or intended or designed to serve and regardless of any other classification system made applicable to vehicles by any governmental body, that weighs in excess of 8,000 pounds in gross weight (including vehicle and maximum load).
- (2) CLASS 2: Any vehicle that is not a recreational vehicle or a Class 1 commercial vehicle that is operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, regardless of whether for hire, including without limitation the following:
  - a. any van with no side windows other than those adjacent to the driver and passenger seats, sometimes known as "panel vans"; or
  - b. any other vehicle with any commercial markings or any removable equipment or merchandise stored on the exterior of the vehicle.

**COMMUNITY CENTER:** A building to be used as a place of meeting, recreation or social activity and not operated for profit.

**COMMUNITY RESIDENCE:** A group home or specialized residential care home, the residents of which do not constitute a family, that serves persons with disabilities, that is licensed, certified, or accredited by appropriate governmental entities, and that does not serve persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is treatment of a communicable disease.

**COMPREHENSIVE PLAN:** The official Comprehensive Plan of the Village of Lincolnwood.

**CONFORMING BUILDING or STRUCTURE:** Any building or structure which: (a) complies with all the regulations of this Zoning Ordinance or of any amendment thereto governing bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted or special use as applicable in the district in which it is located.

**CONTIGUOUS:** In actual contact.

**CONVENIENCE STORE:** Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

**CONVERSION VAN:** A stock model van with major customizing and which bears "RV" license plates.

**DAY CARE NURSERY:** A place providing daycare for not more than six children, including family members, being operated as a home occupation, and retaining all necessary state licenses.

**DECIBEL:** A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in "decibels".

**DEVELOPMENT REVIEW TEAM:** The Village Building Commissioner, the Village Director of Community Development, the Village Director of Public Works, the Village Police Chief, and the Village Fire Chief, or their respective designees.

**DIRECTIONAL PANEL ANTENNAS:** Directional (or "panel") antennas, designed to receive and/or transmit signals in a directional pattern which is less than 360°, typically an arc of approximately 120°.

**DISH ANTENNA:** Any disc not exceeding 39 inches in diameter, whether flat, concave, or parabolic, that is designed to receive signals from satellites or other sources or to transmit such signals to a receiving station.

**DISTRICT:** A portion of the corporate area of the Village of Lincolnwood, as designated on the Zoning District Map, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this comprehensive amendment.

**DRIP LINE:** A vertical line extending from the outermost portion of the tree canopy to the ground.

**DRIVE-UP, DRIVE-IN, DRIVE-THROUGH, DRIVE-THRU ESTABLISHMENT:** A place of business being operated for the sale and purchase at retail of food or beverages and other goods, services, or entertainment which is designed and equipped so as to allow its patrons to be served or accommodated primarily while remaining in their

motor vehicles. Examples of drive-in, drive-up, drive-through or drive-thru establishments include, but are not limited to, the following:

- (1) Drive-in, Drive-through or Drive-thru Bank, Financial Institution or Automated Teller Machine. A building or portion thereof where normal financial activities such as depositing or withdrawing funds, cashing checks, making utility payments, etc., are carried on directly by a customer seated in a motor vehicle and a teller within the building at a drive-up window; or where such aforesaid activities are carried on directly by a customer seated in a motor vehicle and utilizing an automated teller machine.
- (2) Drive-up, Drive-in Restaurant. A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the service takes place or is designed to take place outside the confines of the building, usually in a motor vehicle on the site.
- (3) Drive-through or Drive-thru Facility: restaurants; coffee/beverage stand; dry cleaners; film concessions; and pharmacies. A drive-through or drive-thru facility is any establishment building or portion thereof where the design, method of operation, or any portion of whose business use eliminates the requirement that the customer leave the motor vehicle in which the customer is riding in order to obtain the delivery of the goods or services being offered.

**DRIVEWAY:** Any impervious surface providing direct ingress to and egress from a parking space located on any zoning Lot.

**DRY CLEANING, PICKUP:** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

**DRY CLEANING PLANT, SERVING MORE THAN ONE RETAIL OUTLET:** A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**DUPLEX/TWO-FAMILY DWELLING:** A building containing two (2) dwelling units only, one above the other.

**DWELLING:** A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family and multiple-family dwellings, but not including lodging rooms in hotels, motels or rooming houses.

**DWELLING, ATTACHED:** A dwelling joined to two (2) other dwellings by party walls, cavity walls, or other above-ground physically unifying horizontal structural elements.

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

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

**DWELLING, SEMI-DETACHED:** A dwelling joined to one other dwelling by a party wall, cavity wall or other above-ground physically unifying horizontal structural element

**DWELLING, SINGLE-FAMILY:** A building containing one dwelling unit only.

**DWELLING, TWO-FAMILY:** A building containing two (2) dwelling units only, one above the other.

**DWELLING UNIT:** One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each "dwelling unit".

**EAVE:** The lower edge or edges of a roof, usually projecting beyond the sides of the building.

**EAVE HEIGHT:** The vertical distance from the grade elevation at the top of the curb to the bottom of eave of the building.

**EFFICIENCY UNIT:** A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove does not exceed ninety (90) square feet in area.

**E.I.F.S.:** Exterior Insulated and Finish System is a building façade finishing system that utilizes a foam board insulation backing, which is covered with a reinforced base coat and then a final layer of a textured finish coat.

**ELDERLY DAYCARE HOME:** A dwelling unit used in part for the care, education, recreation, or training of no more than five elderly individuals who are not related by blood or marriage to the caregiver and who are present for less than 24 hours per day. This definition encompasses facilities generally known as senior care centers, elder care programs, and similar programs and facilities.

**ELECTRIC DISTRIBUTION CENTER:** A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

**ELECTRIC SUBSTATION:** A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**ENGINEER, VILLAGE:** The official of the Village of Lincolnwood, duly appointed and designated as the Village Engineer.

**ENTERTAINMENT VENUE:** An outdoor or indoor area, building, or part of a building, devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**ESTABLISHMENT, BUSINESS:** A place of business, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.

**FAA:** The Federal Communications Aviation Administration.

**FAÇADE:** The exterior wall of a building that is exposed to public view.

**FACILITY WITH DRIVE-THROUGH:** (see DRIVE-THROUGH ESTABLISHMENT)

**FALLOUT SHELTER:** 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.

**FAMILY:** An individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, or a group of not more than five persons who need not be related by blood or marriage or adoption, living as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, or adoption, in either case exclusive of servants.

**FCC:** The Federal Communications Commission.

**FENCE:** An accessory structure, assembled using cut or formed natural materials or artificial materials, which is used as a barrier, boundary, decorative accessory, means of protection or confinement enclosing or dividing a piece of land, and which is over twelve inches (12") in height above the ground level. Examples include, but are not limited to, Open Fences, Solid Fences, masonry and stone walls. For the purposes of this Chapter, a Fence shall not include naturally growing shrubs, bushes and other foliage.

**FENCE HEIGHT:** All sections of fence (excluding the post) in any Lot may have a total height that shall not exceed the prescribed maximum Fence Height; provided that the space between the bottom of a section of Fence and the ground beneath it shall not exceed three (3) inches. A Fence post may extend no more than a maximum of three (3) inches above the section of Fence.

**FENCE, LEGAL NONCONFORMING, OR LEGAL NONCONFORMING FENCE:** Any Fence which was erected pursuant to a permit and is maintained in good condition and existing prior to the passage of the regulation, but which does not conform to the regulations set forth in this Zoning Ordinance.

**FENCE MAINTENANCE:** The painting, staining, sand scraping, nailing, screwing, riveting, welding, tie-wiring, or clamping so as to restore the like new appearance, restore the safe condition, or maintain the condition of what would generally be considered a good functioning Fence.

**FENCE, OPEN, OR OPEN FENCE:** A Fence including gates, which has, over its entirety, no less than fifty percent (50%) of the surface area in open space as viewed from an angle of ninety degrees (90°), from the Fence line. Examples include, but are not limited to: chain link; wrought iron; picket; Kentucky rail; split rail.

**FENCE PANEL:** That portion of a Fence that is between the Fence posts.

**FENCE, REAR or BACK FACE:** The face side of a Fence which shows the most amount of structural supports.

**FENCE REPAIR:** Any action in which a person fixes, mends, restores, or removes that portion of a Fence which provides its opacity (e.g., vertical boards, individual post replacement, slats, pickets, chain link) and/or associated horizontal supports. Repair shall include any action to an existing Fence within a calendar year not specifically included within the definition of "Fence Replacement" or "Fence Maintenance".

**FENCE REPLACEMENT:** Any action in which a person removes and replaces more than twenty-five percent (25%) of the number of posts or horizontal or vertical members in a Fence within a calendar year.

**FENCE, SEMI-PRIVATE, OR SEMI-PRIVATE FENCE:** A Fence which is not a Solid Fence nor an Open Fence. These types of fences are restricted to board-on-board and shadow box types. The open space between vertical fence boards shall not exceed 85% of the width of the boards on the same side of the Fence.

**FENCE, SOLID, OR SOLID FENCE:** A Fence which is not open over fifty percent (50%) of the surface area. Examples include, but are not limited to: stockade, board and batten, basket weave, chain link with woven slat inserts, and brick, except as otherwise provided.

**FENCE MATERIAL, UNACCEPTABLE:** Materials such as concrete block, cinder block, plank lumber over six inches (6") in width, scrap lumber, scrap materials, barbed wire (except at the top of a Fence in an "M" District where not abutting a residential Lot or in any zoning district where used to enclose utility or telecommunications facilities), pallet lumber, plastic pipe, plastic or synthetic materials, exterior insulation finish systems, combinations of materials, "chicken wire mesh" (except as allowed immediately around compactly planted vegetable gardens, as seasonally needed in Rear and Side Yards only, square wire farm fence, in residential zones welded wire fence with members less than ½" in diameter, fabric, burlap, plastic sheets (except approved synthetic composite materials), wood and plastic snow fence, rubble and debris and Open Fences with obstructions.

**FINISHED FIRST FLOOR:** The finished surface of the floor level above the basement or cellar of a structure or building, or the upper surface of the floor of the first story of a structure or building.

**FINISHED FIRST FLOOR HEIGHT:** The vertical distance from the grade elevation at the top of the curb to the top of the finished first floor.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two buildings or uses. Gross floor area shall include, without limitation, areas such as:

- a. basement floors;
- b. elevator shafts and stairwells at each floor;
- c. floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except equipment located in a cellar or on the roof;
- d. penthouses;
- e. interior balconies and mezzanines;
- f. enclosed porches; and
- g. floor space used for accessory uses.

When any space has a floor-to-ceiling height of 14 feet or more, each 14 feet of height, or fraction thereof, shall constitute a separate floor, provided, however, for spaces with a sloping or slanting ceiling, only that portion of such space with a floor-to-ceiling height of 14 feet or more shall be treated as a separate floor.

Gross floor area shall exclude the following specific areas:

- a. horizontal area devoted to off-street parking and off-street loading facilities, located in each floor of a building;
- b. cellar floors;
- c. attic floors;
- d. decks and patios;
- e. open, unenclosed porches;
- f. sheds one hundred (100) square feet in area or less;
- g. chimneys projecting not more than two feet from an exterior wall; and
- h. the first two hundred fifty (250) square feet or fifty percent (50%) of the floor area of a detached or attached garage, whichever is less.

**FLOOR AREA (FOR DETERMINING OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS):** "Floor area", when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use, shall be the sum of the net horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of the walls.

**FLOOR AREA RATIO:** The gross floor area of a building divided by the total lot area of the zoning lot on which it is located. For Planned Unit Developments, the floor area ratio shall be determined by dividing the gross floor area of all principal buildings by the total lot area of the development site.

**FREIGHT TERMINAL:** A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intrastate or interstate shipment by motor trucks or railroad freight cars.

**FREQUENCY:** Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

**FRONT FACE OF FENCE:** The face side of a Fence which shows the least amount of structural supports.

**FRONT FACING DESIGN FACADE:** The facade of a residence which may face the Front Yard Lot Line, or the Corner Yard Lot Line, which contains what would normally be considered the front entrance door to the residence. (See, Diagram E and F following)

**FRONT FACING FACADE:** Any facade of the principal building which approximately parallels the Front Lot Line and exceeds eight feet (8') in length. (See, Diagram E following).

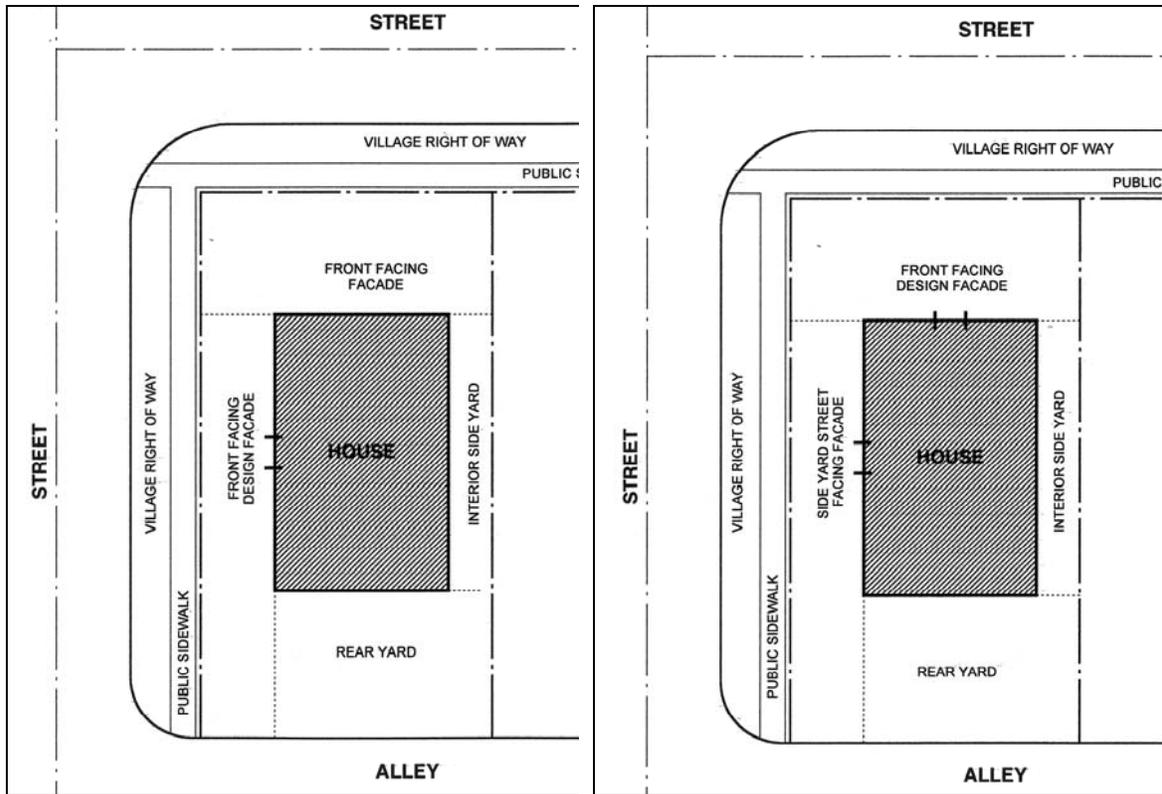


Diagram E (See Section 3.13)

Diagram F (See Section 3.13)

**GARAGE, PRIVATE:** An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on.

**GARAGE, PUBLIC:** A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.

**GARAGE, STORAGE or OFF-STREET PARKING:** A building or portion thereof designed or used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

**GAS STATION:** (See "AUTO STATION").

**GRADE:** The average elevation of the finished surface of the ground adjoining the exterior walls of a building or the base of a structure.

**GROCERY STORE:** Store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

**GROUND FLOOR AREA:** The lot area covered by a principal building, measured at grade, from the exterior faces of the exterior walls, but excluding open porches or terraces, garages or carports.

**GUIDELINES:** Recommended design elements.

**GUY TOWER:** A tower that is supported in whole or in part by guy wires and ground anchors.

**HEALTH CLUB OR PRIVATE RECREATION:** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary or usual recreational activities, operated for profit or not-for-profit and which can be open only to members and guests of the organization or open to the public for a fee.

**HEIGHT:** When referring to a monopole or mast, means the distance measured from the finished grade to the highest point on the structure, including the base pad and any antenna.

**HOME OCCUPATION:** Any home occupation or profession conducted entirely within a dwelling by a member of the family residing in the dwelling and when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes, and in connection with which: (a) there is no other display or activity that will indicate from the exterior of the dwelling that it is being utilized in whole or in part for any purpose other than a residential use; (b) there is not sold or conducted a commodity or service that requires regular receipt and delivery of merchandise, goods or equipment by other than first class mail; (c) an accessory building is not used in whole or in part for such home occupation; (d) vehicular traffic in the vicinity of the dwelling is not increased by more than one additional vehicle at a time; and (e) no separate entrance is provided in connection with the conduct of any home occupation.

**HOSPITAL:** An institution which maintains and operates facilities for the diagnosis, treatment, medical care or surgical care of persons suffering from illness, disease, injury, deformity or other abnormal physical condition and which permits overnight lodging for patients.

**HOTEL OR MOTEL:** An establishment which is open to transient guests, in contradistinction to a lodging house, boarding house, or a rooming house, and is commonly known as a hotel in the Village of Lincolnwood, and which provides the following customary hotel services: maid service; furnishing and laundry of linens; telephone and secretarial and desk service; the use and upkeep of furniture; and bellboy service.

**HOTEL, APARTMENT:** A hotel in which at least eighty percent (80%) of the hotel accommodations are occupied by permanent guests, securing such accommodations by prearrangement for a continuous period of thirty (30) days or more.

**IMPERVIOUS MATERIAL:** Any material that substantially reduces or prevents the infiltration of water.

**IMPERVIOUS SURFACE:** A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of Portland cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration. (Ord. Z2004-256, 6-17-2004, see also "Impervious Material" and "Pervious").

**INOPERABLE VEHICLE; INOPERABLE MOTOR VEHICLE:** Any motor vehicle or any Vehicle from which, for a period of at least forty-five (45) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the Vehicle is incapable of being driven under its own motor power. Inoperable Motor Vehicle shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles.

**INSTITUTION:** A building occupied by a nonprofit corporation wholly for public or semi-public use.

**JUNK YARD:** An open area of land and any accessory building or structure thereon which are used primarily for buying, selling, exchanging, storing, baling, packaging, disassembling or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tires and bottles.

**KENNEL:** Any premises or portion thereof on which more than three (3) dogs, cats or other household domestic animals over one year of age are kept, or on which one or more of such animals are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

**LANDSCAPING:** The modification of the landscape for an aesthetic or functional purpose using a combination of elements including trees, shrubs, ground cover, grass, and flowers.

**LATTICE OR SELF-SUPPORTING TOWER:** A tower that has open-framed supports on three (3) or four (4) sides and is constructed without guy wires and ground anchors.

**LAUNDROMAT/LAUNDERETTE:** A business that provides coin-operated self-service type washing, drying, dry-cleaning and/or ironing facilities, providing that no pickup or delivery service is maintained.

**LIBRARY:** A public facility for the use and borrowing, but not sale, of literary, musical, artistic, or reference materials.

**LIQUOR STORE, PACKAGE GOODS:** Establishments engaged in the sale of alcoholic beverages for off-premises consumption.

**LOADING SPACE:** A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks and with access to a street or alley.

**LODGE, FRATERNAL AND CIVIC ASSEMBLY:** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

**LOT or BUILDING SITE:** A single parcel of land located within a single block which is under unified ownership or control, and which is designated by the owner or developer as a tract to be used, developed or built upon as a unit. A "Lot" as used herein may be a single parcel legally described as such or may consist of one or more Lots or parts of Lots of a recorded subdivision.

**LOT, CORNER:** A Lot, the Front Lot Line and at least one Side Lot Line of which each abut the right-of-way of two (2) or more streets, which streets have an interior angle of intersection of not more than one hundred thirty-five (135 ) degrees.

**LOT DEPTH:** The mean horizontal distance between the Front Lot Line and the Rear Lot Line

**LOT, INTERIOR:** A Lot that is not a Corner Lot.

**LOT LINE:** A property line bounding a Lot.

**LOT LINE, FRONT:** The line separating the Lot from the street for Corner Lots. The Lot Line having the shortest length abutting a street line shall be the Front Lot Line.

**LOT LINE, INTERIOR:** A Lot Line that is not a Rear Lot Line and that does not abut a street.

**LOT LINE, REAR:** The line that most nearly qualifies as the line most distant and opposite from the Front Lot Line. In the case of an irregularly shaped Lot, the Rear Lot Line shall be the line that is (a) perpendicular to the mean direction of the Side Lot Lines, (b) at least ten feet within the Lot, and (c) most distant and opposite from the Front Lot Line.

**LOT LINE, SIDE:** Any Lot Line other than a Front Lot Line or a Rear Lot Line.

**LOT or LOT OF RECORD:** A portion of platted land and territory that is measured, set apart, shown, numbered and delineated upon a duly approved plat of subdivision or resubdivision recorded with the Cook County Recorder of Deeds.

**LOT, REVERSED CORNER:** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**LOT, THROUGH:** A Lot having Lot Lines on two nonintersecting streets or on substantially parallel sections of two intersecting streets.

**LOT WIDTH:** The minimum horizontal distance between the Side Lot Lines of a Lot, measured at the narrowest width within the buildable area. For Lots located on a cul-de-sac, Lot Width shall be the average of (i) the width of the street frontage of that Lot, and (ii) the widest width of that Lot within the buildable area.

**MANUFACTURING, LIGHT:** The production, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**MANUFACTURING, MEDIUM:** The processing and manufacturing of materials or products, typically in the initial processing stage or manufacturing of products that require additional processing, fabrication, or assembly for ultimate use by the consumer. These activities do not necessitate the storage of large volumes of highly flammable, toxic or explosive materials.

**MARQUEE OR CANOPY:** A roof-like structure of a permanent nature which projects from the wall of a building.

**MASONRY WALL:** A wall constructed of a type of masonry product permitted by Village codes, such as stone or brick.

**MASSAGE THERAPY ESTABLISHMENT:** An establishment where massage therapy, as defined and licensed by the State of Illinois, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, or physical therapist. This definition does not include an athletic club, health club, school, gymnasium, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or supplementary service.

**MAST:** A thin, self-supporting pole, not more than fifty (50) feet high, which resembles a light standard or a telephone pole and is used as a support structure for antennas.

**MEDICAL OR DENTAL CLINIC:** A facility, other than a hospital as herein defined, which provides health care for ambulatory patients and maintains and operates facilities for the diagnosis, treatment, medical care or surgical care of persons. Medical treatment typically does not require a stay of more than 24 hours, except for those facilities used solely for the evaluation of patients in a Sleep Lab. The principal use of a medical or dental clinic is for offices of an organization or group practice specializing physicians or dentists or both.

**MICRON:** A unit of length, equal to one-thousandth part of one millimeter - .001 millimeter.

**MOBILE HOME:** A trailer designed and constructed for dwelling purposes.

**MONOPOLE:** A self-supporting pole over fifty (50) feet high, which consists of a single shaft which has either a solid or hollow core, and which is used as a support structure for antennas, but which has neither lattice framework nor external support devices such as guy wires.

**MULCH:** Vegetative material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.

**MULTIPLE-FAMILY DEVELOPMENT:** A detached building designed and used as a dwelling by three or more families occupying separate suites.

**MULTIPLE-FAMILY DWELLING:** A building containing three (3) or more dwelling units.

**MUNICIPAL FACILITY:** Any public facility, including, without limitation, police and fire stations and civic buildings providing municipal services.

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

**NONCONFORMING BUILDING or STRUCTURE:** Any building or structure lawfully established which: (a) does not comply with all the regulations of this Zoning Ordinance or of any amendment thereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a nonconforming use.

**NONCONFORMING LOT:** Any lot/lot of record not in conformity with this Zoning Ordinance.

**NONCONFORMING STATUS EXCEPTION:** An exception to Article IX to allow a nonconforming use or structure to be deemed in conformity with the requirements of Article IX, continue and to expand as a lawfully existing use or structure. The exception shall be granted by the Village Board of Trustees following review and recommendation by the Plan Commission/Zoning Board of Appeals (see Article IX, Part E).

**NONCONFORMING USE:** Any building or structure and the use thereof or the use of land that does not conform with the regulations of this comprehensive amendment or any amendments thereto governing use of the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.

**NOXIOUS MATTER or MATERIAL:** A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**NATURAL SCREENING:** The use of deciduous trees, deciduous bushes, evergreen trees, evergreen bushes or other live plantings which are planted or grown in a manner that creates a hedge which acts as a barrier or boundary.

**NATURAL SCREENING, UNACCEPTABLE:** The free growth of noxious weeds, any plant materials that have died, or plants that are on a list of the Federal, State, or County government and agencies as being unacceptable or hazardous to persons or the environment.

**NURSING AND PERSONAL CARE FACILITY:** An establishment that provides full-time nursing and health-related personal care, but not hospital services, with in-patient beds for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. A hospital shall not be construed to be included within this definition.

**OCTAVE BAND:** A method of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**OCTAVE BAND FILTER:** An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

**OFFICE, GENERAL OR PROFESSIONAL:** A room or group of rooms used for conducting the affairs of a business, profession, service industry, government, or governmental agency, but not including medical or dental offices.

**OFFICE, MEDICAL OR DENTAL:** A building or portion thereof, the principal use of which is for offices of an organization or group practices of specializing physicians or dentists or both, and contains facilities for examination and treatment of patients, but without facilities for overnight lodging, except for those facilities used solely for the evaluation of patients in a Sleep Lab.

**OMNIDIRECTIONAL WHIP ANTENNA:** Omni-directional or "whip" antennas, are antennas designed to receive and/or transmit signals in a 360° pattern, up to 20 feet in height or length, and up to approximately 5 inches in diameter;

**OPEN SALES LOT:** Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

**OUTDOOR STORAGE:** The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period exceeding 72 consecutive hours.

**PARKING GARAGE:** A building or portion thereof designed or used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

**PARKING SPACE:** An area, enclosed in a building or unenclosed, reserved for the parking of one motor vehicle with ingress and egress to a street or alley.

**PARKS AND PLAYGROUND:** An area reserved for, and designed principally to offer recreation, passive or active, to the public. This area may include, but shall not be limited to, open fields, accessory buildings, walkways, benches, multi-use courts, swimming and wading pools, amphitheaters, etc.

**PARTICULATE MATTER:** Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

**PARTY WALL:** A common wall which extends from its footing below grade to the underside of the roof and divides buildings.

**PAVEMENT MAINTENANCE:** Pavement maintenance items include, without limitation: seal coating; hot mix asphalt (HMA) overlays of existing impervious areas; removal and replacement of existing concrete sidewalks; pulverizing in place existing HMA impervious areas and overlaying with a new impervious pavement section over the same or smaller area with less than 50% subbase repairs; complete removal of existing impervious areas and replacement with a new impervious pavement section over the same or smaller area with less than 50% subbase repairs; and other similar activities. (Ordinance No Z2009-368)

**PAVEMENT RECONSTRUCTION:** Pavement reconstruction includes, without limitation: pulverizing in place existing HMA impervious areas and overlaying with a new impervious pavement section over the same or smaller area with 50% or more subbase repairs; complete removal of existing impervious areas and replacement with a new impervious pavement section over the same or smaller area with 50% or more subbase repairs; and other similar activities not included within the definition of "pavement maintenance" set forth in this Article. (Ordinance No Z2009-368)

**PEDESTRIAN SCALE DEVELOPMENT:** A development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on vehicular access and parking areas.

**PERFORMANCE STANDARD:** A criterion established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

**PERSON:** Any individual, firm, corporation, partnership, joint venture, trust, trustee, estate, association, or other similar legal entity, and any agent thereof.

**PERSONAL SERVICE ESTABLISHMENT:** A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location, including, without limitation, travel agencies, dry cleaning and laundry drop-off and pickup stations, tailors, hair stylists, cosmeticians, toning or tanning salons, banks, currency exchanges, postal substations, package delivery and pickup stations, shoe repair shops, interior design studios, dance and martial arts studios, and domestic pet services.

**PERSONAL WIRELESS SERVICE:** A commercial mobile telecommunications service, unlicensed, wireless telecommunications service, or common carrier wireless telecommunications exchange access service.

**PERSONAL WIRELESS SERVICE FACILITIES:** Facilities for the provision of personal wireless services.

**PERVIOUS:** The ability of a substance to allow the passage of water.

**PLAN COMMISSION/ZONING BOARD OF APPEALS (PC/ZBA):** The Plan Commission and Zoning Board of Appeals of the Village of Lincolnwood.

**PLANNED UNIT DEVELOPMENT:** A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings and one principal use, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

**POOL HALL:** (See "BILLIARD CLUB").

**POSTAL SERVICES:** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**PROPERTY OWNER:** The owner of a property or premises or lesser estate in the property or premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent. Property owner shall include a tenant in control of the entire property or premises.

**PUB or LOUNGE:** An establishment in which the primary business is the retail sale of alcoholic beverages for consumption on the premises and where sandwiches and snacks may be served or sold as an accessory use. Also sometimes referred to as a "bar" or "tavern".

**RADIATION HAZARDS:** The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include, but are not limited to, electro-magnetic radiations such as X-rays and gamma rays, and particulate radiations such as electrons or beta particles, protons, neutrons and alpha particles.

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

**RECREATIONAL VEHICLE:** A vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including but not limited to, the following:

- a. **Boat:** Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
- b. **Camper trailer:** A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation, or vacation use.

- c. **Motorized Home:** A temporary dwelling designed and constructed for travel, camping, recreational, or vacation uses as an integral part of a self-propelled vehicle.
- d. **Off-Road Vehicle:** A vehicle intended primarily for recreational use off roads on which state vehicle licenses are required, including dune buggies, go-carts, or snowmobiles.
- e. **Racing Car or Cycle:** A vehicle such as a race car, stock car, or racing cycle that is intended to be used in racing competition.
- f. **Travel Trailer.**
- g. **Vehicle Trailer:** a vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle, or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

Conversion Vans are not Recreational Vehicles for purposes of this Zoning Ordinance.

**RECREATIONAL VEHICLE TRAILER:** Any Trailer as defined herein and shall also include any vehicle on wheels, skids, rollers or blocks, either self propelled or propelled by any other means, which is used or designed to be used primarily for residential, living, sleeping purposes or for the transportation of boats or any other recreational equipment, or for other similar purposes.

**RELIGIOUS INSTITUTION:** A place of worship or religious assembly with related facilities such as: rectory; private school; meeting hall; offices for administration of the institution; licensed child or adult care, playground, cemetery.

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

**RESTAURANT:** A place of business in which food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises, and for which carryout services and facilities are clearly subordinate to the principal use of providing prepared foods for consumption on the premises. The term "restaurant" includes, without limitation, establishments such as cafes, lunch counters, cafeterias, or other similar businesses, but does not include fast-food restaurants.

**RESTAURANT, FAST-FOOD or CARRYOUT:** Any business in which the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises at which it is prepared.

**RETAIL SALES AND SERVICES:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street or related facilities, public path or trail, railroad, electric line, oil or gas pipeline, water main, sanitary or storm sewer, communication line, or for other special uses.

**ROADWAY:** That portion of a street which is used or intended to be used for the travel of motor vehicles.

**SCHOOL, PUBLIC:** A building operated and maintained for educational purposes and such other community uses as deemed necessary and desirable.

The term "public school" shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a public school, including but not restricted to, athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space. The term "public school" shall also include a community-centered school campus. Any building or structure used in whole or in part to house the administrative offices or maintenance and repair shops intended or used for the entire school system, or as a technical or vocational school, shall not be considered a "public school".

**SCHOOL, TRADE, MUSIC, OR DANCE SCHOOL, FOR-PROFIT:** An education institution, either for-profit or not-for profit, where classes in the various arts (e.g. dance, painting, sculpture, music, performance) or for the teaching of industrial, clerical, managerial, or artistic skills (e.g. graphic design, beauty school, legal assistance) are taught to more than four persons at a time.

**SCREEN OR SCREENING:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also consist of deciduous trees, deciduous bushes, evergreen trees, evergreen bushes or other live plantings which are planted or grown in a manner that creates a hedge which acts as a barrier or boundary.

**SETBACK:** The minimum horizontal distance between a specified Lot Line, measured along a straight line and at a right angle to such Lot Line, and the nearest point of a building or structure.

**SETBACK, ESTABLISHED:** When forty percent (40%) or more of the lots fronting on one side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of required front yards for the remainder of the lots along such street frontage, as regulated in this Zoning Ordinance.

**SHRUB:** Small-scale plants, generally without a single stem, used as hedges, foundation planting, borders and accents, possessing qualities such as flowers, fruit, and attractive foliage or shape.

**SIDE YARD STREET-FACING FACADE:** Any facade of the principal building which approximately parallels the Side Lot Line which also faces a street and exceeds eight feet (8') in length. (See, Diagram D following)

**SIGHT TRIANGLE:** A triangular area, described by the edge of pavement lines of two intersecting streets and a line connecting the edge of pavement lines, each leg of which is twenty-five feet (25') in length, extending in both directions from the intersecting point of the street curb lines and the hypotenuse.

**SINGLE-FAMILY DWELLING:** A building containing one dwelling unit only.

**SLEEP LAB:** Building or portion thereof which contains facilities for examination and monitoring of patient stay shall exceed one night and all patients will be monitored at all times.

**SMOKE:** The discharge from a chimney, stack, vent, exhaust or combustion process which is made up of particulate matter.

**SOUND LEVEL:** The intensity of sound of an operation or use as measured in decibels.

**SOUND LEVEL METER:** An instrument standardized by the American Standards Association for measurement of the intensity of sound.

**STANDARDS, DESIGN:** Design elements required by code.

**STORY:** That portion of a building, other than a cellar, 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 the floor and the ceiling next above it. When a basement is used for a garage for use of occupants of the building, or other utilities common for the rest of the building, it shall not be counted as a story. A cellar is not included in computing the number of stories for the purpose of height measurement.

**STORY, HALF:** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three feet (3') above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**STREET:** That portion of a public or private right-of-way having a weight-bearing surface that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or throughway or however otherwise designated, but not including driveways to buildings. An alley shall not be considered a street.

**STREET, FRONTAGE:** All of the property fronting on one side of a street, measured along such street between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of 30 feet, an end of a dead-end street, or a municipal boundary.

**STREET FURNITURE:** Features associated with a street that are intended to enhance that street's physical character and use by pedestrians, such as benches, trash receptacles, lights etcetera.

**STREET LINE:** The street right-of-way line abutting a property line of a lot.

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

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

**SUPPORT LABORATORY:** A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human or animal products; and dental laboratories for the production of dental restorations on the order of a dentist. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

**SUPPORT STRUCTURE:** A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice tower) and other similar structures.

**TELECOMMUNICATIONS FACILITIES:** The plant, equipment and property used to transmit, receive, distribute, provide or offer telecommunications services, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, monopoles, telecommunications support facilities, alternative tower structures, electronics and other appurtenances.

**TELECOMMUNICATIONS SERVICE:** Providing or offering for rent, sale or lease or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

**TELECOMMUNICATIONS SUPPORT FACILITIES:** Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

**TEMPORARY CONSTRUCTION FENCE:** A chain link fencing used to enclose a construction site, with appropriate gates, meant for security, health and welfare of the public.

**TOWER:** Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, personal wireless towers and other similar structures. This term also includes any antenna or antenna array attached to the tower structure. For purposes of this Section the term tower excludes any tower under twelve (12) feet in total height.

**TOWNHOUSE:** An attached single-family residential housing design which typically contains three or more dwelling units having one or more walls abutting with another dwelling and designed to have all exits open directly to the outside.

**TOXIC MATTER or MATERIAL:** Those materials which are capable of causing injury to living organisms by chemical means.

**TRAILER:** Any vehicle or portable structure constructed so as to permit occupancy thereof for lodging or dwelling purposes or for the use as an accessory building or structure in the conduct of a business, trade or occupation, and which may be used as a conveyance on streets and highways, by its own or other motive power; a portable structure supported by wheels, jacks, horses, skids or blocks without a permanent foundation which is towed or hauled by another vehicle and, whether occupied or not, used for temporary human occupancy, carrying materials, goods or objects, livestock, or use as a temporary office.

**TRAILER, TRAVEL:** A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses.

**USE:** The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Zoning Ordinance.

**USE, ACCESSORY:** An accessory use is one which is incidental and customarily accessory to the principal use of the premises.

**USE, NONCONFORMING:** See Non-conforming Use.

**USE, PERMITTED:** Any use which may be lawfully established in a particular district or districts, and which conforms to all requirements, regulations and performance standards, if any, of such district, as provided in Article IV of this Zoning Ordinance.

**USE, PRINCIPAL:** The dominant use of land or buildings as distinguished from a subordinate or accessory use.

**USE, SPECIAL:** A use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts but may be authorized, as provided in Article IV of this Zoning Ordinance.

**UTILITIES:** All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and include facilities for the generation of electricity.

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

**VEHICLE STORAGE AND TOWING:** An establishment, building or land primarily engaged in the removal and temporary storage of vehicles but does not include the dismantling or demolition of vehicles.

**VENDING MACHINE:** A machine for dispensing merchandise or services designed to be operated by the customer.

**VETERINARY OFFICE:** (See "ANIMAL HOSPITAL").

**VILLAGE BOARD:** (See "BOARD OF TRUSTEES").

**VILLAGE CODE:** The Village of Lincolnwood Code of Ordinances, as amended.

**WAREHOUSE:** A building or structure or part thereof, used principally for the storage of goods and merchandise.

**WHOLESALE ESTABLISHMENT:** A commercial activity, building, or land primarily engaged in or used for the display, storage, and sale of goods to other firms for resale, or an off-price and/or a retail/warehouse establishment exceeding 30,000 square feet of floor area and offering a range of general merchandise to the public.

**WROUGHT IRON (DECORATIVE):** Material which is of substantially the same design type as Wrought Iron, but with more horizontal members, major decorative elements or ornamentation, or made of other metals, or less than seventy-five percent (75%) open, but substantially of the same design as Wrought Iron.

**WROUGHT IRON:** Iron, Steel, Aluminum, or Alloy, solid or hollow stock material, fabricated with two or three horizontal members, and multiple vertical members with at least seventy-five percent (75%) open space.

**YARD:** An open area on a Lot as required in this comprehensive amendment, which is unobstructed from its lowest level to the sky, except as otherwise provided herein.

**YARD, CORNER LOT SIDE:** That area on a Lot between the street Side Lot Line, the line established by the Front Yard, and the line established by the Rear Lot Line. (See Diagram C)

**YARD, FRONT:** That area of a Lot between the Front Lot Line, two Side Lot Lines (interior or street), and the line established by the Front Yard requirement of each district or the Front Face of the primary building that is set back the furthest from the Front Lot Line. (See Diagram C)

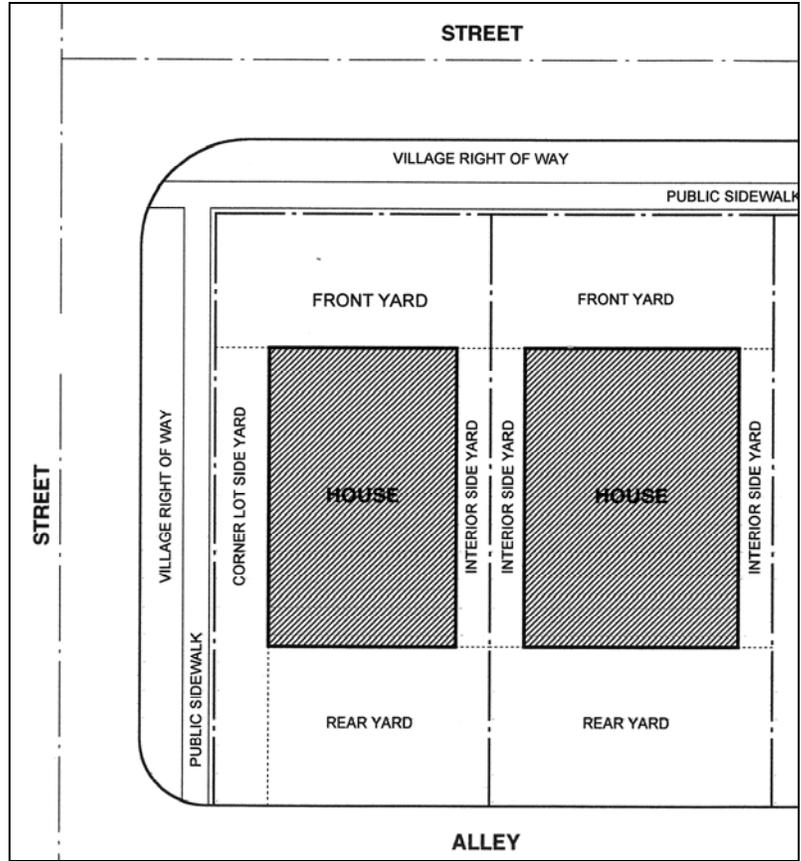


Diagram C

**YARD, INTERIOR SIDE:** A Side Yard which adjoins another Lot or an alley separating such Side Yard from another Lot. (See Diagram C)

**YARD LINE:** A line in a Lot that is parallel to the Lot Line along which the applicable yard extends and which is not nearer to such Lot Line at any point that the required depth or width of the applicable yard. A building, structure or other obstruction shall not encroach into the area between the "Yard Line" and such adjacent Lot Line, except for such permitted obstructions in yards as are set forth in this comprehensive amendment.

**YARD, REAR OR REAR YARD:** That area on a Lot between the Rear Lot Line, two Side Lot Lines (interior or street), and the line established by the Rear Yard requirement of each district, or the rear face of the primary building, that is set back the furthest from the Rear Lot Line. (See Diagram C)

**YARD, SIDE OR SIDE YARD:** That area on a Lot between the interior Side Lot Line, the line established by the Front Yard definition of this regulation, and the line established by the Rear Yard definition of this regulation but not being a Corner Lot Side Yard. (See Diagram C).

**ZONING DISTRICTS:** The districts into which the Village of Lincolnwood has been divided for zoning regulations and requirements as set forth on the Zoning District Map.

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**ZONING DISTRICT MAP or ZONING MAP:** See Section 4.02 of this Zoning Ordinance.

**ZONING OFFICER:** The Community Development Director or his or her designee.

## **ARTICLE III – GENERAL PROVISIONS AND REGULATIONS**

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### Organization:

#### Part A: General

- 3.01 Interpretation
- 3.02 Separability
- 3.03 Federal and State Laws

#### Part B: Allowable Uses and Bulk

- 3.04 Allowable Use of Land, Buildings, or Structures
- 3.05 Prohibited Use of Land, Buildings, or Structures
- 3.06 Control over Use and Bulk
- 3.07 Building on Lot
- 3.08 Accessory Buildings, Structures and Uses

#### Part C: Yards, Allowable Obstructions

- 3.09 Yards, General
- 3.10 Permitted Obstructions in Required Yards
- 3.11 Trailers and Mobile Homes
- 3.12 Towers, Antennas, Antenna Support Structures, Personal Wireless Service Facilities
- 3.13 Fences and Natural Screening

## **PART A: GENERAL**

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### **3.01 INTERPRETATION:**

- (1) In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, welfare, comfort and convenience.
- (2) Regulatory provisions contained in Article II - Rules and Definitions, shall have the same force and effect as though expressly set forth in this or following articles of this Zoning Ordinance.
- (3) Where the conditions imposed by any provisions of this Zoning Ordinance upon the use of land; bulk of buildings; floor area requirements; lot area and lot width requirements; and yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Ordinance, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (4) This Zoning Ordinance is not intended to abrogate any easement, covenant or other private agreement; provided, that where the regulations

of this Zoning Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Zoning Ordinance shall govern.

- (5) No building, structure or use not lawfully existing at the time of the adoption of this Zoning Ordinance shall become or be made lawful solely by reason of the adoption of this Zoning Ordinance; and to the extent that, and in any manner that said unlawful building, structure or use is in conflict with the requirements of the Zoning Ordinance, said building, structure or use is unlawful hereunder.

### **3.02 SEPARABILITY**

It is hereby declared to be the intention of the Board of Trustees of the Village of Lincolnwood that the provisions of this ordinance are separable, in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Zoning Ordinance to be invalid, such judgment shall not affect any other provision of this Zoning Ordinance not specifically included in said judgment; and
- (2) If any court of competent jurisdiction shall judge invalid the application of any provision of this Zoning Ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

### **3.03 FEDERAL AND STATE LAWS**

None of the provisions in this Section shall be construed to require that the Village violate any Federal or State laws. In the event any provisions herein should conflict with any such laws, such provisions shall be modified to the extent necessary to conform to such laws.

## **PART B: ALLOWABLE USES AND BULK**

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### **3.04 ALLOWABLE USE OF LAND, BUILDINGS OR STRUCTURES**

The following uses of land, buildings or structures are allowed in the districts indicated in this Article III and under the conditions specified in this Zoning Ordinance:

- (1) Uses lawfully established and existing on the effective date of this Zoning Ordinance
- (2) Uses lawfully established and existing on the effective date of this Zoning Ordinance, rendered non-conforming by the provisions herein shall be subject to the regulations of Article IX.
- (3) Permitted, special and temporary uses as designated in Article IV.

### **3.05 PROHIBITED USES OF LAND, BUILDINGS, OR STRUCTURES**

No building or lot shall be devoted to any use other than one which is specified as a permitted use or special use by the district regulations applicable to the district in which such building or land is located, as designated in Article IV.

However, where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Zoning Ordinance, and where construction has been begun within six (6) months of such effective date and is being prosecuted to completion said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may, upon completion, be occupied under a certificate of occupancy by the use originally designated, subject to the provisions herein set forth in Article V.

### **3.06 CONTROL OVER USE AND BULK**

- (1) No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall hereafter be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located.
- (2) All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. No existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict with the bulk regulations of this Zoning Ordinance for the district in which such building shall be located.

### **3.07 BUILDING ON LOT**

In Single-Family Residence Districts, every single-family detached dwelling hereafter erected or structurally altered shall be located on a single lot, and there shall be not more than one principal building on one lot.

### **3.08 ACCESSORY BUILDINGS, STRUCTURES AND USES**

- (1) Accessory uses shall be permitted with all permitted and special uses as allowed in the various zoning districts.
- (2) Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation, or culture of pigeons, poultry or livestock, whether or not for profit.
- (3) Every tower, pole or antenna structure shall comply with the rear yard setback requirements of this Zoning Ordinance and as specifically set forth in Subsection 3.12 of this Article.
- (4) Except as otherwise regulated herein, an accessory building hereafter erected, altered, enlarged or moved on a lot shall conform with the following:
  - a. A detached accessory building shall not be nearer than fifteen feet (15') from the nearest wall of the principal building, nor within sixty feet (60') of the front lot line.
  - b. A detached accessory building or an accessory building when attached to the principal building shall not be located in a front yard, interior side yard or side yard abutting a street; except that an attached garage may be located in a front or side yard provided that applicable setback requirements are met.
  - c. A detached accessory building or structure in a rear yard shall be not less than three feet (3') from a lot line, except:
    - i. On corner lots - not less than five feet (5') from a rear lot line which adjoins a lot in a Residence District and not less than required corner front yard abutting a street;
    - ii. On through lots - not less than the distance required for a front yard setback from the rear lot line abutting a street; and
    - iii. An accessory building having vehicular access from an alley not less than five feet (5') from the lot line abutting the alley.
- (5) A detached accessory building or structure greater than 120 square feet in area located in a rear yard shall not exceed one story or seventeen (17') in

height, whichever is lower. An accessory building or structure of 120 square feet or less in area located in the rear yard shall not exceed twelve (12) feet in height. Accessory buildings shall not occupy more than thirty percent (30%) of a rear yard.

- (6) A building intended for an accessory use, when attached to or a part of the principal building, shall be deemed a part of the principal building with regard to all setback and other requirements hereunder. If a building intended for an accessory use is attached to or made part of the principal building, it must meet Building Code standards for the principal building.

**PART C: YARDS, ALLOWABLE OBSTRUCTIONS**

**3.09 YARDS, GENERAL**

- (1) The minimum yard space required under the terms of this Zoning Ordinance for one structure shall not again be considered as yard space for another adjoining structure.
- (2) No lot shall be reduced in area so that the yards or other open space and lot area become less than required by this Zoning Ordinance.
- (3) On streets where a front yard setback of more or less depth than required by Article IV has been maintained for buildings existing on lots or tracts having a frontage of forty percent (40%) or more of the total frontage on one side of a block, the front yard setback line for each remaining vacant interior lot along the block shall be the average distance of the existing front yard setbacks on that side of the block.
- (4) On a vacant through lot, both lot lines adjacent to a street shall be established as the front line, except that where two (2) or more through lots are contiguous and a front line has been established by an existing principal building on the contiguous through lot, the same street line shall thereafter be deemed to be the front lot line.

**3.10 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

- (1) Table 3.10.01 below (Permitted Obstructions in Yards) list items which are permitted in yards and the location (e.g. front yard) where they are permitted. A "P" denotes that an obstruction is permitted; an "S" denotes that an obstruction is considered a special uses and may be permitted in the subject district only after review and approval in accordance with Article V of this Ordinance; a "-" denotes that the obstruction is prohibited.

Table 3.10.01 Permitted Obstructions in Yards	Yard			
	Front	Rear	Side	Corner Side
Air conditioning window units, provided they do not extend more than two feet from window	P	P	P	P
Air conditioning condensers and equipment, other than window units, provided they are at least ten feet from side property lines and at least twenty feet from an adjoining residential property owner's window	-	P	-	P
Arbors and trellises, not in excess of 8 feet in height	-	P	P	P
Architectural projections of sills, belt courses, cornices and ornamental features projecting nor more than eighteen (18) inches into a yard	P	P	P	P

Table 3.10.01 Permitted Obstructions in Yards	Yard			
	Front	Rear	Side	Corner Side
Awnings and canopies, projecting into a yard not more than 10% of the depth of front or rear yard or 25% of the width of side yard	P	P	P	P
Backup electrical generator, provided they are at least ten feet from all property lines.	-	P	-	-
Balconies, open, not to exceed 4 feet from building	S	P	-	-
Basketball hoop on non-recreation land use, limited to one pole- or garage-mounted goal and shall be at least five feet from all property lines	P	P	-	P
Bay windows, one-story and projecting three (3) feet or less in the yard	P	P	P (Note 1)	P
Chimneys projecting twenty-four (24) inches or less into the yard	P	P	P	P
Covered entry structure, located as part of a primary or secondary entrance, open on 3 sides, not to exceed 3 feet from building	P	P	P	P
Decks, in a residential district, provided that they do not exceed required building setbacks	-	P	-	-
Detached garages, provided that such accessory building shall not cover more than 30% of the required area of a rear yard	-	P	-	-
Dish antennas – greater than 30" diameter	-	P	-	-
less than 30" diameter	-	P	P	-
Fallout shelters, attached or detached	-	P	-	-
Fences (pursuant to Section 3.13 of this Article)	-	P	P	P
Flagpoles	P	P	P	P
Open patios or terraces in a residential district, provided that they are at least four feet from all side and rear property lines, not over four feet (4') above the average level of the adjoining ground and do not project over ten feet (10') (excludes covered porches)	P	P	P	P
Overhanging eaves and gutters projecting 36 inches or less into the yard and are not less than two (2) feet from any lot line	P	P	P	P
Playground equipment	-	P	-	-
Porches, attached and covered and provided they are at least four feet from all side and rear property lines	P	P	P	P
Ramps for use by disabled persons	P	P	P	P
Sheds, storage buildings, gazebos, etc.	-	P	P	-
Solar Panels	-	P	P	P
Steps, open without roof	P	P	P	P

Table 3.10.01 Permitted Obstructions in Yards	Yard			
	Front	Rear	Side	Corner Side
Swimming pools, private, located not less than five (5) feet from a lot line and ten (10) feet from the nearest overhead utility; swimming pools must be completely enclosed by fencing	-	P	-	-
Television, radio towers or antennas, provided that they are at least five feet from all property lines as permitted in Section 3.12 of this Article.	-	P	P	-
Tennis courts, volleyball, basketball, shuffleboard and other courts, private, provided not less than ten feet from any property line or the minimum setback, whichever is more restrictive.	-	P	-	-
Window wells – not to exceed three feet (3') from foundation wall.	P	P	P	P

**Note 1:** Bay Windows located in the interior side yard must maintain a minimum setback of five (5') feet from side lot line.

**3.11 TRAILERS AND MOBILE HOMES**

Trailers and mobile homes shall not be permitted in any district as accessory buildings, except when used as temporary offices or storage space incidental to construction of a building development for the period of time such construction is actively undertaken, and provided trailers and mobile homes used for such purposes are located on the same lot as the building development or on a lot contiguous thereto.

**3.12 TOWERS, ANTENNAS, ANTENNA SUPPORT STRUCTURES, PERSONAL WIRELESS SERVICE FACILITIES**

General guidelines for the siting of towers, antennas, antenna support structure and personal wireless facilities are found in Article X of this Zoning Ordinance.

**3.13 FENCES AND NATURAL SCREENING**

- (1) Purpose and Scope: This Section 3.13 provides for the regulation of Fences and Natural Screening throughout all zoning districts of the Village. This Article encourages the residents and businesses of the Village to utilize Natural Screening over fencing whenever possible or to consider the use of an open, wrought iron type fences in conjunction with an evergreen hedge to achieve safety, privacy, and aesthetics for residences and businesses.
  - a. Fences Subject to Special Procedures: All applications received for the following fences shall be transmitted by the Zoning Officer to the Village Board of Trustees which shall determine whether the application will be heard before the Village Board of Trustees, the Traffic Commission, the Plan Commission/Zoning Board of Appeals or

some other committee or commission designated by the Village Board of Trustees to hold a public hearing on the application. Due to unique use or location the following types of Fences are subject to the procedural regulations in this Section 3.13(1)a in the manner set forth below:

- i. Fences used for the purposes of screening for other than individual residences or businesses along Edens Expressway.
  - ii. Fences used for the purposes of screening highways, streets and roadways for other than individual residences or businesses in the following locations:
    - (a) The west side of McCormick Boulevard from Pratt Avenue to Albion Avenue.
    - (b) The east side of Cicero Avenue from Pratt Avenue to Lunt Avenue.
    - (c) The west side of Hamlin Avenue from Touhy Avenue to Jarvis Avenue.
    - (d) Devon Avenue from Edens Expressway west to Longmeadow Avenue.
    - (e) The south side of Jarlath Avenue between the north/south alley lying to the east of Crawford Avenue and then running east to the north/south alley lying to the west of East Prairie Road.
  - iii. Non masonry fences used for the purposes of screening refuse enclosures for non residential or for multiple residential (more than two (2) dwelling units) uses. Applications for this type of Fence shall be processed as determined by the Zoning Officer.
- b. Certain Natural Screening Excluded from These Regulations.
- i. Natural Screening existing at the time of the adoption of this Section 3.13 so long as the natural screening is maintained in good health and is well maintained (e.g., wood is properly pruned to remove dead branches and members) and so long as the existing natural screening:
    - (a) Does not present a safety hazard or obstruct vision for the safe ingress and egress from driveways;
    - (b) Does not present a safety hazard or violate the Village's line of sight regulations as set forth in the Village Code of Ordinances;
    - (c) Does not inhibit the movement of pedestrian traffic upon public sidewalks.
  - ii. Hedges which are adjacent to buildings and which do not act as a barrier or boundary (e.g., foundation plantings).

- iii. Individual plantings of trees, bushes, flowers and grasses that do not constitute Natural Screening and which do not present a safety hazard or obstruct vision for the safe ingress and egress from driveways.
  - c. All fences not specifically regulated under this Section 3.13 and not the subject of other regulatory action on the parcel, shall be subject to site plan review by the Zoning Officer.
  - d. All Fences and Natural Screening not specifically regulated under this Section 3.13, but being the subject of other legislative action on the parcel (e.g., Variation, Special Use Planned Unit Development, Exemption), shall be submitted to the Plan Commission for review and recommendation to the Village Board.
- (2) Conformance Required: Notwithstanding the Legal Nonconforming Use Continuation provisions set forth herein in Article IX, the issuance of a Demolition Permit for the principal structure for the Lot on which a Fence is located shall require any preexisting Fence or Natural Screening on that Lot which is not in conformance with the regulations set forth in this Section 3.13 to be brought into conformance with standards set forth in this Section 3.13.
- (3) Variations: Variations to these regulations may be sought by a petitioner through the procedures set forth in this Section 3.13, with a public hearing by the Plan Commission/Zoning Board of Appeals, or if so determined by the Zoning Officer or so directed by the Village Board of Trustees, the public hearing shall be held by the Streets and Alleys Committee, or some other committee or commission designated by the Village Board of Trustees to hold a public hearing on the application, Final action on all variations shall be by the Village Board of Trustees.
- (4) Permit Requirements; Permit Applications: The following regulations shall apply to all Fences erected, constructed, installed, or replaced after the effective date of this regulation:
- a. Installation of new, relocation of more than ten percent (10%) of existing, and replacement of more than twenty-five percent (25%) of fencing on a given Lot, requires the submission of a permit application and issuance of a permit by the Village Building Department.
  - b. Applications for Fence Permits shall contain the application form, a survey of the parcel with current structures and important features shown, photographs of adjoining property taken from the applicant's property to show the view into the neighbor's property, and any other photographs deemed necessary by the Village Building Department.
- (5) Harmony and Compatibility of Fences: For aesthetic purposes, as well as maintaining property values, it is desirable that the appearance, structure, and design shall be compatible and in harmony with other Fences in the

Village, particularly in the neighborhood and on adjacent and contiguous property. Uniformity of Fences is desirable where two or more dwelling units are connected by a common wall. Fences for such separate dwelling units shall be of uniform height, material, type, color and design. The Zoning Officer may suggest changes or recommendations to achieve these objectives. If the applicant for a Fence permit refuses to make such changes, the Fence permit application and drawing, if not subject to review by the Plan Commission/Zoning Board of Appeals, shall be reviewed by the Village Board of Trustees or a committee thereof, as the Village Board of Trustees may direct.

- (6) Materials and Appearance: The following regulations shall apply to all Fences erected, constructed, installed, or replaced, after the effective date of this Zoning Ordinance.
  - a. Fencing shall not be painted or stained bold, harsh, or disruptive patterns or combinations of colors. All paint or stain used on fencing material shall be compatible with the paints and stains used on the structures on the Lot where the Fence is located and the Fences and structures in the surrounding neighborhood.
  - b. Chain link Fence installed in a Residential District shall be color coated in black, dark bronze, dark green or any other dark color as approved by the Building Commissioner. Uncoated or galvanized chain link Fences shall not be installed in Residential Districts on or after the effective date of this Section 3.13. However, this regulation shall not apply to chain link or open mesh type Fences accessory to public parks, municipal recreation areas, public schools, and municipal or governmental property.
  - c. Unacceptable Natural Screening is not permitted.
- (7) Signage: Signage shall be as regulated by the Village Sign Ordinance.
- (8) Special Fences; Preexisting Masonry Fences; Landscape Terrace Walls; Decorative Wrought Iron Fences, Through Lot Fences: Special Fences are those which have a greater potential than permitted Fences to have an adverse impact upon the surrounding neighborhood. Special Fences may be appropriate in some locations and inappropriate in other locations. The following Fences may be allowed by Special Fence authorization in accordance with this Section 3.13 where the Plan Commission/Zoning Board of Appeals finds that a Special Fence is appropriate at the location requested. The Plan Commission/Zoning Board of Appeals may recommend, and the Board of Trustees may impose conditions, terms and restrictions in addition to those set forth herein as a condition of granting Special Fence authorization.
  - a. The following types of Fences shall be Special Fences:

- i. Brick Walls, masonry Fences, and stone walls.
- ii. Masonry enclosures.
- iii. Landscape terrace walls of stone or masonry construction, over 30 inches (30") in height.
- iv. Decorative Wrought Iron Fences.
- v. Through Lot Fences.
- vi. Natural Screening on public rights of way, utility easements, or Village property installed and maintained by private individuals at their expense.
- vii. Open, four (4') foot fences maintaining a five (5') foot setback from the corner side yard property line with screening shrubs installed to the street side of the fence, located in the corner side yard to the rear of the home.

- b. Those items set forth in (8) a. (i)-(vi) above, which were legally in existence at the time of enactment of this Section 3.13, may continue to exist, so long as they are maintained in good condition, do not pose a safety hazard and conform to the line of sight regulations as set forth in the Village Code. Notwithstanding the foregoing, Special Fences are subject to the provisions relating to "Fence Replacement" (as defined in Article II Rules and Definitions), permit requirements (Section 3.13(4) and replacement, relocation and repair requirements (Section 3.13(23)).

(9) Location and Orientation of Fences and Natural Screening:

- a. Line of Sight Distance Required: Any person erecting, constructing, installing, or replacing a Fence and planting or replacing a Natural Screen shall ensure that adequate sight distance is provided at the intersection of two alleys, or a street and an alley, or the intersection of two streets (See Figures 3.x and 3.xx following).
- b. The Front Face of a Fence shall be directed toward adjacent residential property or streets. However, the Back Face of a Fence may be oriented toward an alley.
- c. Fencing shall not be allowed in Front Yards, except as provided in this Section.
- d. Permitted Interior Side Yard Fencing (not on a Corner Lot adjacent to a street) shall be set back from the Front Facing Facade of the principal building by three feet (3') or more.
- e. On a corner lot, fencing shall be aligned with the front facing facade or any other street-facing facade of the principal building and shall maintain a minimum setback in conformance with the line of sight requirement as set forth herein.

- f. Natural screening which substantially encloses the Front Facing Design Facade Yard area is not permitted.
- g. A Fence or natural screen shall be properly located and shall not encroach upon the property of another, nor on the public right of way, including alleyways. Owners and installers of Fences and Natural Screens are jointly and severally responsible for installing such materials in the proper location. The Village will not be responsible for any improperly located Fence or Natural Screening.

**LINE OF SIGHT TRIANGLE FOR SHRRUBERY, HEDGES AND TREE ORDINANCE @ INTERSECTION OF TWO STREETS**

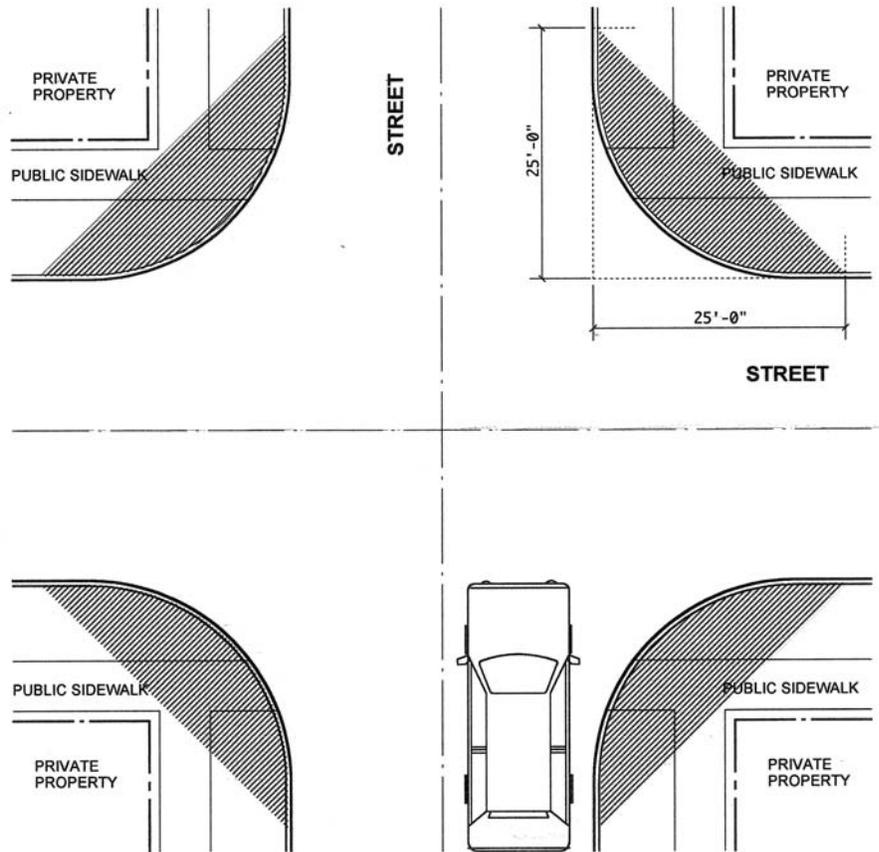


Figure 3.x

**LINE OF SIGHT TRIANGLE FOR SHRRUBERY, HEDGES AND TREE ORDINANCE @ INTERSECTION OF A STREET & THE ALLEY**

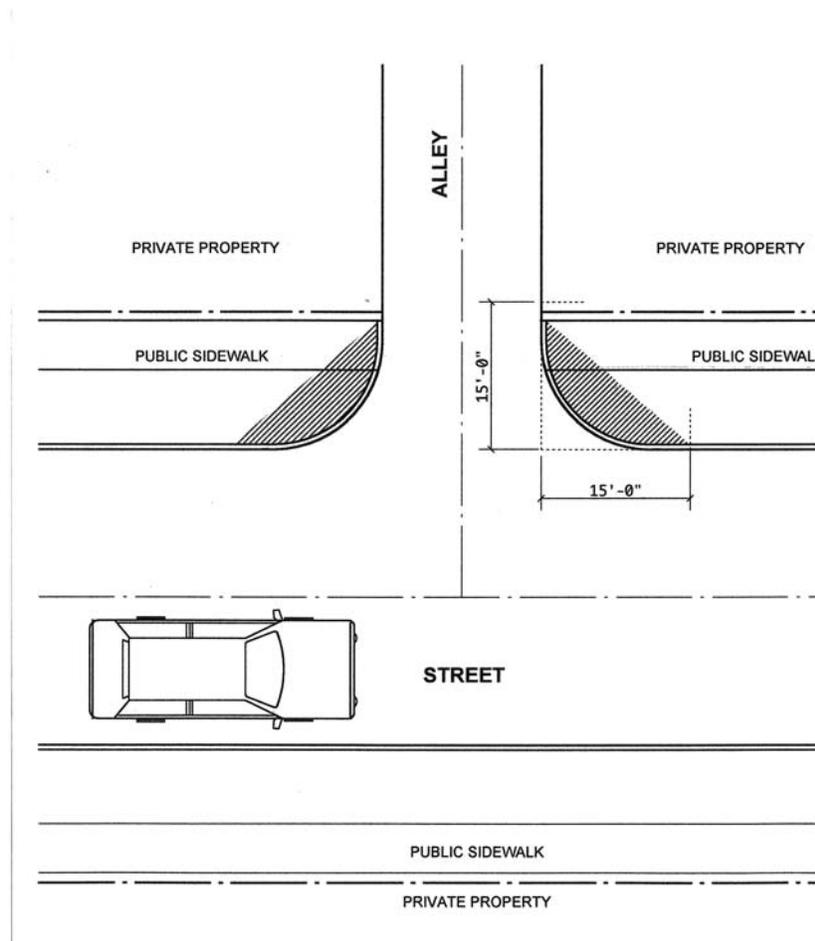


Figure 3.xx

(10) Maintenance of Fences and Natural Screening:

- a. All Fencing whether installed prior to or after the effective date of this Zoning Ordinance, shall be maintained in a safe, structurally sound, and aesthetically pleasing manner by the owner or occupant of the property where the Fence is located, and it shall be repaired as required, in compliance with the provisions of this regulation.
- b. The owner of a Fence and the owner (if not the same person or entity) or lessee of the premises on which such Fence is located shall be jointly and severally liable to maintain such Fence in a neat and orderly condition at all times and to prevent the development of rust, corrosion, rotting or other deterioration in the physical appearance or safety of such Fence. (This regulation does not include the natural weathering appearance of uncoated wood Fences that are designed to look weathered.)

- c. All Fences regulated herein shall be properly painted or stained (including all parts and supports) when necessary, unless the same are coated, galvanized or otherwise treated to prevent rust or deterioration or the initial installation of the Fence was designed using natural materials with natural weathering taking place over time.
- d. Natural Screening. All Natural Screening, including Natural Screening installed before and after the effective date of this amendment, shall be maintained in a safe and aesthetically pleasing manner by the owner or occupant of the premises where the Natural Screening is located. This provision does not prevent the removal without replacement of Unacceptable Natural Screening or damaged, unsightly, or disease ridden plants. For example, dead plants removed from within a hedgerow, need not be replaced in order to conform to this regulation.

(11) Fence Types and Height in Residential Districts:

- a. Solid Fences shall not be allowed in Residential Districts except as provided for herein below.
- b. Open Fences and Semi-Private Fences, shall not be more than six feet (6') in height as allowed in Rear and Side Lot Lines of Rear Yards, notwithstanding the foregoing, chain link Fences shall not exceed four feet (4') in height as may be erected in Rear and Side Yards.
- c. Open Fences of all types allowed by this regulation not more than four feet (4") in height are allowed in Side Yards. Notwithstanding the foregoing Wrought Iron Fences, as defined herein, up to a maximum six feet (6') in height, may be erected in Rear and Side Yards.
- d. Open Fences enclosing a dog run in a Rear Yard only may be not more than six feet (6') in height, provided it is not less than twenty feet (20') from an adjoining Lot or street right of way. Dog runs on residential Lots are subject to all applicable regulations designed to restrict noxious sounds, odors and other nuisances.
- e. Open Fences and Semi-Private Fences not shorter than five feet (5') nor higher than six feet (6') shall enclose any Rear Yard containing a swimming pool (above ground or in ground) which is designed to hold more than 300 gallons of water. Any gate shall include "self-closing" and "self-latching" features.
- f. Solid Fences or Semi-Private Fences may be erected in a Rear Yard not more than six feet (6') in height above natural grade around the immediate boundaries of an erected deck, recreational water tub or swimming pool, for the purpose of securing privacy and when located not less than five feet (5') from a Lot Line. Any gate shall include "self-closing" and "self-latching" features.

- g. Except for Fences located in Corner Side Yards, Open and Semi-Private Fences not more than six feet (6') feet in height may be erected in a Rear Yard but only to a line which is perpendicular to the rear face of the residence.
- h. On a Corner Lot Open and Semi-Private Fences not more than four (4') feet in height may be erected in a Corner Side Yard but only to a line which is perpendicular to the rear face of the residence and shall align with the Front Facing Facade.
- i. Solid Fences not more than six feet (6') in height may be erected in a Rear or Side Yard along a Lot Line which abuts an alley, a Lot Line of a Lot in a Business District, or a Lot in a Residential District used for nonresidential use. Solid Fences not more than seven feet (7') in height may be erected in a Rear or Side Yard along a Lot Line which abuts a Lot Line of a Lot in a Manufacturing District.
- j. Masonry enclosures for courtyards (e.g., for privacy, recreation, equipment screening, trash enclosures or dining, etc.) within the Buildable Envelope Space of a Lot, shall not exceed five feet (5') in height in front facing Yards and six feet (6') in height inside or in rear facing Yards. Such masonry enclosures shall be considered a Special Fence and are subject to the Special Fence procedures as set forth in this Section 3.13.

(12) Natural Screening in Residential Districts:

- a. Natural Screening may be installed in Rear and Side Yards, without restriction to height, provided such screening does not obstruct the Village "line of sight distance" regulations.
- b. Natural Screening may be installed on a Corner Lot Side Yard, but shall be set back a sufficient distance from the side Lot Line to allow it to be maintained when in its mature state so as to not obstruct the walking and traveling public upon Village sidewalks.
- c. Natural Screening may be installed on a Corner Lot Side Yard, where the Front Facing Design Facade of the residence (the side containing the main entrance) faces the Corner Lot Side Yard (as opposed to the Front Yard), but shall be restricted and maintained to no more than four feet (4') in height.

(13) Fence Types and Height in Business Districts:

- a. Fences not more than six feet (6') in height are allowed in Rear Yards.

- b. Solid Fences not more than six feet (6') in height are required in Rear Yards that abut a residential Lot, unless this regulation is waived or modified by variation.
- c. Solid masonry Fences not more than eight feet (8') in height may be allowed where a Lot located in a Business District abuts the Lot Line of a Lot located in a Residential District Lot or another Lot located in a Business District. However, such Fences are subject to the prior review by the Plan Commission/Zoning Board of Appeals and the prior approval by the Village Board.
- d. Open Fences not more than five feet (5') in height or Wrought Iron Fences not more than six feet (6') in height are allowed in Side Yards, but not on Corner Lot Side Yards.
- e. On a Corner Lot Semi-Private Fences not more than four (4') feet in height may be erected in a Corner Side Yard or Wrought Iron Fences not more than six feet (6') in height but only to a line which is perpendicular to the rear face of the building and shall align with the Front Facing Facade.
- f. Masonry enclosures for court yards (e.g., for privacy, recreation, equipment screening, trash enclosures or dining etc.) within the Buildable Envelope Space of a Lot, shall not exceed five feet (5') in height in front facing Yards and six feet (6') in height inside or rear facing Yards. Such masonry enclosures shall be considered a Special Fence and are subject to the Special Fence procedures set forth in this Section 3.13. Notwithstanding the foregoing, these regulations shall not apply to masonry screening of off-street parking lots.
- g. Refuse and recycling dumpster enclosures shall be constructed to reduce visibility to adjoining property and the traveling public and if not a Special Fence pursuant to the immediately preceding paragraph (f) shall be located at the direction of the Zoning Officer.

(14) Natural Screening in Business Districts:

- a. Natural Screening may be installed in Rear, Side, and Corner Lot Side Yards without restriction to height except that such Natural Screening shall not create a safety hazard, shall comply with the Village "line of sight" regulations, and shall not obscure sight lines at the ingress and egress point of any Lot. The Zoning Officer shall determine the safety of the location of such screening.
- b. Natural Screening is encouraged in Front Yard locations, when screening parking areas on the Lot from public view, but such screening shall be restricted to not more than four feet (4') in height. Any such screening shall not create a safety hazard for either drivers or pedestrians, shall comply with the Village "line of sight" regulations, and

shall not obscure sight lines at ingress and egress points, and drive aisles, of any Lot.

(15) Fences in Manufacturing Districts:

- a. Solid Fences not more than seven feet (7') in height are allowed in Rear Yards, and Side Yards, but not in Corner Lot Side Yards.
- b. On a Corner Lot Semi-Private Fences not more than four (4') feet in height may be erected in a Corner Side Yard or Wrought Iron Fences not more than six feet (6') in height but only to a line which is perpendicular to the rear face of the building and shall align with the Front Facing Facade.
- c. Fence Height in "M" (Manufacturing) District shall not exceed seven feet (7') unless the Plan Commission/Zoning Board of Appeals recommends and the Board of Trustees grants a Variation from the applicable regulation.

(16) Natural Screening in Manufacturing Districts:

- a. Natural Screening is encouraged in Front Yard locations, when screening parking areas on a Lot from public view, but such screening shall be restricted to not more than four feet (4') in height. Any such screening shall not create a safety hazard for either drivers or pedestrians, shall comply with the Village "line of sight" regulations, and shall not obscure sight lines at ingress and egress points, and drive aisles of any Lot.
- b. Natural Screening may be installed in Rear, Side, and Corner Lot Side Yards without restriction to height except that such Natural Screening shall not create a safety hazard, shall comply with the Village "line of sight" regulations, and shall not obscure sight lines at the ingress and egress point of any Lot. The Zoning Officer shall determine the safety of the location of such screening and a permit shall be obtained prior to installation of Natural Screening in these locations.

(17) Governmental Uses. The height regulations set forth herein shall not apply to open mesh type Fences accessory to public parks, municipal recreation areas, and municipal sites.

(18) Public Utilities and Communications Providers. Security fencing for Telecommunications facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an acceptable anti-climbing device or design; provided however, that the Plan Commission/Zoning Board of Appeals or Village Board of Trustees, as the case may be, may waive such requirements, or place conditions on said requirements as they deem appropriate in the interest of the health safety and welfare of the Village.

(19) Construction Standards: All Fences shall be constructed in accordance with the Village of Lincolnwood Fence construction standards. Fence construction standards are available at the Building Department.

(20) Natural Screening Material:

a. Natural Screening in Front Yards.

i. In Residential Districts bushes in excess of thirty inches (30") in height comprising a hedge forming a Natural Screen as of the effective date of this Zoning Ordinance and which are located in the Front or Side Corner Lot, may remain so long as the bushes do not violate the safety visibility triangle, are in a healthy condition, and are kept maintained. Bushes which are dead, diseased, unsightly or create a safety hazard must be removed from such a hedge, and once removed may not be replaced.

ii. Following the effective date of this amendment, Natural Screening hedges may be planted so long as they do not obstruct sidewalks, are planted on private property, not the public parkway, do not exceed thirty inches (30") in maintained height, and are not a safety hazard.

b. Safe Passage: A Fence or Natural Screening shall not impede the safe passage of pedestrian traffic on sidewalks.

(21) Electrified Fences Prohibited: Electrified Fences or Fences consisting of a wire or wires charged with electric current are prohibited.

(22) Nonconforming Fences:

a. Removal of Nonconforming Fences. All Nonconforming Fences that are not Legal Nonconforming Fences shall be removed or shall be made to conform to these regulations set forth in this Zoning Ordinance.

b. Continuation of Legal Nonconforming Chain Link Fences. All chain link Fences located in Residential Districts that do not conform to the regulations set forth herein which were Legal Nonconforming Fences prior to the adoption of this Section 3.13, may remain, so long as said Legal Nonconforming Fence is maintained in a safe, neat and orderly condition as required herein. Failure to properly maintain a Legal Nonconforming chain link Fence as required herein, shall be cause for Village to initiate violation proceedings to either Repair or remove the Fence at the violator's expense.

(23) Repair and Replacement of Legal Nonconforming Fences:

- a. Legal Nonconforming Fences that require more than ten percent (10%) to be relocated or more than twenty-five percent (25%) to be replaced or more than fifty percent (50%) to be substantially repaired on a given Lot, because of maintenance issues or by other action of the occupants or owner of the Lot, will be required to comply with these regulations or to seek a variation from them.
- b. Any replacement, relocation, or repair of a Legal Nonconforming Fence shall neither increase the height beyond the maximum permitted Fence height nor increase the Fence capacity as regulated.
- c. Any replacement, relocation, or repair of a Legal Nonconforming Fence or Natural Screening shall ensure that adequate sight distances at a street or alley intersection is provided. (See Figures x and xx)
- d. Any repair to or replacement of a Legal Nonconforming Fence shall be completed within six (6) months of the date that the Village grants a permit for such action. If the Repair, relocation or replacement is not completed, the Fence shall lose its legal nonconforming status, and all characteristics of the Fence must conform to the Village regulations. The Zoning Officer may grant one six (6) month extension upon a written request by the property owner and finding that extenuating circumstances warrant the extension.

(24) Variations From The Requirements of this Section:

- a. Processing: Fence Variations shall be processed in the same manner as all other Variations as set forth in Article V of this Zoning Ordinance, except that the following specific regulations shall apply to Fence Variations and if in conflict with the procedures governing Variations as set forth in Article V, the regulations set forth in this Section shall prevail for the processing of Fence Variations.
- b. A Fence Variation from the provisions or requirements of this Section may be recommended to the Board of Trustees where the Zoning Board of Appeals finds:
  - i. The literal interpretation and strict application of the provisions and requirements of this Article would cause undue and unnecessary hardship because of unique or unusual conditions pertaining to the specific building parcel or property in question or pertaining to some aspect of the proposed Fence or in its relation to other objects;
  - ii. The granting of the requested Fence Variation would not be materially detrimental to the Property Owners in the vicinity;
  - iii. The unusual conditions applying to the specific property do not apply generally to other properties in the Village;

- iv. The granting of the Fence Variation would not be contrary to the general objective of this Section; and
  - v. The alleged hardship has not been created by any person presently having a proprietary interest in the subject Fence (or property).
- c. No variations will be permitted from the requirements of this Section:
- i. Where the effect of a variation would be to cause a Fence or any portion thereof to encroach in, on, over, under, or above the public right-of-way.
  - ii. Where a Fence Height of greater than six (6) feet is sought for a Fence in a Residential District unless such Fence is located in a Rear or Side Yard along a Lot Line which abuts a Lot Line of a Lot in a Manufacturing District.
- d. Where there is insufficient evidence to support a finding of undue and unnecessary hardship under the immediately preceding subsection (b), but some hardship does exist, the Plan Commission/Zoning Board of Appeals may consider the requirement fulfilled and recommend favorable action to the Board of Trustees if the proposed Fence substantially enhances the architectural integrity of the building, or the Fence is in conformity with nearby structures.
- e. The Plan Commission/Zoning Board of Appeals may recommend, and the Board of Trustees may impose, such conditions and restrictions upon the subject Fence, the location, the character, and other features of the proposed Fence, and use of the property or premises benefited by a Fence Variation as may be deemed necessary to assure compliance with the standards set forth in this Section, to reduce or minimize the effect of such Fence Variation upon other property in the neighborhood, or to implement the general purpose and intent of this Section 3.13.

(25) Special Fence Procedures:

- a. Processing: Special Fence applications shall be processed in the same manner as Special Uses as set forth in Article V, Part D of this Chapter, except that the following specific regulations shall apply to Special Fences and if in conflict with the procedures governing Special Uses as set forth in Article V, the regulations set forth in this Section shall prevail for the processing of applications for Special Fences.
- b. The Plan Commission/Zoning Board of Appeals shall not recommend to the Board of Trustees that a Special Fence permit be granted unless it makes findings of fact based upon evidence presented at the hearing in any given case that:

- i. The Special Fence will serve the public convenience at the location of the subject Fence; or that the establishment, maintenance or operation of the Special Fence will not be detrimental to or endanger the visibility, public safety, comfort or general welfare.
  - ii. The Special Fence will be in harmony and scale with the architecture of the building in this development and with other Fences in the neighborhood.
  - iii. The Special Fence will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purpose already permitted; nor substantially diminish and impair the visibility of adjacent property.
  - iv. The nature, location and size of the Special Fence will not impede, substantially hinder, or discourage the installation of Fences on adjacent property in accordance with the Fence Ordinance.
  - v. The Special Fence shall in all other respects conform to the regulations of this Section 3.13 except as modified as provided herein.
- c. The Plan Commission/Zoning Board of Appeals may recommend the imposition of such conditions and restrictions upon a Special Fence, the location, the construction, design, time duration, and use of the property or premises benefited by the Special Fence as may be deemed necessary to assure compliance with the standards set forth in this Article, to reduce or minimize the effect of such Special Fence upon other property in the neighborhood, or to implement the general purpose and intent of this Fence Ordinance. A Special Fence will not be permitted where any portion of such Special Fence encroaches in, on, over, under or above the public right-of-way.
- d. After the close of the public hearing on a Special Fence, the Plan Commission/Zoning Board of Appeals may recommend to the Board of Trustees the granting of a Special Fence permit in accordance with its findings regarding the standards for Special Fences.
- e. The terms of the Special Fence ordinance so granted shall be specifically set forth in a conclusion or statement which is supported from the findings of fact of the Plan Commission/Zoning Board of Appeals. The subject property for which the Special Fence has been granted shall not be used in violation of the specific terms and the findings of fact unless such use is allowed by further findings of fact or additional approval, pursuant to additional hearings and appeal therefor.

(26) Notice of Violation; Time of Compliance; Complaint:

- a. The Village shall serve or cause to be served, by hand delivery, or by certified mail, a copy of the notice of violation on the person or persons who own or occupy the Lot that is the subject of the violation.
  - b. Compliance with the regulations set forth in this Section 3.13 shall take place within thirty (30) days after the notice pursuant to subsection a. immediately above, or the property in question may be subject to a re-inspection by the Zoning Officer or his designee and be subject to a re-inspection fee as required in the Village's Fee Ordinance. Further re-inspection fees may apply for each thirty (30) day period that the violation of the regulation remains in effect. If the work required to achieve compliance with these regulations is difficult to perform due to weather conditions during the winter months (November 15th through March 15th), full compliance with these regulations may be temporarily suspended by the Zoning Officer until after March 15th.
  - c. If, in the determination of the Zoning Officer, any time after ninety (90) days from the date the notice of violation was issued, there has been no satisfactory response to the notice of violation, or variation sought, or the denial of a sought variation for an illegal nonconforming Fence, the Zoning Officer may file a complaint with the appropriate division of the Circuit Court of Cook County, or before the appropriate administrative body, in the manner provided for the filing of ordinance violation complaints in the name of the Village. If, during the course of the proceeding, compliance with this Article is obtained the Village Attorney may non-suit or otherwise dismiss the complaint.
- (27) Emergency Procedures; Nuisance Abatement: In the event that a violation of this Section is creating an imminent threat of serious injury to persons or serious damage to persons or real property and the continuation of the violation poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, an officer of the Village possessing police powers may abate the nuisance creating the violation. Provided further that whenever the owner, occupant, agent or person in possession, charge or control of the Lot upon which the violation is occurring is unknown or cannot readily be found, a Village officer possessing police power may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably possible. Any costs incurred by the Village in performing emergency work under this Section shall be a lien upon the real estate so affected after the Village files a notice of said lien in the office of the Cook County Recorder of Deeds.

## **ARTICLE IV – ZONING DISTRICTS; MAPS**

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### Organization:

#### Part A: Districts and Boundaries Thereof

- 4.01 Establishment of Districts
- 4.02 Official Zoning Map
- 4.03 Interpretation of District Boundaries

#### Part B: Permitted and Special Uses in Districts

- 4.04 Use District Table
- 4.05 Interpretation of Uses
- 4.06 Additional Use Standards for the R-districts
- 4.07 Additional Use Standards for the B and O-districts
- 4.08 Additional Use Standards for the M-B district
- 4.09 Additional Use Standards for the P-district

#### Part C: Area, Bulk, Density and Setback Requirements

- 4.10 Scope of Requirements
- 4.11 Area, Bulk, Density and Setback Standards (R-1, R-2, & R-3 Districts)
- 4.12 Area, Bulk, Density and Setback Standards (R-4 Districts)
- 4.13 Area, Bulk, Density and Setback Standards – Business and Office Districts
- 4.14 Area, Bulk, Density and Setback Standards – Light Manufacturing/Business District

## **PART A: DISTRICTS AND BOUNDARIES THEREOF**

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### **4.01 ESTABLISHMENT OF DISTRICTS**

In order to accomplish the purpose of this Ordinance as stated in Section 1, the Village of Lincolnwood, Illinois is hereby divided into the following districts:

- (1) **R-1 Residential District.** The R-1 District is established to provide low-density areas in which the principal use of land is for single-family dwellings and related uses.
- (2) **R-2 Residential District.** The R-2 District is established to provide low-density areas, similar in character to the R-1 District but with a slightly smaller minimum lot size, in which the principal use of land is for single-family dwellings and related uses.
- (3) **R-3 Residential District.** The R-3 District is established to provide medium-density areas and to provide for a wider variety of dwelling accommodations, while maintaining the scale and character of existing

residential areas, in which the principal use of land is for single-family dwellings and related uses.

- (4) **R-4 Residential District.** The R-4 District is established to provide areas of higher density residences when located in proximity to major thoroughfares, public transportation, commercial and manufacturing districts and Village services.
- (5) **B-1 Traditional Business District.** This district is intended to create neighborhood commercial districts which accommodate the retail, service, and office uses and lot configurations that are characteristic of the Lincoln Avenue Corridor. Where the relevant Overlay District applies, mixed-use commercial, residential and second floor and above multi-family residential uses are permitted. The development standards and variety of permitted and special uses are designed to provide a safe, convenient, and attractive environment. This district generally corresponds to areas planned primarily for commercial uses in the Lincoln Avenue Corridor Plan and is intended to promote pedestrian travel and access to shopping and services.
- (6) **B-2 General Business District.** The B-2 District is established to provide areas for a wide variety of retail, services and commercial uses, and allows for the highest intensity of such uses. Unlike the B-1 Traditional Business District – where pedestrian travel to and from the commercial activity is encouraged – virtually all patrons will arrive by automobile.
- (7) **B-3 Village Center Planned Development District.** The B-3 Village Center Planned Development District is established with the understanding that its role is to serve as the focal point of Lincolnwood’s downtown activity corresponding to recommendations contained within the Lincoln Avenue Corridor Plan. Similar to the B-1 District, the district is intended to create a mixed-use commercial area and pedestrian friendly environment. As a planned development district, all development sites shall adhere to standards outlined in Article VIII (Part A – Planned Unit Developments) of this Zoning Ordinance in addition to standards outlined within this Section.
- (8) **O-1 Office District.** The O-1 Office District is established to provide an environment for low-density offices and office parks, as well as limited warehousing, commercial and industrial uses, that have negligible adverse effects upon the environment and surrounding areas.
- (9) **M-B Light Manufacturing/Business District.** The M-B District is established to protect public health, safety, comfort, convenience and the general welfare, and to protect the economic base and the value of real estate in the Village by regulating light manufacturing, research, wholesale, and limited business uses in appropriate locations. Limited retail sales and services related to the industrial uses may also be permitted as accessory uses. These general objectives include, among others, the following specific objectives:

- a. To provide appropriate locations in the Village for a wide range of economic activities, so that the economic base of the community and employment centers may be strengthened;
  - b. To provide adequate areas for business, research and light manufacturing related activities in locations appropriately accessible to the transportation network, so that movement of raw materials, finished products and employees can occur efficiently and with a minimum of danger to public life and property;
  - c. To protect the light manufacturing/business district from incompatible uses by prohibiting such uses as residential development, thereby preserving land for appropriate use in accordance with the Village plans for improvement and development.
  - d. To promote the most desirable use of land in accordance with the Village's Comprehensive Land Use Plan, to conserve the use of property, to promote stability of research and manufacturing activities and related development, and to protect the character and established development in each area of the community, to maintain and enhance the value of land and to protect the Village's tax base.
- (10) **P Public Open Space – Recreation – Park District.** This District is established to provide land use regulations for public open space, recreation and park areas within the Village. In establishing these land use regulations the Village intends to:
- a. Establish a zoning district to apply to public open space, recreational areas and parks;
  - b. Apply this District to all existing publicly held open space, recreational areas and parks;
  - c. Apply this District to any newly acquired land intended for open space, recreational and parks consistent with the Village's Comprehensive Plan;
  - d. Provide recreational and other facilities that are accessible for all socioeconomic groups;
  - e. Establish safe and secure facilities;
  - f. Cooperate with all interrelated governmental agencies in utilizing common resources in establishing facilities;
  - g. Permit active and passive recreational activities;

- h. Encourage preservation of natural areas;
- i. Encourage conservation of wildlife sanctuaries and habitats;
- j. Encourage preservation of scenic areas;
- k. Maximize the benefit of the public parks within the Village while minimizing the impacts on surrounding land uses.

#### **4.02 OFFICIAL ZONING MAP**

- (1) The locations and boundaries of the zoning districts established by this Zoning Ordinance are as shown on a map entitled "Village of Lincolnwood Official Zoning Map," hereafter referred to as the Zoning District Map, which is by this reference incorporated as part of this Zoning Ordinance. All notations, references, and other information shown on the Zoning District Map, and all amendments thereto, shall be as much a part of this Zoning Ordinance as if specifically set forth and literally described herein.
- (2) The official copy of the Zoning District Map shall be maintained by the Village Clerk and shall be made available for public inspection during Village business hours at the Village Hall. Any amendment to zoning district boundaries or any change in any other information shown on the Zoning District Map made by amendment to this Zoning Ordinance shall be indicated on the official copy of the Village Map.

#### **4.03 INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district map made a part of this comprehensive amendment, the following rules apply:

- (1) Where district boundaries are indicated as following streets or alleys or extensions thereof, such boundaries shall be constructed to be the center lines of said streets, alleys or extensions thereof.
- (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, unless the boundaries are otherwise indicated on the map. Within unsubdivided property, the district boundary lines on the zoning district map shall be in accordance with dimensions as designated on the map.
- (3) Where a district boundary line divides a lot in single ownership at the effective date of this comprehensive amendment, the less restrictive use may, at the owner's discretion, extend to the entire lot but not more than twenty-five feet (25') beyond the zoning district boundary line.

**PART B: PERMITTED AND SPECIAL USES IN DISTRICTS**

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**4.04 USE DISTRICT TABLE**

- (1) **Permitted Uses.** Uses identified with a "P" in Table 4.01.1 are permitted as of right in each respective district, provided that uses comply with all other applicable standards of this Ordinance. No building or premises improved or unimproved shall be used, and no building shall be hereafter erected, converted, enlarged, reconstructed, or structurally altered, except for a purpose permitted in the district in which the building or land use located as shown in Table 4.04.1, except for:
  - a. Uses lawfully established prior to the effective date of this Zoning Ordinance or in accordance with Article IX, Nonconformities, of this Ordinance.
  - b. Special uses allowed in accordance with Article V, Section 5.18, Special Uses.
- (2) **Special Uses.** Uses identified with an "S" in Table 4.01.1 are considered special uses and may be permitted in the subject district only after review and approval in accordance with Article V, Section 5.18 (Special Uses) of this Ordinance.
- (3) **Prohibited Uses.** Uses identified with a "-" in Table 4.01.1 are expressly prohibited in the subject district. Uses that are not listed may also be prohibited; determination of whether an unlisted use may be permitted shall be made by the Building Commissioner in accordance with Section 4.01 (Interpretation).

**4.05 INTERPRETATION OF USES**

The Village Board, upon recommendation of the Planning Commission, shall have the right to permit any other use not specifically listed in the following Table 4.01.1 without formal amendment, provided that the proposed use is similar to and compatible with those uses permitted in the district in question, and which is consistent with the purposes of this Ordinance.

**TABLE 4.01.1 – Permitted and Special Uses in All Zoning Districts**

Procedure for determining permitted and special uses in each district: Below is a use table for all zoning districts. For a property located in an Overlay District additional restrictions and standards may apply.

**Step 1)** Check the Lincoln Avenue Overlay District (§8.2 of this Zoning Ordinance), See the Boundary Map §8.02, **Step 2)** If your property falls within the Lincoln Avenue Overlay District, see Table 4.01.1 below for permitted or special uses and §8.03-8.08 for additional design standards, **Step 3)** If your property does not fall within the designated Overlay Boundary, refer to Table 4.01.1 below for permitted and special uses in each district.

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing/Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	
<b>RESIDENTIAL</b>											
<b>Household Living</b>											
Single-family dwelling	P	P	P	P	-	-	-	-	-	-	
Duplex (SF Semi-attached)	-	-	-	P	-	-	-	-	-	-	
Townhouse	-	-	-	P	<b>Note 1</b>	-	-	-	-	-	§ 4.07(2)12
Multi-family dwelling	-	-	-	P	<b>Note 1</b>	-	P	-	-	-	§ 4.07(2)12
Residential units, above 1 <sup>st</sup> floor commercial	-	-	-	-	<b>Note 3</b>	-	P	-	-	-	§ 4.07(2)12
<b>Group Living</b>											
Assisted living facility ( <b>Note 5</b> )	-	-	-	S	-	-	-	S	S	-	
Community residence	-	-	-	S	-	-	-	-	-	-	
Nursing and personal care facility ( <b>Note 6</b> )	-	-	-	S	-	-	-	S	S	-	
<b>COMMERCIAL</b>											
<b>Adult use</b>	-	-	-	-	-	-	-	-	S	-	
<b>Animal Services</b>											
Animal grooming, pet sales & service	-	-	-	-	P	P	P	-	P	-	
Animal hospital/veterinarian's office	-	-	-	-	-	P	-	-	P	-	
Animal shelter/kennel	-	-	-	-	-	S	-	-	S	-	§ 4.07(11)
<b>Artist studio or Art gallery</b>	-	-	-	-	P	P	P	-	P	-	
<b>Construction Sales &amp; Service</b>											
Building material sales	-	-	-	-	-	P	-	-	P	-	
<b>Dry Cleaning Services</b>											
Dry cleaning, pickup (no on-premises cleaning facilities)					P	P	P	-	P	-	§ 4.07 (9)
Dry cleaning plant (serving more than one retail outlet)	-	-	-	-	-	S	-	-	P	-	
<b>Eating &amp; Drinking Establishments</b>											
Restaurant, <5,000 SF	-	-	-	-	P	P	P	-	S	-	§ 4.07 (6)
Restaurant, >/=5,000 SF	-	-	-	-	S	S	P	-	S	-	§ 4.07 (6)
Pub, Bar, Lounge	-	-	-	-	S	S	P	-	S	-	§ 4.07 (10)
<b>Entertainment &amp; Recreation</b>											
Billiard club	-	-	-	-	S	S	P	-	-	-	
Golf course, private	S	S	S	S	-	-	-	-	-	-	
Health club or Recreation facility, private	-	-	-	-	S	P	P	S	S	-	
Entertainment venue	-	-	-	-	S	S	S	-	-	-	
<b>Facility with drive-through</b>	-	-	-	-	S	S	P	-	-	-	§ 4.07 (8)
<b>Financial Services</b>											
Bank, credit union, savings & loan	-	-	-	-	-	P	-	-	-	-	

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing/Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	
<b>Food &amp; Beverage Retail Sales</b>											
Convenience store	-	-	-	-	P	P	P	-	-	-	
Grocery store, <30,000 SF	-	-	-	-	P	P	P	-	-	-	
Grocery store, >=30,000 SF	-	-	-	-	S	S	P	-	-	-	
Liquor store, package goods	-	-	-	-	S	S	S	-	S	-	
<b>Lodging</b>											
Bed & breakfast (4 or less guest rooms)	-	-	-	-	S	S	P	-	-	-	
Hotel/motel	-	-	-	-	S	S	P	-	-	-	
<b>Office (except as more specifically regulated)</b>											
Office, general or professional	-	-	-	-	P	P	P	P	P	-	
<b>Parking garage</b>	-	-	-	-	S	S	P	P	S	-	
<b>Personal Service Establishments</b>											
General, <2,000 SF	-	-	-	-	P	P	P	-	-	-	
General, >= 2,000 SF	-	-	-	-	S	S	P	-	-	-	
<b>Retail Sales &amp; Service (except as more specifically regulated)</b>											
<10,000 SF	-	-	-	-	P	P	P	-	P (\$4.08 (1))	-	
>=10,000 SF	-	-	-	-	S	S	P	-	P (\$4.08 (1))	-	
Greenhouse/Nursery	S	S	S	S	-	-	-	-	S	-	
<b>Services, consumer</b>											
Car and light truck rental	-	-	-	-	-	S	-	-	P	-	
Car wash	-	-	-	-	-	-	-	-	P	-	
Catering (Note 7)	-	-	-	-	S	S	P	S	P	-	
Laundromat	-	-	-	-	-	P	-	-	P	-	
<b>Vehicle Sales &amp; Service</b>											
Auto body & repair	-	-	-	-	-	S	-	-	P	-	
Auto service or gas station	-	-	-	-	-	S	-	-	P	-	
Auto/light truck sales & service	-	-	-	-	S	S	-	-	P	-	
Vehicle storage and towing	-	-	-	-	-	-	-	-	P	-	
<b>Industry and Manufacturing</b>											
Research Laboratory	-	-	-	-	-	S	-	S	S	-	
Support Laboratory	-	-	-	-	-	S	-	S	S	-	
Manufacturing, light	-	-	-	-	-	-	-	P	P	-	
Manufacturing, medium	-	-	-	-	-	-	-	-	P	-	
Wholesale Establishment	-	-	-	-	-	-	-	S	P	-	
<b>Warehouse, Storage, and Freight</b>											
Freight terminal, truck, rail, intermodal, distribution centers	-	-	-	-	-	-	-	-	S	-	
Outdoor storage	-	-	-	-	-	-	-	-	S	-	§ 4.07 (7)
Warehouse	-	-	-	-	-	-	-	S	P	-	
<b>MISCELLANEOUS/ INSTITUTIONAL</b>											
<b>Child or Adult Care Facilities</b>											

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing/Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	
Child/Elderly Development Center	-	-	-	-	P	P	P	P	-	-	
Day care Nursery	S	S	S	S	-	-	-	-	-	-	
Elderly Daycare Home	S	S	S	S	-	-	-	-	-	-	
<b>Community Facilities</b>											
Community center	S	S	S	S	-	-	-	-	-	P	
Library	P	P	P	P	P	P	P	-	-	-	
Lodge, fraternal and civic assembly	-	-	-	-	-	S	-	-	-	-	
Municipal facility	P	P	P	P	P	P	P	P	P	-	
Parks and playground	P	P	P	P	P	P	P	P	P	P	\$4.09
Postal services	-	-	-	-	S	S	P	P	P	-	
<b>Educational Facility</b>											
College and university	-	-	-	-	-	-	-	S	S	-	
School, k-12	P	P	P	P	-	-	-	-	-	-	
Trade, Music or Dance School, for-profit	-	-	-	-	P	P	P	S	S	-	
<b>Health Services</b>											
Hospital	-	-	-	S	-	S	-	S	-	-	
Massage Therapy	-	-	-	-	S	S	P	-	-	-	
Medical clinic	-	-	-	-	-	S	-	P	P	-	
Office, medical, outpatient only	-	-	-	-	P	P	P	P	P	-	
<b>Planned development</b>	S	S	S	S	S	S	P	S	S	-	
<b>Religious Use</b>											
Cemetery	S	S	S	S	-	-	-	-	-	-	
Religious institution, on a lot less than ½ acre	S	S	S	S	-	P	-	-	-	-	
Religious institution, on a lot ½ acre or greater	P	P	P	P	-	P	-	-	-	-	
<b>Utilities</b>	S	S	S	S	S	S	P	S	S	S	

**Note 1:** Ground floor residential uses (multi-family or townhomes) are only permitted within the Business/Residential Transition Area of the Lincoln Avenue Overlay District. See Section 8.06 *Additional Standards for the Business/Residential Transition Area* of the Overlay District.

**Note 2:** Restrictions on commercial uses within the Business/Residential Transition Area may apply (See Section 4.07 (2) and 8.06 of the Lincoln Avenue Overlay District for additional standards).

**Note 3:** Upper floor residential uses are only permitted within the Lincoln-Pratt- Crawford hub, Devon-Lincoln hub and the Business/Residential Transition Area of the Lincoln Avenue Overlay District. See Section 8.13 and Section 8.14 of the Overlay District.

**Note 4:** An Assisted Living Facility use cannot be established on a lot not less than one hundred feet (100') in width and one (1) acre in area.

**Note 5:** A Nursing and Personal Care Facility use cannot be established on a lot of less than five (5) acres in area.

**Note 6:** A Catering business or activity may hold on-premise "open house" or special event tasting which do not exceed twelve (12) per year. If such "open house" or special event tasting (or any other activity of the Caterer, Catering Establishment or Catering Service) involve the serving of alcoholic beverages, the business or activity must be licensed by the Village as an alcoholic liquor retailer and must comply with all state statutes, state regulations, Village Ordinances and regulations, and the rules

and regulations established by the Local Liquor Control Commissioner governing the dispensation of alcoholic beverages.

#### 4.06 ADDITIONAL USE STANDARDS FOR THE RESIDENTIAL DISTRICTS

- (1) **Specific standards for R districts.** Specific minimum and maximum standards for lots, buildings, bulk, density and yards in the Residential Districts are listed in Sections 4.14 and 4.15 of this Zoning Ordinance.
- (2) **Minimum Architectural Standards.** Shall be required in Article VI (Site Development Standards) of this Ordinance.

#### 4.07 ADDITIONAL USE STANDARDS FOR THE BUSINESS AND OFFICE DISTRICTS

- (1) **Specific Standards for B-Districts.** Specific minimum and maximum standards for lots, buildings and yards in the B districts are listed in Table 4.13, Bulk and Setback Standards, of this Zoning Ordinance.
- (2) **Restricted Uses.** Nonresidential uses in a business/residential mixed use building within the boundaries of the Business/Residential Transition Area of the Lincoln Avenue Overlay District (as defined in Article VIII, B of this Ordinance) shall meet the following requirements:
  - a. All non-residential uses shall not exceed 2,500 SF in gross floor area;
  - b. All non-residential uses shall be located on the ground floor;
  - c. Commercial uses in a business/residential mixed-use building shall be restricted to uses, including, but not limited to, the following:
    - i. Artist gallery or studio;
    - ii. Beauty salon or barber shop;
    - iii. Café or restaurant, without drive-through;
    - iv. Dry-cleaners, pick-up only;
    - v. Massage therapy or other health related establishment;
    - vi. Office, general or professional;
    - vii. Office, medical;
    - viii. Specialty retail shop; and
    - ix. Other uses which are found by the Zoning Board of Appeals to be similar to permitted and special uses in the B-1 district.
  - d. The following commercial uses in a business/residential mixed-use building shall be prohibited within the Business/Residential Transition Area:
    - i. Auto/light truck sales & service;
    - ii. Catering service;

- iii. Convenience store
- iv. Grocery store;
- v. Liquor store;
- vi. Tattoo parlor; and
- vii. Pub, bar, or lounge.

(3) **Transitional Yard.** Wherever a Business or Office district abuts a residentially zoned lot a transitional yard shall be maintained. Transitional yards shall meet the following requirements:

- a. Buildings setback buffer. All structures adjacent to residential districts on the B-1, B-2, or B-3 zoned lot must be setback a distance that is equal to or greater than the side or rear yard setback requirement for the adjacent R-zoned lot, but not less than 10 feet. If the B-zoned property abuts two different R districts, then the greater setback shall apply.
- b. Landscape buffer. A landscape buffer must also be provided. This buffer shall extend the length of the lot line or segment of the lot line that abuts the residential district, and shall be at least eight (8) feet wide or where screening consists of a masonry wall, a minimum width of five (5) feet. (*See landscape buffer and screening requirements in Section 6.16 of this Zoning Ordinance*).
- c. Buffer restrictions. The landscape buffer shall not be used for the purposes of parking, loading, servicing, or storage.
- d. Screening. In addition to standards required in Article VI, Part D Landscaping, the following screening in transition yards is required:
  - i. 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
  - ii. Screening shall be continuous along the property line.
  - iii. Berms shall be utilized to the maximum extent feasible.
  - iv. Evergreen trees and shrubs shall be used to the greatest extent feasible in a fashion so as to inhibit views from residential property.
  - v. The surface of the setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited.
  - vi. 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. Masonry walls are subject to the regulations set forth in this

Zoning Ordinance, Article III, Section 3.13, "Fences and Natural Screening".

- (4) **Auto Service or Gas Stations:** All service station gasoline pump islands shall be a minimum of fifteen feet (15') from any property line.
- (5) **Outdoor Operations.** All business, service and commercial activities must be conducted within completely enclosed buildings unless otherwise expressly allowed in Section 4.07 (7) of this section of the Ordinance. This requirement does not apply to automated teller machines, or to off-street parking and loading or drive-through operations that are otherwise permitted by this Ordinance. The Village Board may waive this provision by designating certain days on which special promotions may be conducted outside the building.
- (6) **Outdoor Dining and Drinking.** On-site outdoor seating areas for the patrons of eating and drinking establishments are allowed as an accessory use so long as the establishment complies with the Lincoln Avenue Overlay District standards or with any permitting requirements that the Village, from time to time, may establish. The following are minimum standards that shall apply to all outdoor cafes:
  - a. Planters, posts with ropes or other similar removable enclosures are permitted as a way of defining the area occupied by the café
  - b. Pedestrian circulation and access to store entrances shall not be impaired.
  - c. Extended awnings, canopies or large umbrellas shall be permitted. Colors shall complement building colors.
  - d. Outdoor cafes shall provide additional trash receptacles in the outdoor eating area.
  - e. Operators of outdoor cafes shall be responsible for maintaining a clean, litter-free and well-kept appearance within and immediately adjacent to the area of their activities.
- (7) **Outdoor Sales Display.** Outdoor display is prohibited except as follows:
  - a. As stipulated in an approved planned development; or
  - b. Seasonal outdoor display as defined in this Ordinance; or
  - c. On-site display of products at business establishments with a primary use of:
    - i. Auto/light truck sales and service; and
    - ii. Boat/RV sales, service or storage; and

- iii. Heavy equipment sales or service; and
- iv. Motorcycle sales or service; and
- v. Flea market
- vi. Garden center; and
- vii. Lumberyard

- (8) **Drive-through Facilities.** Drive-up or through facilities designed for transactions of business from customers' vehicles, and not otherwise permitted to serve any retail or business use otherwise permitted in the District, shall obtain a special use permit. In considering the issuance of a special use permit, the Planning and Zoning Commission and the Village Board shall consider the following, in addition to the other general standards for Special Uses in Article V, Section 5.18
- a. Number of Lanes: To minimize any negative impacts related to drive-through lanes or the potential for circulation conflicts, conflicts with vehicles entering or exiting the site, pedestrian conflicts, and the existing condition of relatively small commercial lot sizes located within the Village, no more than one drive-through lane shall be permitted by special use permit in the B-1 District.
  - b. Sufficient stacking space: To establish safe stacking space, the following minimum stacking space is required: 4 vehicles at each bay window, ordering station or machine.
  - c. Location: Drive-through facilities shall be prohibited from facing a public street. All drive-through facilities shall be located on the side or rear of the structure that is either facing the site's parking area or internal drive-aisle.
  - d. Interference: There shall be no interference with the operations of other businesses or residential uses in proximity of the drive-up facility.
  - e. Any other matter or information determined to be relevant to the reasonableness of the proposed use.
- (9) **Dry Cleaning.** Dry cleaning and pressing establishments shall employ facilities for the cleaning and pressing of not more than seventeen hundred and fifty (1750) pounds of dry goods per day, and shall use perchlorethylene or other similar non-inflammable solvents approved by the Fire Department.
- (10) **Pub, Bar, or Lounge.** Taverns, pubs and lounges as defined in this Ordinance, shall be subject to the following standards:
- a. Such use shall hold a valid liquor license and shall comply with all regulations of the State and the Village of Lincolnwood with regard to liquor sales or service.

- b. Such use shall not be in excess of 2,500 square feet, including the square footage of any open or closed patio, paved area, or public sidewalk which sidewalk is leased from the Village and is used to serve or consume alcoholic beverages.
  - c. Such use and the lot on which it is located shall not be located within five hundred (500) feet of another bar, tavern, or lounge use, said measurement being made from the point of the commercial lot nearest any other bar, tavern or lounge.
- (11) **Animal Shelter/Kennel.** Animal shelter/kennels as defined in this Ordinance, shall be subject to the following standards:
- a. Such use shall be limited to the treatment or care of domestic pets and animals only;
  - b. Kennels shall be located entirely within the building and soundproofed to meet the standards of established by the Illinois Pollution Control Board of the Environmental Protection Agency, as may be amended from time to time.
- (12) **Residential Uses.** Any residential use permitted in the business districts shall comply with the Lincoln Avenue Overlay District (Article VIII, Part B), and the Village Center Planned Development District (Article VIII, Part C) and the following additional standards:
- a. Ground floor dwelling units are prohibited in all business districts, unless otherwise permitted in the residential infill area – Section 8.14 – (Recommended Standards for the Business/Residential Infill Area) of the Lincoln Avenue Overlay District;
  - b. B-1, and B-3 residential uses shall comply with all standards of Article VIII, Parts B, and C of this Ordinance – Lincoln Avenue Overlay District, and Village Center Planned Development District.
  - c. Any form of residential parking is prohibited in all portions of the front yard and individual garage doors shall not face the public street; and
  - d. Any form of residential parking is prohibited in any portion of the corner side yard.
- (13) **Additional Standards for the Lincoln Avenue Corridor.** Properties within the Lincoln Avenue Overlay District are subject to additional standards as stated in Article VIII, Parts B and D of this Zoning Ordinance.
- (14) **Site Plan Review, Landscape and Parking Standards.** Site plan approval shall be required for all new construction and additions to existing structures. Site plan, site design and landscape standards are required as enumerated

in Article V of this Zoning Ordinance. Off-street parking shall be provided for each use shown in Table 4.01.1, as required or permitted in Article VII (Off-Street Parking and Loading). (Ordinance No Z2009-368).

#### **4.08 ADDITIONAL USE STANDARDS FOR THE M-B – LIMITED MANUFACTURING/BUSINESS DISTRICT**

- (1) **Retail, Sales and Services Uses.** As referenced in Table 4.01.1, only the following retail, sales and service uses shall be permitted in the M-B district. Off-street parking shall be provided for each use shown in Table 7.01.1, as required or permitted in Article VII (Off-Street Parking and Loading).
  - a. Bakery, retail or wholesale;
  - b. Furniture repair, cleaning, or refinishing with retail sales;
  - c. Furniture store;
  - d. Greenhouse, including retail and wholesale of plants and produce;
  - e. Printing, publishing or lithography establishments;
  - f. Retail as an accessory use to any permitted principal use;
  - g. Any retail, sales and service use found to be similar to permitted retail, sales and service uses and an appropriate transition between the traditional manufacturing uses and the adjoining districts by the Plan Commission/Zoning Board of Appeals.
- (2) All business, processing, storage and all other activities and operations shall be conducted within completely enclosed buildings, except for off-street parking and off-street loading operations. Drive-up, drive-in, drive-through type operations shall be allowed only by special use permit. Outdoor storage may be permitted as a special use if such storage is customary to the principle use on site.
- (3) Noise, glare, vibration, odor, etc., shall be regulated according to standards established by the Illinois Pollution Control Board of the Environmental Protection Agency, as may be amended from time to time. Additionally, all uses within the M-B District shall comply with the environmental performance standards set forth in Article VI of this Ordinance. These standards control noise, vibration, air pollutants, toxic materials, fire and explosive hazards, lighting and glare and shall be required in addition to the Illinois EPA standards.

#### **4.09 ADDITIONAL USE STANDARDS FOR THE PUBLIC OPEN SPACE**

- (1) **Parks and Boundaries of Parks:** The parks located within the Village and park boundaries are as set forth in the Code of Ordinances for the Village of Lincolnwood as may be amended by the Board of Trustees from time to time.

- (2) **Hours:** Opening and closing hours for all Parks shall be as determined by the Board of Trustees as set forth in the Code of Ordinances for the Village of Lincolnwood as may be amended by the Board of Trustees from time to time, and not this Zoning Ordinance.
- (3) **Off-Street Parking and Off-Street Loading:** Parking shall be in accordance with applicable regulations set forth herein in Article VII.
- (4) **Signs:** Signs shall be in accordance with the regulations set forth in the Code of Ordinances for the Village of Lincolnwood as may be amended from time to time, and not this Zoning Ordinance.
- (5) **Lighting/Security Lighting:** As determined by the Building Commissioner.
- (6) **Nonconforming Buildings, Structures and Uses:** Nonconforming, Buildings, Structures and Uses shall be governed by the applicable regulations set forth in Article IX of this Ordinance.
- (7) **Accessory Buildings, Structures and Uses:** In addition to parks and playgrounds as permitted in Table 4.01.1, the following accessory buildings, structures and uses are permitted in the Public Open Space – Recreation – Park:
  - a. Accessory buildings including, but are not limited to, indoor recreation and fitness facilities, clubhouses, washrooms, changing rooms, maintenance buildings, indoor/outdoor shelter structures, bleachers, arbors, pergolas, recreation and community centers;
  - b. Accessory commercial facilities, including concession stands, where incidental to the operation of public recreational uses;
  - c. Sculpture garden, public
  - d. Outdoor storage of park supplies
- (8) **Accessory Buildings, Structures and Uses:** In addition to Public Utilities, which are listed as a special use in Table 4.01.1, the following accessory buildings, structures and uses are special uses in the Public Open Space – Recreation – Park District:
  - a. Privately operated baseball/softball recreational facilities open to the general public
  - b. Meeting and recreation facilities for Veterans' Organizations located in public buildings.
  - c. Other uses which are found by the Zoning Board of Appeals to be similar to permitted and special uses in the P District.

(9) **The Following Temporary Uses are Permitted, Subject to Conditions, as Follows:**

- a. Festivals and carnivals shall be permitted only when sponsored by a not-for-profit religious, philanthropic or civic group or organization; provided however, than any such use shall require the specific prior approval of the Board of Trustees by ordinance.
- b. Indoor and Outdoor Art, Craft, Plant, Concerts, Shows and Other Amusements: Such use shall require the specific prior approval of the Board of Trustees by ordinance.

**PART C: AREA, BULK, DENSITY AND SETBACK REQUIREMENTS**

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**4.10 SCOPE OF REQUIREMENTS**

- (1) Applicability: Except as may be provided elsewhere in this Zoning Ordinance, the provisions of this Part C shall establish the minimum and maximum requirements of area, bulk, density, and setbacks for every zoning district established by this Zoning Ordinance. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in violation of the requirements of this Part C.
  
- (2) Uniform Standards for All Zoning Districts: The following provisions and requirements shall apply in all Zoning Districts in the Village:
  - a. No building or structure may be constructed within any Sight Triangle.
  
  - b. [Reserved].

4.11 Area, Bulk, Density and Setback Standards - R-1, R-2, & R-3 Districts

Use Category	Residential Zones		
	R-1	R-2	R-3
<b>Lot Standards (single-family dwelling units)</b>			
Min. lot size (sq ft)	9,000 SF	7,000 SF	5,400 SF
Max. impervious coverage (%)	60%	60%	60%
Max. building coverage (%)	35%	35%	35%
<b>Minimum Ground Floor Area Per Dwelling</b>			
SF detached 1-story dwelling w/o basement	1,700 SF	1,400 SF	1,300 SF
SF detached 1-story dwelling with basement	1,500 SF	1,200 SF	1,100 SF
SF detached dwellings with (1+ stories)	1,000 SF	800 SF	700 SF
<b>Building Standards</b>			
Maximum building height (ft) Peaked Roof SF Detached (measured to roof peak)	35 ft	35 ft	35 ft
Maximum building height (ft) Flat Roof SF Detached (measured to the highest point of the flat roof)	22 ft	22 ft	22 ft
Finished 1st Floor height limit SF Res. (elevation at top of curb to the top of the finished first floor)	Max 3 ft	Max 3 ft	Max 3 ft
Maximum building height (ft) Non-Residential	40 ft	40 ft	40 ft
<b>Maximum FAR</b>			
SF Detached, lot size > / = 6,000 SF	0.6	0.6	0.6
SF Detached, lot size < 6,000 SF or total floor area < 3,600 SF	0.66	0.66	0.66
Non-residential permitted or special uses	0.5	0.5	0.5
<b>Yard Standards</b>			
Minimum front setback (ft)	25 ft	25 ft	25 ft
Max front yard coverage with impervious surface (%)	50%	50%	50%
Min. interior side setback (ft) Single-Family detached dwellings	5 ft or 10% of lot width*	5 ft or 10% of lot width*	5 ft or 10% of lot width*
Min. interior side yard setback (ft) Non-Residential uses	15 ft each side yard	15 ft each side yard	15 ft each side yard
Min. corner side setback (ft)	10 ft	10 ft	10 ft
Min. rear setback (ft)	30 ft	30 ft	30 ft

Note 1: See Section 2 - Definitions - of this Zoning Ordinance for further clarification on how standards are defined.

Note 2: SF Detached = Single-Family Detached Dwelling Unit

**Lot Standards**

- 1) Maximum impervious coverage of 60% includes all surfaces that do not allow water penetration (driveways, paving bricks, composed stone, building foundation, etc.).
- 2) Maximum Building Coverage of 35% means the percentage of the lot occupied by any building including accessory buildings or structures.

R-1: Min Lot Size = 9,000



R-2: Min Lot Size = 7,000 SF

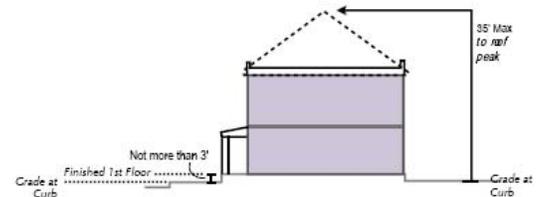


R-3: Min Lot Size = 5,400 SF



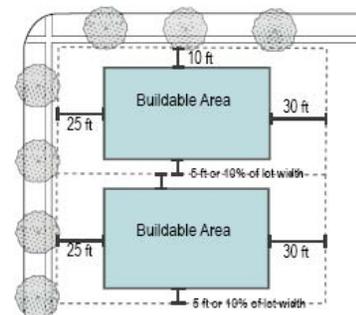
**Building Height**

- 1) Single Family Residential Building Height: Vertical distance from grade at curb to the highest point of a flat roof or to the roof peak for pitched roofs. Chimneys, towers, or similar projections are not included.



**Yard Standards**

- 1) Corner side yard: a side yard which adjoins a street.
- 2) Interior side yards: Required at 5 ft each or 10% of lot width (each side), whichever is greater.
- 3) Rear yards may be decreased by the distance, if any, that the sum of both interior side yards exceeds the minimum requirements, subject to the following: (a) Such decrease shall not be greater than the distance by which the building exceeds 30 ft in length, measured along the longest part of the building perpendicular to the front line, and (b) Such decrease shall not exceed 10 ft, so that the rear yard shall not be reduced to less than 20 ft. In the event that the lot in question exceeds 125 ft in length, the required rear yard will increase by 50% of the lot depth in excess of 125 ft.



4.12 Area, Bulk, Density and Setback Standards - R-4 - General Residence District

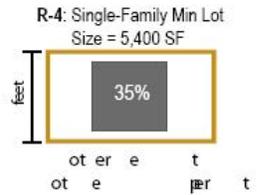
Use Category	Zoning District
	Residential Zone R-4
<b>Lot Standards</b>	
Min. lot size (sq ft)	5,400 SF
Min. lot area all non SF dwelling types (per unit)	3,000 SF
Min. lot width (ft) detached Single-Family w/attached garage	60 ft
Max. impervious coverage Single-Family (%)	60%
Max. building coverage Single-Family (%)	35%
<b>Minimum Ground Floor Area Per Dwelling</b>	
SF detached 1-story dwelling w/o basement	1,100 SF
SF detached 1-story dwelling with basement	1,000 SF
SF detached dwellings with (1 + stories)	650 SF
SF semi-detached dwelling (1 story)	1,000 SF
SF semi-detached dwelling (1 + stories)	650 SF
Two-Family Detached Dwellings	1,000 SF
<b>Building Standards</b>	
Single-Family Attached or Detached Max Building Ht for pitched roofs (Note 1)	35 ft; or 2 stories
Single-Family Max Building Ht for flat roofs	22 ft
Finished 1st Floor Ht Limit (Single-Family Detached) (elevation at top of curb to the top of the finished first floor)	Max 3 ft
Multi-Family or Non-Residential Max. Building Ht (ft)	45 ft
<b>Maximum FAR</b>	
SF Detached, lot size >= 6,000 SF	0.6
SF Detached, lot size < 6,000 SF, or total floor area < 3,600 SF	0.66
Multi-family residential	0.6
Non residential permitted or special uses	0.6
<b>Yard Standards (Note 2)</b>	
Minimum front setback (ft)	25 ft
Max front yard coverage with impervious surface (%)	50%
Min. interior side setback (ft) Single-Family detached dwellings	5 ft or 10% of lot width*
Min. interior side setback (ft) Single-Family semi-detached dwellings (one yard only)	5 ft
Min. interior side yard (single-family attached)	None
Min. interior side yard setback (ft) Multi-family dwellings and Non-Residential uses	5 ft
Min. rear setback (ft)	30 ft
Min. rear setback (ft) where alley exists (measured from center line of alley)	38 ft
<b>Spacing between buildings (2 or more SF attached or multi-family)</b>	
- Front wall of building to front or rear	50 ft
- Rear wall of building to rear wall	40 ft
- Side wall of building to front or rear (NOTE 3)	20 ft
- Side wall of building to side wall (NOTE 4)	10 ft
- Wall with no windows or doors facing wall with no windows or door	10 ft

Notes:

- 1) Height does not apply to multi-family dwellings or non-residential structures / 35 ft or 2 stories, whichever is less
- 2) Yards general, for buildings more than 30 ft in height, each front, side and rear yard as required above shall be increased in width or depth by two feet for each additional one foot of building height over 30 feet.
- 3) Where a side wall faces a front or a rear wall, and there are more than 4 windows per floor, 2 of which are bathroom or storage, then the building separation shall not be less than 40 feet or 50 feet where one of the walls contains an entrance door.
- 4) Where a side wall faces another side wall, and there are more than 4 windows per floor, 2 of which are bathroom or storage, then the building separation shall not be less than 40 feet or 50 feet where one of the walls contains an entrance door.

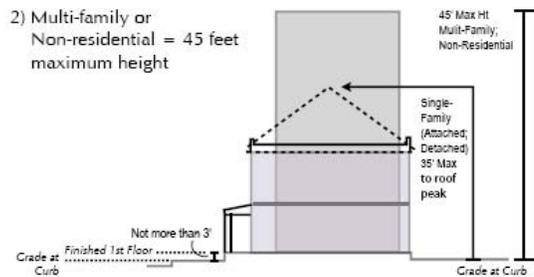
Lot Standards

- 1) Maximum Building Coverage of 35% means the percentage of the lot occupied by any building including accessory buildings or structures.



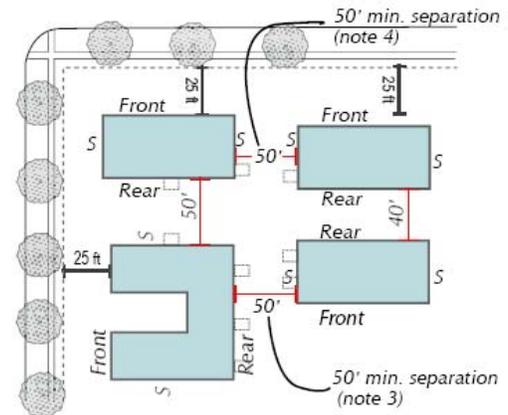
Building Height

- 1) Single Family Detached/Attached Residential Building Height: Vertical distance from grade at curb to the highest point of a flat roof or to the roof peak for pitched roofs. Chimneys, towers, or similar projections are excluded.



Building Separation (SF Attached or Multi-Family)

- 1) Building separation applies to spacing between single-family attached or multi-family buildings
- 2) Greater separation shall be required where side or rear walls have 4 or more windows and/or entry doors (see notes).



**4.13 AREA, BULK, DENSITY AND SETBACK STANDARDS – BUSINESS AND OFFICE DISTRICTS**

*(Note: Standards apply to new construction and expansion of existing uses only)*

STANDARD	ZONING DISTRICTS			
	Business and Office Districts			
	B-1	B-2	B-3 VC PD	O-1
<b>Lot Standards</b>				
Min. lot size (sq ft)	N/A	N/A	87,120 (2 acres)	N/A
<b>Building Standards</b>				
Max. building height (ft)	38 feet/3 stories <b>(Note1)</b>	38 feet/3 stories	65 ft /5 stories <b>(Note1)</b>	3 stories/ 38 ft <b>(Note1)</b>
Min. floor area per DU (SF)				
- 1-bedroom/studio (SF)	800	800	800	-
- 2-bedroom (SF)	1,500	1,500	1,500	-
- 3-bedroom (SF)	2,000	2,000	2,000	-
<b>Required Setbacks (Note 4)</b>				
Min. front setback (ft)	N/A	25 ft <b>(Note 3)</b>	N/A	25 ft
Min. build-to-line (ft)	5 ft	<b>(Note 3)</b>	15' on Touhy 5' on Lincoln	N/A
Min. interior side setback (ft)	N/A	N/A	N/A	10 ft
Min. corner side setback (ft)	10 ft <b>(Note 2)</b>	10 ft	N/A	25 ft
Min. rear setback (feet)	10 ft	10 ft	N/A	10 ft

*Notes:*

**(Note 1):** The Village Board may approve additional building height/ stories in any business or office district , **IF the Board finds one or more of the following conditions to be met:** 1) the lot size of the subject property or assembled properties exceed the minimum acre site area standard and 2) Petitioner has provided pedestrian amenities, such as a public plaza, decorative fountain, public art, monument, landscaped square or pocket park or other desirable amenity to enhance the quality and form of the urban space.

**(Note 2):** Unless otherwise required by the Lincoln Avenue Overlay District (Section 8.B.)

**(Note 3):** On Devon Avenue in the B-2 District, there shall no front yard setback for existing buildings and a five (5') foot minimum build-to line for all new buildings.

**(Note 4):** Where a Business or Office zoned lot abuts a residentially zoned lot, a transition yard shall be maintained. See Section 4.07 (3) and Section 6.16 for transition yard requirements.

4.14 AREA, BULK, DENSITY AND SETBACK STANDARDS: M-B DISTRICT

STANDARD	ZONING DISTRICT
	M-B
<b>Lot Standards</b>	
Min. lot size (sq ft)	N/A
<b>Required Setbacks (Note 1)</b>	
Front yard (ft)	25'
- Front yard (ft) across from residential district	30'
- Front yard (ft) fronting on Pratt Avenue	75'
Side yard (ft) (Note 2)	5'
- Side yard (ft) adjoining a residential district	30'
- Side yard (ft) abutting a street	10'
Rear yard (ft) (Note 3)	5'
- Rear yard (ft) adjoining a residential district	15'
Yards, general (Note 4)	
<b>Building Standards</b>	
Max. building height (ft)	55 feet or 5 stories, whichever is less
Floor Area Ratio (maximum)	1.2

Notes:

**(Note 1):** Where a MB zoned lot abuts a residentially zoned lot, a transition yard shall be maintained. See Section 4.07 (3) and Section 6.16 for transition yard requirements.

**(Note 2):** No side yard is required in the case of a party wall, or where a side lot line adjoins a railroad right-of-way.

**(Note 3):** No rear yard is required in the case of a party wall, or where a side lot line adjoins a railroad right-of-way or abutting wall in a manufacturing district.

**(Note 4):** Front, side and rear yards as required in Section 4.14 above shall be increased by one foot (1') for each one foot (1') of building height in excess of 45 feet.

## **ARTICLE V – DEVELOPMENT REVIEW, ADMINISTRATION AND ENFORCEMENT**

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### **Organization**

#### **Part A: General**

- 5.01 Summary of Review Authority
- 5.02 Fees

#### **Part B: Site Plan Review and Approval**

- 5.03 Purpose and Applicability
- 5.04 Exceptions to Required Site Plan Review and Approval
- 5.05 Site Plan Submission and Process for Review of Site Plans
- 5.06 Site Plan Application Requirements for Non-Residential and Multi-Family Residential
- 5.07 Site Plan Application Requirements for Single-Family Residential

#### **Part C: Zoning Certificates**

- 5.08 Zoning Certificates
- 5.09 [Reserved]
- 5.10 [Reserved]

#### **Part D: Administration and Enforcement**

- 5.11 Duties of the Zoning Officer
- 5.12 Vote Required of Plan Commission/Zoning Board of Appeals
- 5.13 Appeals
- 5.14 Minor Variations
- 5.15 Major Variations
- 5.16 Amendments
- 5.17 Special Uses
- 5.18 Effective Period
- 5.19 Violation, Penalty, Enforcement
- 5.20 Successive Applications
- 5.21 Notice Requirements

**PART A: GENERAL**

**5.01 SUMMARY OF REVIEW AUTHORITY**

The following table summarizes the required review and approval authority provided under this Zoning Ordinance.

Procedure	Zoning Officer	Plan Commission/ Zoning Board of Appeals	Board of Trustees	Ref.§
Site Plan Review*: (no variations requested)	Final	Appeal	-	Article V, Part B
Site Plan Review*: (with variations)	R	<R>	Final	Article V, Part B
Zoning Certificate	Final	Appeal	-	§5.08
Nonconforming Status Exception	R	R	Final	Article IX, Part E
Minor Variation	Final	Appeal	-	§5.14
Major Variation	R	<R>	Final	§5.15
Text Amendment	R	<R>	Final	§5.16
Map Amendment	R	<R>	Final	§5.16
Special Use Permit	R	<R>	Final	§5.17
Planned Development	R	<R>	Final	Article VIII, Part A

**Notes:**

- 1) R = Review or Recommendation;
- 2) Final = Final Decision;
- 3) Appeal = Applicant can appeal Final Decision;
- 4) < > = Public Hearing
- 5) "-" = No Review or Appeal
- 5) \* *Site Plan Review is required for all new construction and/or building renovation. Site Plan Review of single-family residential development is limited to architectural standards and zoning standards.*

**5.02 FEES**

- (1) In connection with any relief requested pursuant to this Zoning Ordinance, the Applicant shall pay, at the time and in the manner designated by the Village:
  - a. all applicable fees established in the fee schedule set forth in Chapter 6, Article 12 of the Municipal Code approved by the Village Board of Trustees and updated from time to time; and
  - b. all costs incurred by the Village in the review of the application, including, without limitation, any cost to publish or mail legal notices or to employ the services of planners, engineers, attorneys, or other persons not regularly on the Village payroll for the purposes of reviewing the plat in question, and may also include, without limitation, the following items of direct and indirect expense: legal publication; recording secretarial services; court reporter; document preparation and review; professional and technical consultant

service; legal review, consultation, and advice; copy reproduction; document recordation; staff review; and inspection fees.

- (2) The Applicant shall establish an escrow with the Village at the time of filing the application in an amount determined to be necessary by the Zoning Officer to cover the anticipated costs to be incurred by the Village in processing the application for the requested relief.
- (3) The owner of the property that is the subject of any relief requested and, if different, the applicant, shall be jointly and severally liable for the payment of all fees required to be paid pursuant to this Section. By filing a request for relief pursuant to the provisions of this Zoning Ordinance, the owner shall be deemed to have agreed to pay such fees and to consent to the filing and foreclosure of a lien on the subject property to insure collection of any such fees, plus the costs of collection, which have not been paid within 30 days following the mailing by the Village of a written demand for such payment to the owner or 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.
- (4) The failure to fully pay any fee pursuant to this Section when due shall be grounds for refusing to review or process the relief requested, or denying or revoking any permit or approval sought or issued with respect to, the property which is the subject of the relief requested.

## **PART B: SITE PLAN REVIEW AND APPROVAL**

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### **5.03 PURPOSE AND APPLICABILITY**

The Purpose of this Part B is to: establish a set of comprehensive procedures and standards for the design and landscaping of development in the Village; ensure new development is of a high quality; and enhance the economic value of the Village.

Site plans, prepared and approved in accordance with the provisions of this Article and the Site Development Standards of Article VI, shall be required in order to assist Village administrative officials in the review of all applications for Zoning Certificates pursuant to Part C of this Article V. Site plan approval shall be required prior to issuance of building permits for all new construction and additions.

### **5.04 EXCEPTIONS TO REQUIRED SITE PLAN REVIEW AND APPROVAL**

No site plan shall be required for any use permitted pursuant to this Zoning Ordinance on a temporary basis for a period not to exceed six (6) months.

**5.05 SITE PLAN SUBMISSION AND PROCEDURE FOR REVIEW.** The process for site plan submission and review is as follows:

- (1) Pre-Application Meeting (Optional). Although optional, it is strongly recommended that the Applicant schedule a meeting with Village Staff prior to submission of a site plan in order to familiarize him/herself with Village requirements and procedures.
- (2) Submittal of Initial Application. The Applicant shall submit to the Zoning Officer (a) eight (8) full-sized sets, plus one electronic copy, of the Site Plan Application, in accordance with the applicable provisions of Sections 5.06 and 5.07 of this Zoning Ordinance, and (b) all required fees set forth in Chapter 6, Article 12 of the Municipal Code. All site plans shall be submitted on a minimum sheet size of 11" x 17" and a maximum sheet size of 30' x 42", except as may be approved by the Zoning Officer in his or her sole discretion. The site plans shall be considered as officially submitted only when all information and fee requirements have been satisfied.
- (3) Administrative Review. The Zoning Officer shall review the site plan for general completeness and shall see that all applicable Village staff reviews are completed within a reasonable amount of time. Within sixty (60) days after receipt of a completed site plan submission, the Zoning Officer shall either:
  - a. approve the proposed site plan, upon his or her determination that the site plan satisfies all applicable requirements of this Zoning Ordinance and the Village Code;

- b. deny the proposed site plan, upon his or her determination that the site plan does not satisfy all applicable requirements of this Zoning Ordinance and the Village Code; or
  - c. refer the proposed site plan to the Village Development Review Team, if required pursuant to Section 5.05(4) of this Zoning Ordinance.
- (4) Special Reviews (Special Use, Planned Unit Development, or Major Variation). The Development Review Team process set forth in this Section 5.05(4) shall apply to all requested special uses, planned unit developments, and major variations when deemed necessary by the Zoning Officer, in accordance with the following:
- a. The Applicant shall schedule a Pre-Application Meeting with the Development Review Team.
  - b. The Applicant shall submit ten (10) copies, plus one electronic copy, of all of the following documents to the Building Department, and make payment of all required fees not less than ten (10) days prior to the scheduled Development Review Team meeting:
    - (i) Completed Development Review Team Application;
    - (ii) Plat of Survey;
    - (iii) Site Plan;
    - (iv) Detailed Landscape Plan if landscaping is required pursuant to Part D or Article VI of this Zoning Ordinance; and (Ordinance No Z2009-368)
    - (v) Any additional documents deemed appropriate, in the determination of the Zoning Officer.
  - c. Upon completion of the review of the proposed site plan by the Development Review Team, the Community Development Director shall forward all review comments to the Applicant.
  - d. The Applicant is encouraged to make all changes recommended by the Development Review Team, and to submit ten (10) folded sets, plus one electronic copy, of the completed and revised Site Plan Application to the Zoning Officer (see Section 5.06 and 5.07 for required materials). Upon official submittal, the Zoning Officer shall forward the Application to the Plan Commission/Zoning Board of Appeals for review, consistent with the applicable regulations set forth in this Article and in Article VIII of this Zoning Ordinance.

**5.06 SITE PLAN APPLICATION REQUIREMENTS FOR NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL**

- (1) Scale: All site plans shall be drawn at a reasonable scale, but in no event less than one inch equals fifty feet (1"=50'), except as may be approved by the Zoning Officer in his or her sole discretion.
  
- (2) General Information:
  - a. Property owner's name, address and phone number.
  - b. Developer's name, address and phone number (if different from the property owners).
  - c. Name, address and phone number of registered architect, land planner, engineer, surveyor or other consultant who is responsible for compiling the plan.
  - d. North arrow and the last revision date of the plan.
  - e. Current zoning and/or requested zoning (if change is desired).
  - f. A context map showing major streets overlaid on an aerial photograph.
  
- (3) Site Conditions:
  - a. Existing site survey, showing lot dimensions, boundaries, and the location of all building(s) and structures.
  - b. Existing topography graphically represented via contour lines of two-foot intervals, extending 20 feet surrounding the subject site.
  - c. Location and extent of water bodies, wetlands, streams and floodplains on or adjacent to the subject site.
  - d. Preliminary Engineering Plans, as specified in the Village Subdivision Ordinance, showing stormwater detention/retention areas, grading/drainage plans, erosion control, utilities, location of sanitary sewer service lines as required by the Village Engineer.
  - e. Floor area for building footprint(s) and gross floor area of structure, building height and number of stories.
  - f. Building elevation of all faces, indicating type of materials, colors, sign and architectural features. Color renderings or site sections may be required by the Zoning Officer, in his or her sole discretion.
  - g. Landscape plans, if landscaping is required pursuant to Part D of Article VI of this Ordinance, which landscape plans shall be prepared by a registered landscape architect in accordance with Part D of Article VI of this Zoning Ordinance. The landscape plans shall include all information required

pursuant to Part D of Article VI of this Zoning Ordinance and the following additional information: grading, a schedule of plant materials by type and size, berms, a survey of any existing trees on site and details of proposed fencing, retaining walls or other screening methods. (Ordinance No. Z200-368)

- h. Exterior lighting plans, including a photometrics plan, type of fixtures, height, location and lighting levels. The Photometrics Plan shall include, at a minimum, the following:
  - i. All property lines, buildings footprints, and location of paved areas and curbs.
  - ii. Location of all exterior lighting fixtures, including any wall lighting.
  - iii. Photometric data for all paved areas at a spacing of not greater than twenty feet (20') apart and not greater than six inches (6") above the pavement surface.
  - iv. Existing and proposed utilities on the subject property and in rights of way.
- i. Proposed location of wall and ground signs; details of any proposed signage with dimensions, materials, color and lighting.
- j. Vehicular, pedestrian and service access, including the distance from the driveway opening at the curb to the nearest intersection street, the width of the driveway at the property line, the curb radius on each side of the driveway, identification and location of curb lines, property lines, sidewalks, existing driveways, bus zones, parking regulations and signs, traffic signals, utility poles, parkway meters and fire hydrants.
- k. Off-street parking and loading facilities, including number of spaces and dimensions of parking areas.
- l. Any outdoor storage and activities or waste disposal facilities, including trash enclosure details.

#### **5.07 SITE PLAN APPLICATION REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT**

- (1) Scale: All site plans shall be drawn at a reasonable scale, but in no event less than one inch equals fifty feet (1"=50'), except as may be approved by the Zoning Officer in his or her sole discretion.
- (2) General Information:
  - a. Property owner's name, address and phone number.
  - b. Developer's name, address and phone number (if different from the property owners).
  - c. Name, address and phone number of registered architect, land planner, engineer, surveyor or other consultant who is responsible for compiling the plan.

- d. North arrow and the last revision date of the plan.
  - e. Current zoning and/or requested zoning (if change is desired).
- (3) The site plan shall show the location of building footprint, driveways, any accessory buildings (such as detached garages and sheds), lot dimensions, setbacks, impervious coverage ratio and proposed floor area ratio.
- (4) Building elevations, including dimensions and an indication of the proposed materials and colors.

## **PART C: ZONING CERTIFICATES**

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### **5.08 ZONING CERTIFICATES**

- (1) No permit as required by the Building Ordinances of the Village shall be issued by the Zoning Officer for the construction of a building, structure or land improvement or for the alteration or enlargement of an existing building, structure or land improvement and the uses thereof until the Zoning Officer certifies in such permit that the application for a permit with accompanying plans and specifications conforms with the regulations of this Zoning Ordinance.
- (2) An application for a permit for erecting a building, structure or land improvement or alteration or enlargement of an existing building, structure or land improvement and the uses thereof requiring compliance with performance standards herein set forth in the Manufacturing District shall also include a certification from a recognized testing laboratory or professional engineer stating that there is compliance with such applicable performance standards. A recognized testing laboratory or professional engineer shall be one of at least three (3) testing laboratories or professional engineers approved by the Board of Trustees.
- (3) Each application for a zoning certificate shall be accompanied by a plat of survey in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information deemed necessary by the Zoning Officer.

### **5.09 [RESERVED]**

### **5.10 [RESERVED]**

## **PART D: ADMINISTRATION AND ENFORCEMENT**

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### **5.11 DUTIES OF THE ZONING OFFICER**

The Zoning Officer, or other officials that have been or shall be duly appointed by the Board of Trustees, shall enforce this Zoning Ordinance, and in furtherance of said authority, shall:

- (1) Issue all zoning certificates and nonconformance certificates in the manner set forth in this Zoning Ordinance, and make and maintain records thereof;
- (2) Conduct inspections of buildings, structures and uses of land, to determine compliance with the terms of this Zoning Ordinance;
- (3) Maintain permanent and current records relating to this Zoning Ordinance, including, but not limited to, all maps, amendments, special uses, variations, appeals and applications therefor; and designate on the Zoning District Map each approved amendment and special use;
- (4) Receive and complete an administrative review of all site plan submissions for development within the Village and submit written reports of his or her decision to the Development Review Team and/or the PC/ZBA, as may be required.
- (5) Receive and forward to the appropriate board or commission all applications for appeals, minor and major variations, amendments and special use permits;
- (6) Initiate, direct and review, from time to time, a study of the provisions of this Zoning Ordinance, and submit written reports of his or her recommendation to the PC/ZBA no less than once each year; and
- (7) Provide such clerical and technical assistance as may be required by the PC/ZBA in the exercise of its duties.

### **5.12 VOTE REQUIRED OF PLAN COMMISSION/ZONING BOARD OF APPEALS**

- (1) Vote Required: Except as expressly provided to the contrary in this Zoning Ordinance, the concurring vote of four (4) members of the PC/ZBA shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer, or to decide any other matter upon which it is required to pass under this Zoning Ordinance.
- (2) Failure to Act: The failure of the PC/ZBA to act within the relevant time period set forth in this Zoning Ordinance for the relief requested, or such further time to which the Applicant may agree, shall be deemed to be a recommendation of the PC/ZBA to approve the requested relief.

### 5.13 APPEALS

- (1) Authority: The PC/ZBA shall hear and decide appeals from an administrative order, requirement or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.
- (2) Initiation: An appeal may be taken to the PC/ZBA by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.
- (3) Processing: An appeal shall be filed in writing with the Village Clerk within 45 days after the date of the action complained of. The Village Clerk shall then forward the appeal to the PC/ZBA, which shall hold a public hearing of the appeal within 90 days after receipt of the written appeal. The Zoning Officer shall give notice of the date of the hearing on the appeal to all interested parties.
- (4) Decisions: Within 90 days after receipt of the written appeal, or such further time to which the appellant may agree, the PC/ZBA shall reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination. The decision of the PC/ZBA shall be in writing. All decisions of the PC/ZBA on appeals filed pursuant to this Section 5.13 shall, in all instances, be final administrative determinations and shall be subject to judicial review only, in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*, as may be amended.

### 5.14 MINOR VARIATIONS

- (1) Purpose: A variation is a grant of relief to a property owner from the exact standards of this Zoning Ordinance, issued when undue hardship would be caused by the literal enforcement of this Zoning Ordinance. Additionally, a variation is intended to provide relief where the requirements of this Zoning Ordinance render the land difficult or impossible to use because of some unique or special characteristic of the property itself. The intent is not to simply remove an inconvenience or financial burden that the requirements of this Zoning Ordinance may impose on a property owner. Conditions existing prior to adoption of this zoning ordinance shall not require a variation.
- (2) Definition: Only those variations specifically listed in Section 5.14(3) shall be classified as minor variations, and may be approved in accordance with this Section 5.14 only for single- or multiple-family residential uses.
- (3) Authorized Minor Variations: The Zoning Officer shall have the authority to grant the following "minor variations" for single- or multiple-family residential uses:
  - a. A reduction of up to fifteen (15) percent of the minimum required lot area;
  - b. A reduction of up to ten (10) percent of the minimum required side or rear yard setback;

- c. A reduction of up to ten (10) percent of the required spacing between two or more single-family attached or multiple-family buildings, in the R-4 District only; and
  - d. An increase of up to fifteen (15) percent in the finished first floor height.
- (4) Initiation: An application for a minor variation may be made by the owner of the subject property or an authorized representative thereof.
- (5) Criteria: In determining whether in a specific case there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, the Zoning Officer shall take into consideration the extent to which the following facts are established:
- a. The requested minor variation is consistent with the stated intent and purposes of this Zoning Ordinance;
  - b. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced;
  - c. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same Zoning District;
  - d. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;
  - e. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - g. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and
  - h. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (6) Processing: An application for a minor variation shall be filed with the Zoning Officer. After receipt of all required information and payment of all required fees, the application will be reviewed and decided in accordance with the following procedure:

- a. Notice and Opportunity to Comment: Within five (5) days after submission to the Zoning Officer of a completed application for a minor variation, the Applicant shall give notice in writing to property owner(s) of each lot lying within two hundred fifty feet (250'), including streets, of the property lines of the subject property for which the minor variation is sought. The notice shall indicate that the application shall be available for review and comment at Village Hall for at least ten (10) days following the date of the notice. Any interested party may submit written comments concerning the application to the Village Zoning Officer.
  - b. Zoning Officer's Decision: Within thirty (30) days after receipt of a completed application for a minor variation, the Zoning Officer shall, by written order, either approve, approve with conditions, or deny the requested minor variation. Upon denial by the Zoning Officer of the requested minor variation, the Applicant shall have the right, but not the obligation, to resubmit its request as a major variation pursuant to Section 5.15 of this Zoning Ordinance.
  - c. Notification and Record of Decision: The Zoning Officer shall send his or her decision within thirty (30) days after the date thereof to the applicant and to all other persons previously notified pursuant to Section 5.14(5)a of this Zoning Ordinance. At least once per calendar year, the Zoning Officer shall provide to the PC/ZBA a listing of his or her decisions, by address, regarding each application for a minor variation.
  - d. Appeal: The applicant, or any person to whom notice of the minor variation was sent pursuant to Section 5.14(5)a of this Zoning Ordinance, may appeal the decision of the Zoning Officer to the Zoning Board of Appeals within ten (10) working days after the date of the notice issued pursuant to Section 5.14(5)c of this Zoning Ordinance.
- (7) Exemptions: Notwithstanding any provision of this Zoning Ordinance to the contrary, no variation shall be required for any structure that is existing, under construction, or for which a building permit had already been applied as of the effective date of this Zoning Ordinance, for which: (a) all interior side yards are at least five (5') feet in width; (b) any proposed addition will not violate the applicable side-yard requirement set forth in Article IV of this Zoning Ordinance; and (c) the structure will otherwise conform with all applicable requirements set forth in this Zoning Ordinance.

## 5.15 MAJOR VARIATIONS

- (1) Purpose: A variation is a grant of relief to a property owner from the exact standards of this Zoning Ordinance, issued when undue hardship would be caused by the literal enforcement of this Zoning Ordinance. Additionally, a variation is intended to provide relief where the requirements of this Zoning Ordinance render the land difficult or impossible to use because of some unique or special characteristic of the property itself. The intent is not to simply remove an inconvenience or financial burden that the requirements of this Zoning Ordinance

may impose on a property owner. Conditions existing prior to adoption of this Zoning Ordinance shall not require a variation.

- (2) Definition: Any variation that is not classified as a minor variation pursuant to Section 5.14(2) of this Zoning Ordinance shall be classified and reviewed as a "major variation" pursuant to this Section 5.15.
- (3) Authority: The Board of Trustees, after a public hearing and recommendation by the PC/ZBA, may determine and grant "major variations" to the regulations of this Zoning Ordinance, in harmony with their general purpose and intent, in specific cases for which the Board of Trustees determines that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Zoning Ordinance.
- (4) Initiation: An application for a major variation may be made by the owner of the subject property or an authorized representative thereof.
- (5) Processing and Public Hearing:
  - a. An application for a major variation shall be filed with the Zoning Officer. The application may be reviewed by the Village's Development Review Team in accordance with Section 5.05(4) of this Zoning Ordinance, if deemed necessary by the Zoning Officer.
  - b. The Applicant shall make any necessary revisions and submit the required number of plans (see Section 5.05) for review by the PC/ZBA.
  - c. After receipt of all required information and payment of all required fees, the Zoning Officer shall notify the Applicant of the date that the application will be conditionally scheduled for review at a public hearing of the PC/ZBA. Notices shall be delivered in accordance with Section 5.20 of this Article.
  - d. The PC/ZBA shall conduct a public hearing to review the proposed variation in accordance with the notices mailed and published pursuant to Section 5.20 of this Zoning Ordinance. Within 90 days after the completion of the application for the proposed variation, the PC/ZBA shall make findings and recommend whether the variation should be approved, and shall transmit such recommendation in writing to the Board of Trustees.
- (6) Action by Board of Trustees: The Board of Trustees, within 45 days after receipt of the findings and recommendations of the PC/ZBA, shall either approve or deny the proposed variation, by ordinance duly adopted and by a simple majority vote, or refer it back to the PC/ZBA for further consideration. Every ordinance granting a variation shall contain a statement of findings specifying the reason or reasons for granting the variation in accordance with the standards set forth in Section 5.15(7) of this Zoning Ordinance. The failure of the Board of Trustees to act within the time period specified in this Section 5.15(6), or such further time to which the Applicant may agree, shall be deemed to be a decision of the Board of Trustees denying the proposed variation. Approval of a major variation shall not entitle the Applicant to

any other approval or issuance of any permit until after all of the standards and procedures for such other approval or issuance of a permit have been satisfied.

- (7) Standards: In determining whether in a specific case there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, there shall be taken into consideration the extent to which the following facts are established:
- a. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan; and
  - b. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced; and
  - c. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same Zoning District;
  - d. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;
  - e. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - g. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and
  - h. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (8) Conditions of Approval: The PC/ZBA may recommend, and the Board of Trustees may impose, such conditions and restrictions upon the subject property benefited by a variation as may be deemed necessary to assure compliance with the standards set forth in this Section 5.15, to reduce or minimize the effect of such variation upon other property in the neighborhood, and/or to implement the general purpose and intent of this comprehensive amendment.
- (9) Use Variations Prohibited: No variation shall be granted authorizing any use of land, buildings, or structures is not a permitted use or a special use in the Zoning District in which the land, buildings or structures are located.

## 5.16 AMENDMENTS

- (1) Authority: The regulations imposed and the districts created under the authority of this Zoning Ordinance may be amended, from time to time, by ordinance in accordance with this Section 5.16. An amendment shall be granted or denied by the Board of Trustees only after a public hearing before the PC/ZBA, and a report of its findings and recommendations has been submitted to the Board of Trustees.
- (2) Initiation of Amendment: Amendments may be proposed by the Board of Trustees, by the PC/ZBA, or by any owner, lessee, or contract purchaser of property in the Village.
- (3) Processing and Public Hearing:
  - a. An application for a text or map amendment, initiated by a person who is the owner, lessee or contract purchaser of property benefited thereby, shall be filed with the Zoning Officer and thereafter forwarded to the Board of Trustees. A text or map amendment proposal initiated by the PC/ZBA shall be forwarded directly to the Board of Trustees.
  - b. The Board of Trustees shall consider the application for a text or map amendment, and shall thereafter forward the application to the PC/ZBA with a request to conduct a public hearing and submit a report of its findings and recommendations to the Board of Trustees.
  - c. The Zoning Officer shall notify the Applicant of the date that the application will be conditionally scheduled for review at a public hearing of the PC/ZBA. Notices shall be delivered in accordance with Section 5.20 of this Article.
  - d. The PC/ZBA shall conduct a public hearing to review the proposed amendment in accordance with the notices mailed and published pursuant to Section 5.20 of this Zoning Ordinance. Within 90 days after the completion of the application for the proposed amendment, the PC/ZBA shall make findings and recommend whether the amendment should be approved, and shall transmit such recommendation in writing to the Board of Trustees.
- (4) Decisions: The Board of Trustees, upon report of the PC/ZBA and without further public hearing, may approve or reject any proposed amendment, or may refer it back to the PC/ZBA for further consideration.

## 5.17 SPECIAL USES

- (1) Purpose: The development and execution of this Zoning Ordinance is based upon the division of the Village into districts, within any one of which the use of land and buildings and the bulk and location of buildings and structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of

those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into two (2) categories:

- a. Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest; and
  - b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (2) Initiation: An application for a special use may be made by the owner of the subject property or an authorized representative thereof.
- (3) Processing: An application for a special use, in such form and accompanied by such information as shall be established from time to time by the PC/ZBA, shall be filed with the Zoning Officer and thereafter processed in the same manner prescribed for variations under Section 5.15(5) of this Article.
- (4) Decisions: The Board of Trustees, upon report and recommendation of the PC/ZBA and without further hearing, may approve or deny an application for a special use, or may refer it back to the PC/ZBA for further consideration. In determining whether to approve or deny an application for a special use, there shall be taken into consideration the extent to which the following facts are established:
- a. The special use is necessary for the public convenience at that location, and the subject property is deemed suitable for the use;
  - b. The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
  - c. The special use would not cause substantial injury to the value of other property in the neighborhood in which it is located;
  - d. The special use is consistent with the goals and policies of the Comprehensive Plan;
  - e. The special use would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the underlying Zoning District;
  - f. The special use is so designed to provide adequate utilities, access roads, drainage, or necessary facilities; and
  - g. The special use is so designed to provide ingress and egress to minimize traffic congestion on public streets.
- (5) Planned Unit Development: Planned Unit Developments are of such substantially different character from other special uses that specific and separate standards and procedures have been established to govern the Planned Unit Development

application and review process, as set forth in Part A of Article VIII of this Zoning Ordinance.

- (6) Conditions: The PC/ZBA may recommend, and the Board of Trustees may impose, such conditions and restrictions upon an approved special use, including, but not limited to, provisions for off-street parking and loading as may be deemed necessary to promote the general objectives of this Zoning Ordinance and to minimize the injury to the value of the property in the neighborhood.

## 5.18 EFFECTIVE PERIOD

- (1) No special use permit or variation shall be valid for a period longer than one hundred eighty (180) days from the date it is granted, unless a building permit or certificate of occupancy is obtained, or the approved special uses are 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.
- (2) 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.
- (3) Whenever an amendment is granted in order to allow for the development of a particular use, such amendment shall not be valid for a period longer than one hundred eighty (180) days from the date the Zoning Ordinance is passed, unless a building permit or certificate of occupancy is obtained within such period or the use is commenced within such period. The Village Board may grant one extension of this period, valid for no more than one hundred eighty (180) days, upon written application and good cause shown, without notice or hearing.
- (4) For purposes of this Zoning Ordinance, the date of issuance of a special use permit or variation that has been previously approved by the Village, but for which no building permit or certificate of occupancy has been approved, shall be deemed to be the effective date of this Zoning Ordinance.

## 5.19 SUCCESSIVE APPLICATIONS

- (1) Second Applications Without New Grounds Barred: Whenever any application filed pursuant to this Zoning Ordinance has been finally denied on its merits, a second application, seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless, in the opinion of the Board of Trustees, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- (2) New Grounds to be Stated: Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
- (3) Exception: Whether or not new grounds are stated, any such second application filed more than one year after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the second application that did not exist at the time of the denial of the first application.

## 5.20 NOTICE REQUIREMENTS

- (1) Upon the conditional scheduling of the public hearing for an application for a major variation, special use, Planned Unit Development, zoning amendment, or nonconforming status exception, notice of the public hearing shall be published and delivered in accordance with the following:
  - a. Notice of the time and place of the public hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days, prior to the date of such hearing in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village.
  - b. The Applicant shall give notice in writing to property owner(s) of each lot located within two hundred fifty feet (250'), including streets, of the property lines of the subject property for which the requested relief is sought. All notices required pursuant to this Section 5.20 shall be delivered personally or shall be sent by certified or registered mail, properly addressed with sufficient postage affixed thereon, with a return receipt requested, not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing.
  - c. A sign shall be posted on the subject property, which sign shall: (a) be at least six (6) square feet in area; (b) bear on its face the words "Zoning Application Pending" and a telephone number to be called for additional information; (c) be issued by the Zoning Officer to the Applicant for posting by the Applicant on the parcel, facing the street, at least fifteen (15) days prior to the date of the public hearing; and (d) be removed from the parcel by the Applicant after, but not before, the conclusion of the public hearing.

- d. All notices required pursuant to this Section 5.20 shall identify: the location of the subject property for which relief is sought; a brief statement of the nature of the relief requested; and the date, time, and location of the public hearing.
  - e. The Applicant shall file a sworn affidavit containing a complete list of the names and addresses of the persons required to be noticed pursuant to this Section 5.20, the method of service, and the names and addresses of the persons so served with copies of the notice. The affidavit shall be filed with the Zoning Officer and shall be a presumption of the giving of all required notices.
  - f. Whenever an application pertains to a site of two acres or more, and the Zoning Officer determines that because of size, location, proximity to other Zoning Districts, existing or likely traffic pattern, nature of use, or for any other appropriate reason or combination of reasons, a larger notice area should be required in order to better inform those beyond the regular notice area who might be particularly impacted, then the Zoning Officer may require that Applicant give the notices required pursuant to this Section 5.20 to the owner of lots lying within a specified radius beyond two hundred fifty (250') feet but not exceeding five hundred (500') feet from the site which is the subject of the application.
- (2) No notice required pursuant to this Section 5.20 shall be deemed insufficient because: (i) it fails to specify which section of this Zoning Ordinance is applicable; or (ii) if relief, authorization or amendment has been sought under a certain section or sections of this Zoning Ordinance, but as a result of the hearing, the relief, authorization or amendment sought is modified or otherwise granted pursuant to a different section or sections of this Zoning Ordinance.
- (3) This Section 5.20 shall not apply to the notices required pursuant to Section 5.13 of this Zoning Ordinance for appeals of decisions by the Zoning Officer.

## 5.21 VIOLATION, PENALTY, ENFORCEMENT

- (1) Violation: Penalty: Any person, firm, limited liability company or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Zoning Ordinance shall, upon conviction, be fined for each offense as required in the Village's Fee Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.
- (2) Civil and Administrative Enforcement:
- a. General Authority: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance or other regulations made under authority conferred thereby, the Village, in addition to other remedies, may institute any appropriate action or proceedings to: (1) prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; (2) restrain, correct or abate such violation;

- (3) prevent the occupancy of said building, structure or land; or (4) prevent any illegal act, conduct, business or use in or about the premises.
- b. Legal Actions: In the enforcement of this Zoning Ordinance, the Zoning Officer shall have the right to exercise all the powers authorized by the statutes of the State of Illinois, and by Village codes and ordinances, to ensure compliance with, or to prevent or abate any violation of, the provisions of this Zoning Ordinance, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Zoning Ordinance.
  - c. Abatement Liens: Where authorized by State statute, the Zoning Officer may order any work necessary to abate any violation of this Zoning Ordinance and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Zoning Officer shall have the right to file a lien for such costs and for all costs of collection against the property in question.
  - d. Revocation of Rezoning, Permits, Variations, or Approvals: The violation of any provision of this Zoning Ordinance, or of any permit or approval granted pursuant to this Zoning Ordinance, or of any condition imposed pursuant to this Zoning Ordinance shall be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this Zoning Ordinance and affecting the property involved in the violation. The Zoning Officer may recommend, and the Board of Trustees may order, such revocation; provided, however, that where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this Zoning Ordinance, the revocation shall be preceded by a similar public hearing.
  - e. Remedies Not Limited: Nothing in this Section 5.21(2) shall be deemed or interpreting as limiting or restricting the imposition of: (a) fines pursuant to Section 5.21(1) of this Zoning Ordinance; or (b) injunctive or other remedies by courts of proper jurisdiction.
- (3) Private Remedies Preserved: Nothing in this Section 5.21 shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.

## **ARTICLE VI – SITE DEVELOPMENT STANDARDS**

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### Organization:

#### **Part A: Purpose and Applicability**

- 6.01 Purpose
- 6.02 Applicability

#### **Part B: Non-Residential and Multi-Family Residential Design Standards**

- 6.03 General Development Standards
- 6.04 Commercial, Institutional and Civic Building Design Standards
- 6.05 Multi-Family Residential Building Design Standards
- 6.06 Industrial Building Design Standards
- 6.07 Outdoor Lighting Standards

#### **Part C: General Residential Design Standards**

- 6.08 Single-Family Residential Design Guidelines
- 6.09 Single-Family Residential Design Standards

#### **Part D: Landscape Standards**

- 6.10 Purpose and Intent
- 6.11 Scope of Regulations
- 6.12 Landscape Plans Required
- 6.13 Design Planting and Preservation Criteria
- 6.14 Minimum Landscape Requirements for Off-Street Parking Lots
- 6.15 Minimum Landscape Requirements for Foundation Plantings
- 6.16 Landscape Buffer and Screening Requirements between Zoning Districts
- 6.17 Miscellaneous Landscape Requirements
- 6.18 Variations

#### **Part E: Environmental Standards**

- 6.19 Purpose and Scope
- 6.20 Noise and Vibration
- 6.21 Toxic Matter, Fire and Explosive Hazards
- 6.22 Nuisance
- 6.23 Penalties

## **PART A: PURPOSE AND APPLICABILITY**

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### **6.01 PURPOSE**

The purpose of this Article is to establish and provide a comprehensive set of standards and guidelines for the appearance, design, landscaping, and environmental quality of properties within the Village and to further:

- (1) Promote the public health, safety, and general welfare of the citizens of the Village.
- (2) Promote orderly community development, as well as encourage both harmonious innovative designs.
- (3) Protect and enhance property values.
- (4) Protect and enhance the social, cultural, economic, environmental and aesthetic development of the community.
- (5) Ensure that the Village remains a safe and attractive community in which to reside and operate a business and enhance the character of existing and new development.

### **6.02 APPLICABILITY**

- (1) Site plan approval shall be required prior to issuance of building permits for all new construction and additions in accordance with Article V of this Zoning Ordinance.
- (2) All appearance standards that are **guidelines** are voluntary and, although encouraged, are not required.
- (3) Unless otherwise noted, all **standards** within this Article are required and shall be subject to review by the Zoning Officer. Variations from the following standards may be sought from the Plan Commission/PC/ZBA in accordance with Article V, Part D (Minor and Major Variations) of this Zoning Ordinance.

**PART B: NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS**

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**6.03 GENERAL DEVELOPMENT STANDARDS**

(1) Traffic, Off-Street Parking, and Pedestrian Circulation

- a. Site plans shall minimize dangerous traffic movements and congestion, while achieving efficient traffic flow and providing the minimum number of off-street parking spaces required by Article VII (Off-street Parking and Loading).
- b. Off-street parking shall not be permitted to dominate the visual image of any development site. Where practical, parking shall be located in side and rear yards. Parking located in any yard shall be screened with landscaping as required in Part D of this Article (Landscape Standards).
- c. Sidewalks. Pedestrian sidewalks, not less than five feet in width, shall be incorporated into the site plan and are required: 1) along all sides of a lot that abut a public street and 2) along all sides of a building visible from a public right-of-way or accessible from an off-street parking area. The Zoning Officer may otherwise determine that additional landscaping is preferred in lieu of a sidewalk not abutting a public street.
- d. Crosswalks, designated by striping or alternate paving material, are required across vehicular driveways to connect off-street parking with building entrances, where practical. To enhance pedestrian safety and comfort, and increase the attractiveness of the walkway, pedestrian paths shall be clearly distinguished from vehicular drives with landscaping, paving materials, or architectural elements.
- e. Traffic studies may be required by the Village Zoning Officer or Village Engineer. Such studies may include: a projection of the number of motor vehicles to enter or leave the site, estimated daily and peak hour traffic levels based on the Institute of Transportation Engineers' Trip Generation, 3<sup>rd</sup> Edition (as may be updated from year to year), projected traffic flow patterns, impact of development on vehicular movement at major intersections and upon abutting roads capacities, combined traffic impact of approved, but not yet fully developed projects within the Village, safety and appropriateness of site design and circulation, and any foreseen traffic hazards or circulation conflicts.

A traffic study shall be required when the development site is:

- i. Within five hundred (500') feet from the nearest point of an elementary, junior or senior high school, playground or park, or

- ii. Within one-quarter mile (¼) mile of an elementary, junior or senior high school, playground or park, when the proposed use is located along the same street right-of-way as the school.

(2) Access Points, Driveways and Parking. Points of vehicular ingress and egress from any site shall be limited to the adjacent major and/or secondary thoroughfares only and shall be reviewed by the Zoning Officer and Village Engineer for location and design of curb cuts and driveways and for layout of parking and loading areas.

- a. Where practical, cross-access between sites is encouraged and shall be granted through cross-access easement agreements.
- b. Minimum widths and distances of driveways shall be provided as follows:

<b>Table 6.03.01 - Minimum Driveway and Access Standards</b>	
Driveway Width (One-Way, Min.)	12-16'
Drive Width (Two-Way, Min.)	24'
Number of Driveways for each property:	Not more than 2 in the first 100 ft of frontage and one per additional 100 ft of frontage.
Distance between Driveways (measured from the two closest driveway curb cuts, Min.)	30'
Distance of a Driveway from a Street Intersection (measured from the intersection of the street ROW to the nearest end of the curb radius, Min.)	30'
Distance from the end of the driveway curb cut to the nearest crosswalk (Min)	10'
Curb radius of all Driveways	5'-15'
Angle between the Curb Line of a Street and the Center Line of a Driveway (Min.)	60 Degrees

- c. Vehicles used in conjunction with any permitted business may be parked only on the building owner's property.

(3) Site Improvements – Service/Utility Areas. All service and utility areas – including but not limited to – loading docks, exterior storage areas, trash enclosures, dumpsters, HVAC and mechanical equipment shall be screened from view. Service/utility areas shall meet the following standards:

- a. All service or utility areas shall not be located near public right-of-ways, building entrances, and pedestrian areas.
- b. All utility meters shall be located either inside the building or in a recessed area within the rear or interior side yard façade of the

building. Utility metering and exterior mounted telecommunication junction boxes shall be screened from view along a public right-of-way by walls, fences, landscaping or other such elements in accordance with applicable building codes and other agencies having jurisdiction.

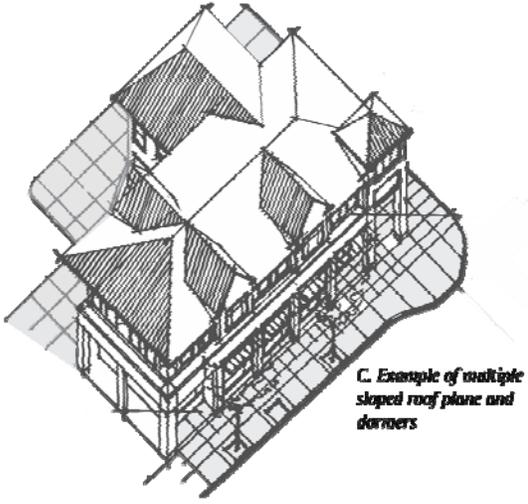
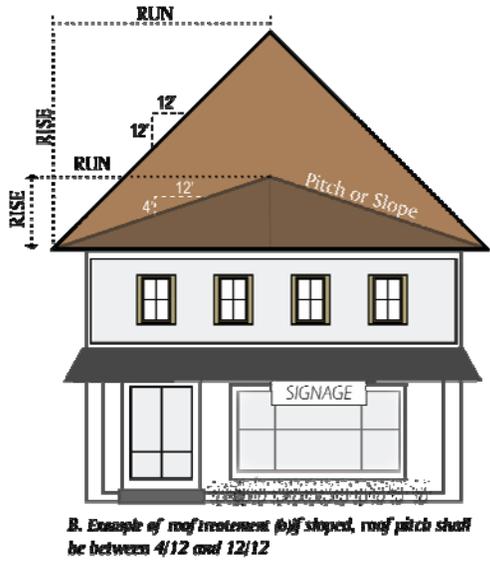
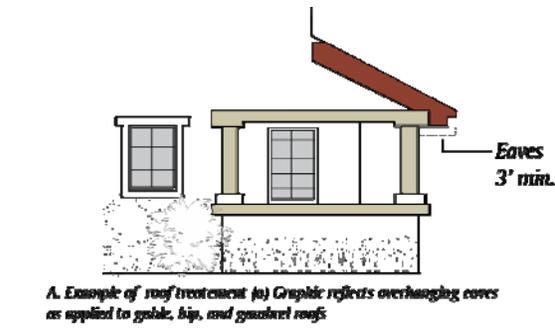
- c. Trash, Refuse, and Recycling Areas: Suitable areas for the storage of trash, refuse and recyclables shall be provided and designed to: 1) be fully screened from view; 2) prevent waste from blowing around the site or onto adjacent properties or public rights-of-way; and 3) permit safe, easy removal of trash, refuse and recyclables by truck or hand. Where provided, refuse areas shall be screened as follows:
- i. All outdoor refuse and recycling collection and holding areas shall be screened on three (3) sides from public view by a matching masonry wall integral to the building's architectural design.
  - ii. The height of such wall enclosure is subject to the regulations set forth in this Article VI, Part D – Landscape Standards.
  - iii. Where the use of a matching masonry wall for such screening is not feasible, masonry, or other material approved by the Zoning Officer, which is compatible with the main building's architectural design with the same height requirements of a masonry wall may be substituted at the determination of the Zoning Officer.
  - iv. The opening to the refuse enclosure shall be gated with a solid gate that is equal in height to the height of the enclosure.
  - v. Refuse disposal enclosures shall be situated to the greatest extent feasible, so that it does not face towards any abutting property zoned residential.
  - vi. The enclosure shall be used strictly for the confinement of refuse awaiting pick up and the gate shall remain closed except when refuse pick up occurs.
- d. All rooftop mechanical equipment shall be screened and enclosed in a manner that masks the equipment from view from all sides. Architectural features such as parapet walls and varying rooflines are encouraged. The means of screening rooftop equipment shall relate to the building materials, architecture and color.
- e. All utilities (e.g. electrical, communication) shall be buried underground.

#### **6.04 COMMERCIAL, INSTITUTIONAL AND CIVIC BUILDING DESIGN STANDARDS**

- (1) Creative layout and design of the buildings within commercial, institutional, or civic development is encouraged. The architectural quality should be expressed on all four-sides of a building and the utilization of a campus-style layout is encouraged in large scale developments. Creative layout and design will help decrease the overall mass of the development, to prevent monotony, and to improve the aesthetic quality of the development.

- (2) To improve the future use and adaptability of the commercial, institutional, and civic structures, buildings should not be designed in a manner that limits the ability of the building to be reused for other users.
- (3) All commercial, institutional and civic buildings shall consist of solid and durable facades on all sides of a building facing a public street and shall be compatible with the character and scale of the surrounding area. Any exterior building façade shall incorporate a predominance of high quality materials that may include, but are not limited to, brick, sandstone, other native stone, or glass. Brick, sandstone or other native stones shall at a minimum extend from ground level to the top of windows with minor accents allowed in place of the predominant material.
- (4) The use of concrete block, split face block, pre-cast panels, and/or masonry stucco is permitted as a minor or accent building material, but is strongly discouraged for use as a predominant building material. The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface, and shall not be constructed of concrete block or cinder block having a plain, flat surface.
- (5) Any façade greater than 75 feet in length shall incorporate recesses, projections, windows or other ornamental/architectural (i.e. dormers, awnings, towers, etc) features along at least 30% of the length of the façade abutting a public street in an effort to break up the mass of the structure.
- (6) Brick facades shall not be painted.
- (7) Outlot buildings that are part of a planned development or planned commercial center should reflect the style, materials and/or design elements of the main building. In cases where the existing main building does not meet the design guidelines and standards (i.e., in terms of visual design materials and layout of the building), new outlot development proposals will be reviewed using the guidelines and standards contained in this document.
- (8) Pedestrian scale features/amenities, such as solid-colored awnings, covered walkways, windows, street furniture, bicycle rack facilities, and clearly defined entranceways are encouraged.
- (9) Common open space and outdoor seating areas are encouraged.
- (10) The location of drive-through facilities, including drive-through lanes, bypass lanes, and service windows, adjacent to a public right-of-way are not desirable and discouraged.
- (11) All roofs on a commercial structure shall incorporate at least one of the following architectural treatments: (See Figures 6.04 A-D)

- a. Overhanging eaves, extending no less than three feet past the supporting walls;
- b. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to four (4) feet of vertical rise for every twelve (12) feet of run (4:12) and less than or equal to twelve (12) feet of vertical rise for every twelve (12) feet of horizontal run (12:12).
- c. Three or more slope roof planes; or
- d. Prominent cornices along the roof line of any façade.



Figures 6.04 A-C Examples of roof treatments

Figure 6.04 (A-D)



Figure 6.04 d  
Examples of optional decorative roof cornice treatments

## 6.05 MULTI - FAMILY RESIDENTIAL BUILDING DESIGN STANDARDS

- (1) Architectural elements, such as dormers, bay windows, porches, and decks, are encouraged. These elements should be incorporated into the building envelope and provided for on the approved plat.
- (2) Varying rooflines, including multiple peaks and slopes, are encouraged. These roof lines help to break the mass of the overall structure and add to the aesthetic quality of the development. In the same respect, flat and mansard roofs are discouraged.
- (3) Creative layout and design of the buildings within the multiple-family development is encouraged. Parallel rows of similar buildings are discouraged. Creative layout and design will help to decrease the overall mass of the development and prevent monotony.
- (4) Garages shall not dominate the front elevation of a multiple family structure. To promote social interaction in multiple-family communities, front entryways should be clearly defined, in close proximity to each other, and not separated by garage doors. Potential options respecting garages and entryways include: where doorways are accessed from the public right of way, two or more doorways should be adjacent to each other, recessed from the front façade, and doorways should be adjacent to each other.
- (5) Garages located at the rear of a lot with access from an alley are preferred.
- (6) Open space and pedestrian amenities, such as courtyards, common seating areas, recreational areas, gazebos, bike paths, and/or bicycle rack facilities are required where deemed applicable. These amenities should be easily accessible to all residents within the multiple-family development.
- (7) Rear elevations that front onto a public right-of-way, or are highly visible within the development, should match the style, material, and design of the front elevation of the building. These elevations shall contain architectural features, such as dormers, decks, projections, or varying rooflines, to decrease the overall mass of the structure and add to the aesthetic quality of the development.
- (8) Brick façades shall not be painted.
- (9) The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface, and shall not be constructed of concrete block or cinder block having a plain, flat surface.

## 6.06 INDUSTRIAL BUILDING DESIGN STANDARDS

- (1) Brick or other masonry materials are required on all sides of the industrialized structure. Where pre-cast concrete panels or split face block is utilized, the use of colors, patterns, or other architectural features within these panels/blocks is encouraged.
- (2) Building entryways should be clearly defined and visible from the public right-of-way and should include protection from the elements such as an awning or canopy.
- (3) Industrial buildings shall consist of solid and durable façades and be compatible with the character and scale of the surrounding area.
- (4) Industrial buildings with façades facing a street greater than 75 feet in length shall incorporate recesses, projections, or other ornamental/architectural features (i.e., dormers, awnings, towers etc.) along at least 20% of the length of the façade, in an effort to break up the mass of the structure.
- (5) The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface, and shall not be constructed of concrete block or cinder block having a plain, flat surface.

## 6.07 OUTDOOR LIGHTING STANDARDS

Exterior lighting proposed for use on the site shall be planned, erected and maintained so the light is confined to the property and will not cast direct glare or light upon adjacent properties or public rights-of-way. All outdoor lighting, except for streetlights, shall be subject to the following general requirements:

- (1) Photometrics Plan Required. A Photometrics Plan with lighting details is required for all non-residential and multi-family residential development (Article V, Part B).
- (2) Outdoor Parking Lot Fixtures.
  - a. All outdoor parking lot lighting fixtures shall be fully shielded with a total cut-off angle of not more than ninety degrees (90°), so that no glare shall be cast onto adjacent properties.
  - b. Total height of light fixtures, including the pole and supports, shall be limited to a maximum of 24 feet.
  - c. Light intensity at a property lines abutting a residential property shall not exceed 0.5 foot-candles.

- d. Parking lot fixtures shall be protected from vehicles by curbed landscape islands and shall meet the following minimum and maximum illumination levels:

Type of Development	Minimum IES* Illumination Level (FC)	Maximum IES* Illumination Level (FC)	Maximum to Minimum Ratio	Average to Maximum Ratio
Multi-Family Residential	0.1	1.5	15.0 :1	4 :1
Commercial	0.2	2.1	10.5 :1	3 :1
Industrial	0.2	3.0	15.0 :1	4 :1
Institutional	0.2	2.1	10.5 :1	3 :1

*\* Illuminating Engineering Society*

- (3) Exterior Building Lighting Fixtures.
- a. Wall lighting, where used, shall be full cutoff and fully shielded.
  - b. Flood or spotlights must be fully shielded and aimed no higher than 45 degrees above grade when the source is visible from any off-site residential property or public roadway.
- (4) Light spillover or direct glare onto adjacent properties and rights of way is prohibited. All illumination level readings shall be measured at ground level.
- (5) All lighting, with the exception of security lighting, for commercial, industrial and any other non-residential activities, shall be extinguished between 11:00 PM (or whenever the business closes, whichever is later) and sunrise.

**PART C: SINGLE-FAMILY RESIDENTIAL DESIGN STANDARDS**

**6.08 DESIGN GUIDELINES**

(1) Siting of residential development shall be compatible with existing topography, surrounding homes, and shall preserve existing trees and vegetation to the extent possible. (See Figures 6.08.01 and 6.08.02).

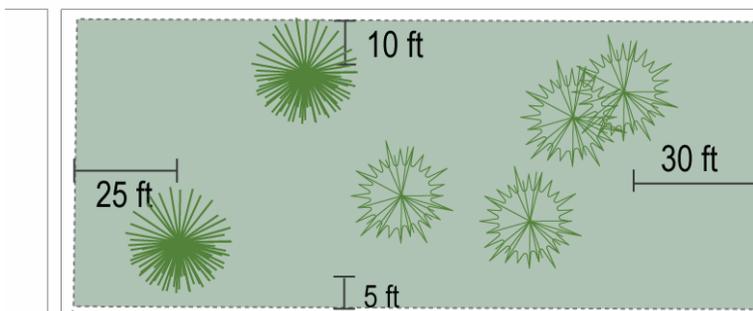


Figure 6.08.01 Undeveloped Site with Trees

(2) Residential development on infill or vacant lots should respect the scale of the neighborhood through building dimensions, shape and form, façade articulation, or architectural details that are proportional and complementary to other homes in the block or neighborhood. (See Figures 6.08.03 below).

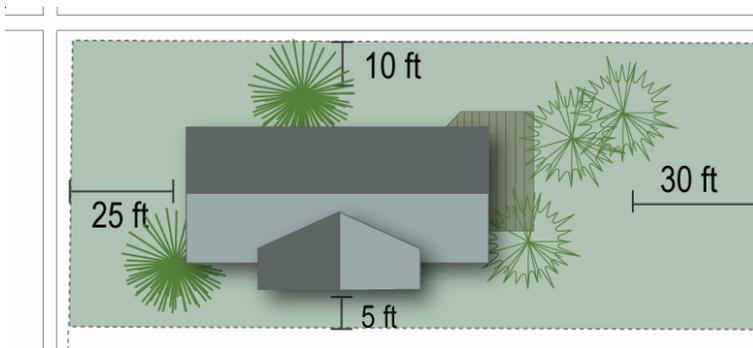


Figure 6.08.02 Sensitive siting to preserve the majority of trees



Above: 3<sup>rd</sup> Unit from the left appears out of scale (roof line and form are too simple and unlike neighboring properties)

Below: 3<sup>rd</sup> Unit from the left is redesigned with compatible roof and architectural form with neighboring housing units, and stepped back 2<sup>nd</sup> floor to



Figure 6.08.03. Example of single-family residential units and neighboring development

(3) Architectural elements, such as dormers, bay windows, porches, and decks, are encouraged. These elements should be incorporated into the building envelope and provided for on the approved plat. (See Figure 6.08.04).



Porch

(4) Varying rooflines, including multiple peaks and slopes, are encouraged. These roof lines help to break the mass of the overall structure and add to the aesthetic quality of the development. In the same respect, flat roofs in excess of twenty-two (22) feet in height and mansard roofs are prohibited for single family residential homes. (See Figures 6.04 A-D)



Dormer



Bay Window

Figure 6.08.04 Examples of Desirable Architectural Elements

- (5) While it is recognized that color is a very subjective matter and that creativity should not be stifled, colors should nonetheless be used harmoniously and with some restraint. Color schemes should consider and respect the character and quality of structures in the area, excessively bright or brilliant colors should be used only for accent. Materials and colors should withstand the weather well over a twenty-five (25) year period.

## 6.09 DESIGN STANDARDS

- (1) The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface, and shall not be constructed of concrete block or cinder block having a plain, flat surface. Brick facades shall not be painted.
- (2) All residential dwelling units shall contain no more than ten (10) percent of a non-masonry material on the exterior walls of the second floor elevation, with no more than fifty (50) percent of any facade covered with a non-masonry material. All residential dwelling units shall contain masonry on one hundred (100) percent of each first floor elevation or ground levels of such units. All materials for the remaining wall surfaces shall be approved by the Zoning Officer and Building Department staff. The use of EIFS is prohibited.
- (3) Where the side or rear of a residential dwelling unit faces a street, the exterior materials used on the side or rear elevations of the residential dwelling unit shall be comparable in character and quality to the exterior materials used on a front elevation of the structure.
- (4) Windows shall be provided in façades greater than 30 feet in length and shall comprise at least 20% of the façade area.
- (5) Windows, building entrances, decks and balconies shall be designed and placed to minimize direct views into neighboring houses.
- (6) Horizontal façades longer than 30 ft. shall include design elements to articulate the wall into smaller units, consistent with the single-family residential scale of surrounding buildings. At least two of the following methods shall be included:
  - a. Distinctive roof forms
  - b. Changes in materials
  - c. Window patterns
  - d. Recesses/offsets
- (7) To compliment and relate to existing residential neighborhoods and minimize the impact of height and bulk on surrounding homes, **one** of the following alternatives shall be required (Note: See Figure 6.08.05 through 6.08.06 for explanation of each alternative standard):

- a. Alternative 1: Second Floor Plan: The second story shall be stepped back and located towards the center of the first story and away from property lines to allow greater sunlight and lessen the impact of two (2) story construction on existing one (1) or one and a half (1½) story homes.
- b. Alternative 2: Lower Eave Line: Instead of creating vertical two-story exterior walls, lower the eave line of the second story roof to reduce the appearance of bulk and height.

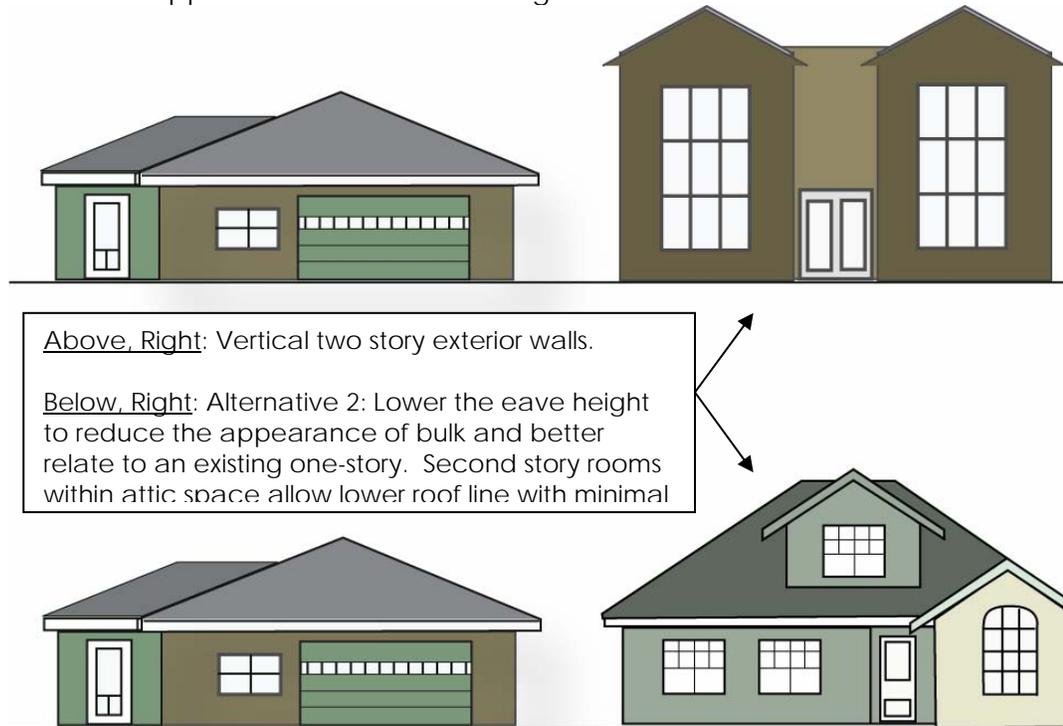


Figure 6.08.05 Lower eave height to match scale of existing one and two story homes.

- c. Alternative 3: Daylight Plane Restriction: In addition to the general height requirements in Section 4.11 and 4.12 of this Zoning Ordinance, no portion of a building shall intercept the daylight plane, which is established at two opposite lot lines (front/rear or side/side):
  - i. Front Daylight Plane: The front daylight plane shall be measured from the front setback from grade upward a vertical distance of sixteen (16) feet and then run at a sixty (60) degree angle toward the interior of such lot until it reaches the maximum building height of the exterior wall permitted on a lot. The exterior wall shall not extend beyond the daylight plane. (See Figure 6.08.06)
  - ii. Side Daylight Plane: The side daylight plane shall be measured from each side lot line from grade upward a vertical distance

of fourteen (14) feet and then run at a forty-five (45) degree angle toward the interior of such lot until it reaches the maximum building height of the exterior wall permitted on a lot. The exterior wall shall not extend beyond the daylight plane. (See Figure 6.08.07).

- iii. Cornices, canopies, eaves, roof overhangs and similar architectural features may extend into the daylight plane as permitted in Section 3.10 of Article III – Permitted Obstructions in Required Yards.
- iv. Gables and dormers may extend into and through a daylight plane, provided that:
  - (1) The intrusion shall occur on only one side;
  - (2) The combined length of the dormers does not exceed 30% of the total length of the building side,
  - (3) The height of dormers does not exceed 28 feet in height as measured from grade, and
  - (4) The maximum amount of intrusion does not exceed 10 feet beyond the established daylight plane.

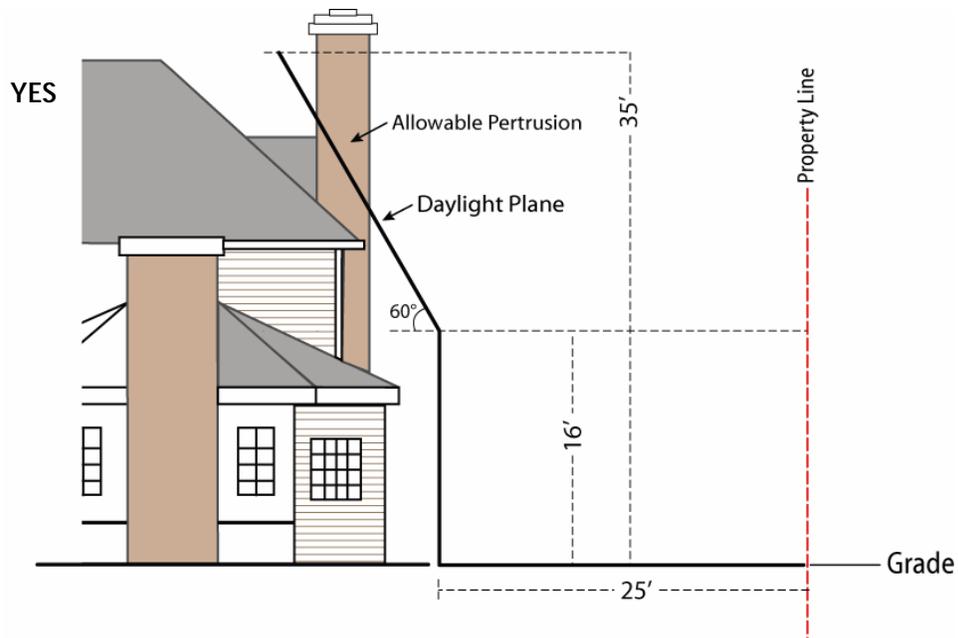


Figure 6.08.06. Example of permitted building by **front** daylight plane standard

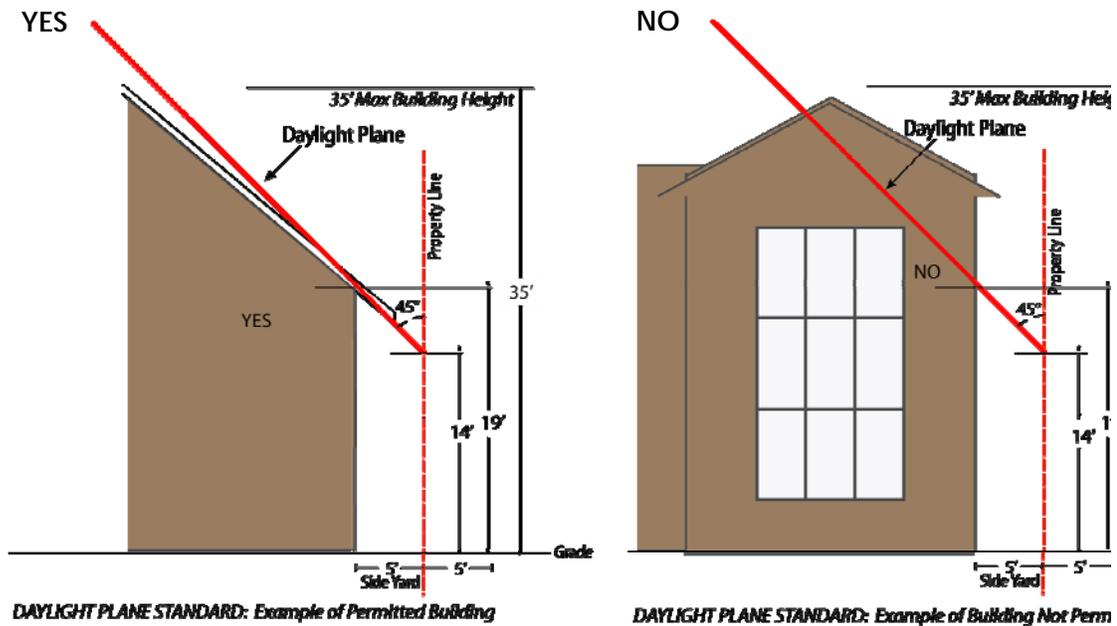


Figure 6.08.07. Example of permitted and building not permitted by side daylight plane standard

- (8) Structures shall incorporate pitched roof forms having slopes between 3:12 and 14:12 (not applicable to porches and dormers). Roofs shall also have eaves that extend at least 12 inches beyond the plane of the exterior wall.
- (9) No detached single-family residence (subject residence) shall be built in the Village which is of the same or similar design as the single-family residences located on the same side of the street on the first, second, or third lots on either side of the subject residence (regardless of intervening streets) or directly across the street from the subject residence. The subject residence shall be deemed to be of the same or similar design to a residence to which is compared (the compared residence) unless the subject residence:
  - (1) has major exterior building materials (excluding wood, masonite, stucco, plaster, or other siding materials which are customarily painted) of a different permanent color;
  - (2) different predominate building materials used on its exterior (i.e. masonry, stone, stucco, wood shingles, asphalt roofing, terra cotta roofing) that the compared residence and has at least three (3) of the following features different from the compared residence:
    - Roof type (hip, gable, flat, etc.)
    - Plan orientation (right-hand model vs. left hand model)
    - Site Orientation (Different elevation facing the street)
    - Front Porch (Actual porch vs. stoop or steps with landing)
    - Architectural Style (Contemporary, colonial, prairie style, neo-colonial, neo-deco, neo-federalist, futuristic, etc.)

When, in the Building Commissioner's opinion such residences as depicted in plans submitted for building permit approval are not of sufficiently dissimilar

visited 7/7/2010

design, the Building Commissioner shall not issue a building permit for erection of such residence. Plans for the particular residence in question may be resubmitted after they have been modified to accommodate variation in plan, elevation the use of exterior building materials and color.

## **PART D: LANDSCAPING**

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### **6.10 INTENT AND PURPOSE**

The intent and purpose of these landscape requirements is to promote, protect and preserve the general health and safety of the people of Lincolnwood and as part of the general welfare, ensure pedestrian safety and aesthetic compatibility among land uses. These regulations are intended to minimize the harmful or nuisance effects resulting from noise, dust, debris, motor headlight glare, the use of impervious ground material, artificial light intrusion, objectionable sights or activities, or similar incompatible impacts conducted or created by adjoining or nearby land uses.

### **6.11 SCOPE OF REGULATIONS**

Except for residential dwellings, the regulations set forth in this Part D of Article VI shall apply as follows:

- (1) New Development: When any development involves the construction of a new building.
- (2) Planned Unit Developments: When property is developed as a Planned Unit Development. (Ordinance No. Z2009-368).
- (3) Property Damage: When a structure, building, or use is redeveloped, restored or reconstructed after the destruction or damage, by fire, collapse, explosion or other casualty or act of God, of the structure, building or use exceeding at least fifty percent (50%) or more of the cost of replacement of the structure, building, or use, as determined by the Zoning Officer. (Ordinance No. Z2009-368).
- (4) Intensity of Use Increases: When the intensity of use of any existing building, structure or premises is increased through the addition of: 1 or more dwelling units; the gross floor area of a building is increased, such as to require the construction of 1 or more additional off-street parking spaces to meet the off-street parking requirement; when there is an exterior addition or enlargement of the building, structure or premises; or interior renovation to more than fifty percent (50%) of the floor area of a building, structure or premises. (Ordinance No. Z2009-368).
- (5) Expansion or Reconstruction of Parking Areas: When any existing off street parking area is expanded or undergoes pavement reconstruction. (Ordinance No. Z2009-368).

## 6.12 LANDSCAPE PLANS REQUIRED

For each property subject to these regulations the Property Owner shall submit a landscape plan to the Zoning Officer for his review with the building or other permit application, or at the time zoning relief is applied for, whichever is earlier. All landscape plans so submitted shall be at an appropriate scale, not smaller than 1 inch = 50 feet. Completed landscape plans shall contain all information required on the application form, including but not limited to: ownership of the property in question; detailed landscape site plan information; detailed schedule of landscape materials; and, irrigation plans.

(1) Title Block:

- a. Name and Address of the Property Owner/Petitioner.
- b. Name of Registered Landscape Architect /Contractor.
- c. Landscape Architect's /Contractor's firm name and address.
- d. Scale data, north arrow and date and date of any revisions.

(2) Landscape Site Plan Information; Location of Existing Conditions and Proposed Improvements:

- a. Property lines.
- b. Building outlines, with entry and exit points.
- c. Existing tree survey (six (6) inch caliper and above, with drip line), noting trees proposed for removal and planned for preservation.
- d. Identification of all proposed plant materials with planting bed locations and dimensions.
- e. Treatment of all ground surfaces (ground covers, sod, seed, seasonal beds, paving, impervious and pervious materials).
- f. Location of water detention sites.
- g. All utilities and lighting.
- h. Walls and fences (indicating height and material).
- i. Parking spaces and driveway aisles (spaces delineated including dimensions, curbing and handicapped spaces).
- j. Shopping cart collection points.
- k. Spot elevations and/or contours, existing and proposed.

- l. Berms, with one (1) foot interval contours indicated.
- m. Sidewalks.
- n. Sign locations.
- o. Refuse/Recycling disposal areas.
- p. Public rights of way/easements, including street widths/drives/approaches.
- q. Planters or planting boxes.
- r. Trash cans.
- s. Other exterior landscape amenities including exterior tables and benches and trash receptacles.

(3) Schedule of Proposed and Existing Landscape Material:

- a. List of all proposed plantings, indicating common and botanical names, caliper, height or size and quantity.
- b. List of all existing trees proposed for removal, six (6) inch caliper or greater, indicating caliper, common and botanical names.
- c. List of all existing trees, six (6) inch caliper or greater, planned for preservation, indicating caliper size, common and botanical names.

(4) Miscellaneous:

- a. Irrigation Plan, including system details and sprinkler head locations, providing for underground irrigation of planting beds or a water supply outlet no greater than one hundred fifty (150) feet from planting beds, if required.
- b. Product or technical information, samples and/or photographs indicating color, texture or style of: lighting standards; benches, tables, trash receptacles; walls, and planter boxes.
- c. Methods proposed to protect plants and plant beds.
- d. Plan for erosion control during construction.
- e. The estimated cost of the proposed landscaping.

### 6.13 DESIGN PLANTING AND PRESERVATION CRITERIA

The landscape design, scale and nature of landscape material for any given site, shall be appropriate to the specific site and structures, and shall take into account the location of underground and above ground utilities. Earthen berms and existing topography shall, whenever practical, be incorporated into the landscape treatment of the site.

- (1) Landscape Design and Selection of Plant Material: New planting materials used in conformance with the provisions of this Section, shall be:
  - a. Of good quality of species normally grown in Northeastern Illinois.
  - b. Capable of withstanding the extremes of individual site micro climates.
  - c. Selected for interest in its structure, texture, color and for its ultimate growth.
  - d. Harmonious to the overall design and of good appearance.
  - e. In conformance with the American National Standards for nursery stock as approved by American National Standards Institute and issued as ANSI 2601, 1986.
  - f. In conformance with the Schedule of Prohibited Trees maintained by the Village Arborist.
  - g. In conformance with the Schedule of Recommended Plants maintained by the Building Department.
- (2) Existing trees with a six (6) inch caliper or greater shall be preserved on the property as determined by the Zoning Officer. Trees that are preserved shall be counted toward compliance of the requirements of this Section.
- (3) Evergreens shall be incorporated into the landscape plan and treatment of a site, where appropriate to the site as determined by the Zoning Officer, particularly in required buffers for property zoned residential, the screening of refuse holding areas, and critical points of required parking lot screening.
- (4) Shrubs shall be used whenever possible. Shrubs used in sight triangles shall be low growth shrubs that do not exceed thirty (30) inches in height at maturity.
- (5) Plant materials shall be placed against long expanses of building walls, fences and other barriers to soften their effect.
- (6) Where site characteristics or property dimensions limit the use or survivability of live landscaping as an effective screen, masonry walls shall be used for required screening subject to the regulations set forth in this Zoning Ordinance, Article III, Section 3.13, "Fences and Natural Screening".

- (7) All masonry walls or decorative fencing which may be approved shall be constructed and installed in a durable fashion and shall have the finished side facing the street or property line subject to the regulations set forth in this Zoning Ordinance, Article III, Section 3.13 "Fences and Natural Screening".
- (8) Installation of Plant Materials:
- a. 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.
  - b. 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. Ground Cover: spaced no less than twelve (12) inches on center.
    - vi. Perennials: spaced no less than is recommended for the particular species.
- (9) 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 a snow fence, brightly colored plastic construction fencing, or chain link fencing, 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. The existing grade within the drip line shall not be modified and shall be maintained to the fullest extent possible. Where grade changes of four (4) inches or more are required surrounding the

- drip line, a low retaining wall or other permanent tree protection technique, as may be approved by the Zoning Officer, shall be used to ensure the long term health of the tree designated for preservation.
- vi. 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. Methods for tree protection shall be clearly specified prior to the issuance of a building permit. If, in the opinion of the Village Arborist, such methods are not adequate to protect trees designated for preservation, a building permit shall not be issued. If during construction, adequate methods are not employed so as to protect designated trees, the Zoning Officer may issue a stop order until such time as adequate preservation methods are employed.
  - c. 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 replacement trees to each one inch in caliper of damaged or removed tree. The Zoning Officer shall approve in writing a Replacement Tree Plan that indicates the installation location and specific size and specie of such replacement trees.
  - d. 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. The Village Arborist shall approve in writing a Replacement Tree Plan that indicates the installation location, specific size and specie of such replacement trees.
  - e. Replacement trees shall only be of a species approved by the Village.
  - f. Alternative Tree Replacement Location:
    - i. If the Village Arborist, determines that full tree replacement pursuant to Subparagraphs (9).C or D above will result in the unreasonable crowding of trees on the lot where construction activity is taking place, or would be otherwise inconsistent with current best practices, the Zoning Officer may designate that some or all of the replacement trees required be planted in the public right of way immediately adjacent to the lot where the construction activity is taking place.
    - ii. If the Village Arborist determines that the alternative tree replacement required in Subsection (i) above will result in the unreasonable crowding of trees upon the public right of way in accordance with current best practices, the Zoning Officer may reduce the number of replacement trees to be planted immediately adjacent to the public right of way, and require that replacement trees be located on other nearby public rights

- of way, or other suitable locations.
- iii. All replacement trees designated for the public right of way or Village property shall only be of those species permitted by the Village, and shall be installed by the Village and not by the permittee.
- g. In the event that the Village Arborist determines that the full replacement of Protected Trees as required by Subparagraphs (c), (d), and (f) above would result in unreasonable crowding of trees upon the lot where construction activity will occur, or on the immediately adjacent public right of way, a permittee may be allowed to pay the Village a fee in lieu of making such replacement in kind. Upon collection of the tree replacement fee the Village shall deposit this fee into a special Village fund established and used to plant trees elsewhere in the Village. The Village has no obligation to grant such a request. If the request is granted, the following regulations shall apply:
- i. This fee shall equal the tree replacement value based upon the average cost per tree inch of trees planted by the Village during the previous fiscal year;
  - ii. The tree replacement fee must be received by the Village within thirty (30) days after the date of the damage or removal for which the replacement is required;
  - iii. The Zoning Officer may issue a stop work order if a permittee fails to pay the tree replacement fee within thirty (30) days after the date of the damage or removal for which the replacement is required. No certificate of occupancy for the property in question shall be issued until the tree replacement fee has been received by the Village.
- h. For any tree designated for preservation that is damaged, razed or removed without the prior written approval of the Zoning Officer, a fine (as scheduled in the Village's Fee Ordinance) shall be assessed upon the owner of the property on which the trees were damaged or removed. All building permits or licenses for the property shall be revoked or suspended until said charge is paid and a Replacement Tree Plan is prepared and approved by the Zoning Officer.

#### **6.14 MINIMUM LANDSCAPE REQUIREMENTS FOR OFF-STREET PARKING LOTS**

- (1) Perimeter Screening Required: Every off street parking lot or parking area containing five (5) or more parking spaces 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.
- a. The minimum width for the perimeter screening area shall be measured from the property line and shall not include any parking overhang.

- b. Screening within the perimeter setback area shall consist of a masonry wall, densely planted hedge or massing of shrubs resulting in a seventy-five percent (75%) semi-opaque screen within one year of installation, installed in a manner so as to inhibit public views of the parking area.
- c. Perimeter screening shall be continuous, except for breaks as may be permitted for sidewalks, driveways and sight triangles.
- d. 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.
- e. Shrubs planted as perimeter screening shall be at least three (3) feet in height at time of installation.
- f. The surface of the perimeter setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited.
- g. A six (6) inch continuous poured-in-place concrete curb shall separate all drive and parking surfaces from landscape areas.
- h. Upon petition, the PC/ZBA may recommend 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.

(2) Interior Landscaping Requirements:

- a. 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.
- b. One tree shall be required for each planting island required in Section 6.14,(2),(a) above.
- c. The surface of the planting island shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited.
- d. A six (6) inch continuous poured in place curb shall separate and surround all interior landscape island areas.
- e. 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, ground cover, bushes or trees.

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

#### **6.15 MINIMUM LANDSCAPE REQUIREMENTS FOR FOUNDATION PLANTINGS**

- (1) A minimum setback and landscape area of six (6) feet in width shall be located immediately along the front and sides of all buildings.
- (2) Except for building entryway areas and sidewalks as may be permitted, the surface of the required foundation landscape area shall be free of paving or other impervious surfaces and shall be landscaped.
- (3) A six (6) inch curb shall separate all foundation landscape areas from drive aisle and parking areas.
- (4) Foundation landscaping shall include shade trees, ornamental trees, hedges, shrubs, evergreens and ground cover in a manner which accents building entranceways and architectural features, softens large expanses of building walls, and screens mechanical equipment.

#### **6.16 LANDSCAPE BUFFER AND SCREENING REQUIREMENTS BETWEEN ZONING DISTRICTS**

- (1) A minimum ten (10) foot landscaped setback and screening area shall be located along the length of any property line located in the B1, B2, B3, O, or MB zoning districts when adjacent to property zoned residential.
  - 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 property.
  - e. The surface of the setback area shall be suitably covered with grass, ground cover or similar vegetation and periodically mulched. Impervious materials such as asphalt, concrete or a layer of stone is prohibited. The landscape buffer shall not be used for the purposes of parking, loading, servicing, or storage.
  - 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. Masonry walls are subject to the regulations set forth, Article III, Section 3.14 "Fences and Natural Screening" of this Zoning Ordinance.

#### 6.17 MISCELLANEOUS LANDSCAPE REQUIREMENTS

- (1) Parkway Landscaping Requirements: Installation and maintenance of parkway landscaping within the public rights-of-way adjoining a property is governed by the Parkway Landscape Ordinance (Article 5 of Chapter 12 of the Village Code), as may be amended from time to time. (Ordinance No. Z2009-368).
- (2) Landscaping of Monument and Pole/Pylon Signs Required: Installation of landscaping surrounding monuments and pole/pylon freestanding signs is required pursuant to the Sign Ordinance (Article 2 of Chapter 12 of the Village Code), as may be amended from time to time. (Ordinance No. Z2009-368).
- (3) Water Supply; Underground Irrigation: A water supply to irrigate landscaping is required within one hundred fifty (150) feet of all landscaped areas. Installation of an underground irrigation system is recommended.
- (4) Changes to Approved Landscape Plan: Any change to an approved Landscape Plan shall require the prior approval of the Zoning Officer. (Ordinance No. Z2009-368).
- (5) Landscape Maintenance Required: When landscaping is required pursuant to Part D of this Article:
  - a. Property Owners shall be responsible for ongoing maintenance, fertilization, repair and replacement of all vegetation, barriers and landscape planting materials.
    - i. Replacement plantings shall be no less than the minimum required size indicated in this Section Part D or the size indicated in the approved Landscape Plan, whichever is greater.
    - ii. The Property Owner shall make replacement plantings promptly after any plant has died but no later than one hundred twenty (120) days after notification by the Village of violation of this Ordinance, unless a time extension for inclement weather is given.
  - b. Planting beds shall be initially, and thereafter periodically, filled with soil and mulched in their entirety, with shredded bark or other organic equivalent.
  - c. Grass, sod and lawn areas shall be periodically and routinely mowed during the growing season. The grass height of any lawn area shall be as required by the Village Code.(Ordinance No Z2009-368)

## 6.18 VARIATIONS

- (1) Application: When compliance with the requirements of this Section for a pre-existing building or use will reduce or interfere with the number of existing off-street parking spaces, parking and driveway aisle requirements, or off-street loading requirements, or when compliance is not feasible because of property configuration, a Property Owner may file an application for a variation from these requirements. The application shall be processed in accordance with Article V, Section 5.15 of the Zoning Ordinance.
  
- (2) Conditions: If the PC/ZBA determines that a need for a variation exists, the PC/ZBA may recommend, and the Board of Trustees may impose, any one or more of the following conditions and restrictions on the property benefited by a variation as may be deemed necessary to assure compliance with the purposes of this Section, to reduce or minimize the effect of such variation upon other property in the neighborhood, or to implement the general purpose of this Section.
  - a. Additional or substitute landscape plantings or areas on-site.
  - b. Construction of masonry walls for screening.
  - c. Installation of decorative wrought iron fencing.
  - d. Removal of excess pavement areas.
  - e. Rearrangement or removal of on-site parking spaces and drive aisles.
  - f. Other conditions as determined by the PC/ZBA or the Board of Trustees.
  
- (3) Zoning Relief for Other Conditions Affecting the Property: In order to eliminate or minimize the degree of relief determined necessary from these landscape requirements, the PC/ZBA may recommend, and the Board of Trustees may approve, relief from certain conditions affecting the property including, but not limited to: a) Off-street parking requirements; b) Driveway and walkway aisle dimensions; c) Fencing and screening.

Consideration of such relief from these requirements shall not require any additional or separate public hearings on the matter, provided that notice thereof shall have been given in accordance with the requirements of Article V, Section 5.15, (3), (c) of the Zoning Ordinance. In considering relief from the off-street parking requirement or required driveway aisle dimensions, the PC/ZBA shall consider the actual need and demand for off-street parking generated by the property.

- (4) Findings Required: In determining whether in a specific case there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, there shall be taken into consideration the extent to which the following facts are established. In providing any relief, the PC/ZBA shall make the following findings:
- a. That the relief granted has been minimized to the greatest extent feasible.
  - b. That appropriate remedies have been employed as conditions so as to mitigate or compensate, to the greatest extent feasible, for the relief.
  - c. That the use of impervious surfaces on the property has been minimized to the greatest extent feasible.
  - d. That a physical separation exists between off street parking areas and public sidewalks, which at a minimum shall mean a 6 inch continuous poured in place non mountable concrete curb, so as to create a barrier between public sidewalks and off street parking and drive aisle areas.
- (5) Required Conditions Affecting the Duration of a Variation: A Variation approved under this Section Part D: Landscaping Standards shall contain the following conditions:
- a. That the owner of the property subject to the Variation has an affirmative obligation to notify the Zoning Officer as set forth below.
  - b. If the property to which the variation applies becomes subject to: new development; application for a variation; increase in the intensity of use; or substantial building renovation; or, expansion or reconstruction of parking areas the variation(s) previously granted pursuant to this Section shall become null and void.
- (6) Certificate of Occupancy: No certificate of occupancy for the property in question shall be issued until the all required landscaping has been installed satisfactorily, as determined by the Zoning Officer or his/her authorized designee. A temporary occupancy permit may be authorized by the Zoning Officer or his/her designee, due to weather conditions, provided a written commitment is provided by the Property Owner stating the completion date of the landscape installation. The Zoning Officer or his/her authorized designee may require a cash escrow deposit or performance bond equal to 100% of the cost of the landscaping prior to issuance of such temporary certificate of occupancy. (Ordinance No Z2009-368).

**PART E: ENVIRONMENTAL AND PERFORMANCE STANDARDS**

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**6.19 PURPOSE AND SCOPE**

The performance standards set forth in this Section are designed to protect the health, safety, and welfare of the residents of the Village of Lincolnwood and to protect, maintain, and enhance the quality of the natural environment of the Village. All new and existing uses established within the Village shall comply with the performance standards set forth in this Article VI, unless any federal, state, county or local ordinance law or regulations established more restrictive standards, in which event the more restrictive standard shall apply. Uses already established on the effective date of this ordinance shall be allowed to be altered, enlarged, expanded, or modified, provided that any such additions or changes comply with the performance standards set forth in this Article VI.

**6.20 NOISE AND VIBRATION**

- (1) No land use or other activity within the Village shall be conducted in such a manner that it generates a level of sound on another property greater than that allowed under the Noise Regulations of the State of Illinois, adopted by the State Pollution Control Board pursuant to the Environmental Protection Act, 415 ILCS 5/1 et seq., as amended, and appearing in Title 35, Subtitle H, of the Illinois Administrative Code, as amended.
- (2) In addition to the standards set forth above, no land use or other activity within the Village, other than those specified in subsection 6.20 (3) below, shall be conducted in such a manner that it generates a level of sound on another property which is greater than the sound level set forth in Table 6.20.01.
- (3) Sound levels shall be measured with a sound level meter manufactured according to the standards prescribed by the American National Standards Institute or its successor body.

The limits set forth in Table 6.20.01 shall not apply to the following: noises not directly under the control of the owner or occupant of the property; noises emanating from construction, repair, and maintenance activities conducted between the hours of 7:00 a.m. and 6:00 p.m.; noises emanating from safety signals, warning devices, and emergency pressure relief valves; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes, and railroads.

**Table 6.20.01**

Monday – Friday		A-Weighted Sound Level Limits	
District Classification	Time of Day	Max.	“A-Weighted” Sound Level
Residential Districts	7:00 AM to 6:00 PM	50	db(A)
	6:00 PM to 7:00 AM	45	db(A)
All Others	7:00 AM to 11:00 PM	60	db(A)
	11:00 PM to 7:00 AM	55	db(A)
Saturday – Sunday		Max. “A-Weighted” Sound Level	
Residential Districts	7:00 AM to 12:00 PM	50	db(A)
All Others	7:00 AM to 11:00 PM	60	db(A)

- (4) No land use or other activity within the Village shall cause or create earth-borne vibrations on another property in excess of the displacement values set forth in this Section 6.21.

**6.21 TOXIC MATTER, FIRE AND EXPLOSION HAZARDS**

- (1) The storage, handling, or transport of toxic substances shall comply with State of Illinois rules and regulations regarding the storage, handling, or transport of toxic material.
- (2) Any land use or other activity in the Village which involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in State and Federal statutes and regulations regarding the emission of air pollutants.
- (3) Dust and other forms of air pollution borne by the wind from sources within lot boundaries, such as storage areas, yards, roads and so forth, shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
- (4) The emission of odorous matter from any property in such concentrations as to be readily detectable at any point along the boundaries of said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.
- (5) Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state, and local laws.
- (6) Any such land use or other activity shall also obtain and maintain all necessary licenses and permits from the appropriate State and Federal agencies, such as the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, and the Illinois Department of Nuclear Safety.

- (7) All operations shall be in compliance with the Village of Lincolnwood Building Code.

## **6.22 NUISANCE**

- (1) Emission of noxious, objectionable or annoying odor in such quantities as to be detectable at any point along a lot boundary is prohibited.
- (2) No use shall be operated or maintained which creates an environmental detriment or public nuisance, including but not limited to visual clutter created by excessive signage, lighting, or outdoor storage; noise or odors as defined herein; or other noise and odors such as those created by pets or garbage.

## **6.23 PENALTIES**

Penalties for violation of this Article shall be the general penalty for violations as set forth in Chapter 6, Article 12 of the Municipal Code.

## **ARTICLE VII – OFF-STREET PARKING AND LOADING**

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### **7.01 SCOPE OF REGULATIONS**

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

- (1) Off-street parking and off-street loading facilities shall be provided as required by the regulations of this Article VII for all buildings and structures erected and all uses of land established in each district after the effective date of this Zoning Ordinance. However, where a building permit has been issued prior to the effective date of this Zoning Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
- (2) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as herein required shall be provided.
- (3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Zoning Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this Ordinance.

### **7.02 EXISTING PARKING FACILITIES**

Off-street parking facilities in existence on the effective date of this Zoning Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this Ordinance.

### **7.03 PERMISSIVE PARKING AND LOADING FACILITIES**

Nothing in this Zoning Ordinance shall be deemed to prevent the voluntary establishment of off-street parking and loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design and operation of such facilities are adhered to.

#### **7.04 DAMAGE OR DESTRUCTION**

For any conforming or non-conforming building or use which is in existence on the effective date of this Zoning Ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking and loading facilities shall be provided. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.

#### **7.05 CONTROL OF OFF-SITE PARKING FACILITIES**

In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use. A covenant running with the land must be recorded in the office of the Recorder of Deeds of Cook County, Illinois on the lot upon which the off-street parking is located which prohibits any other use on that lot until such time as either one of the following conditions occur:

- (1) The structure on the lot containing the principal use is removed and the principal use terminated; or
- (2) Another lot of the required size within the required distance is properly developed and used for the off-street parking in place of and in lieu of the initial lot used for off-street parking with the same requirements, covenants and conditions. The said covenants shall be recorded in the office of the Recorder of Deeds of Cook County, Illinois.
- (3) Location:
  - a. All parking spaces required to serve buildings or uses erected or established in Single-Family Residence Districts, after the effective date of this Zoning Ordinance, shall be located on the same lot as the building or use served.
  - b. Buildings or uses other than single-family dwellings existing on the effective date of this Zoning Ordinance which are subsequently altered or enlarged so as to require more parking spaces or new uses and not located in Single-Family Residence Districts, may, upon the approval of the Building Commissioner, satisfy the parking requirements of this Article with parking facilities located on land other than the lot on which the building or use served is located. Such facilities shall be within three hundred feet (300') walking distance of said buildings and shall comply with all other standards of this Article.

## 7.06 GENERAL STANDARDS FOR OFF-STREET PARKING FACILITIES

Off-street parking facilities shall be provided in accordance with regulations hereinafter set forth.

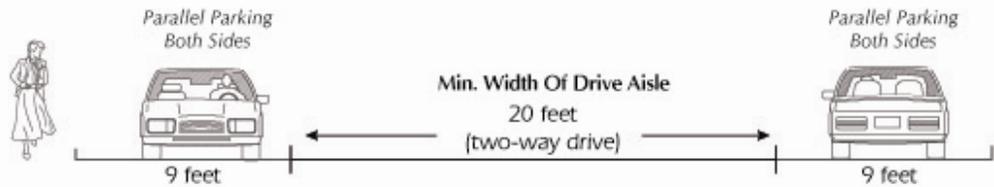
- (1) Use: Off-street parking facilities required herein listed shall be solely for the parking of automobiles of patrons, occupants, or employees. When bus transportation is provided for patrons, occupants or employees of a specific establishment, additional open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with subsection 7.06 (4) through (7) of this Article.
- (2) Computation: When determination of the number of off-street parking spaces required by this Zoning Ordinance results in a requirement of a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one parking space.
- (3) Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (4) Handicapped Accessible Spaces: The minimum number and dimension of parking spaces set aside as handicapped spaces shall be provided in accordance with the standards of the of the Illinois Capitol Development Board, as set forth in "Illinois Accessibility Code", dated April 24, 1997, as may be amended from time to time.
- (5) In Yards: Open-air, off-street parking spaces, may be located in any yard except a front yard and a side yard abutting a street, subject however to the provisions herein.
- (6) Design and Maintenance:
  - a. Open and Enclosed Parking Spaces: Parking spaces may be open-air or enclosed in a building and shall be accessed by a private drive that meets the following minimum aisle width standards:

Table 7.06.01

Parking Angle	Minimum Parking Stall Dimensions		Minimum Drive Aisle Width (w/parking)	
	Width	Length	One-Way	Two-Way
Parallel	9'	22'	12'	20'
30°	9'	19'	12'	20'
45°	9'	19'	16'	20'
60°	9'	18'	19'	20'
90°	9'	18'	20'	24'
Compact	9'	16'	20'	25'

Notes:

- 1) Handicapped spaces: see 7.06(4) above.
- 2) All minimum parking stall dimensions are exclusive of access drives or aisles, ramps, columns, office or work areas.
- 3) Enclosed parking spaces shall have a vertical clearance of at least seven feet (7').



b. Surfacing:

- i. In Residential and Business zones all open off-street parking areas (including a driveway used as a parking area) shall be improved with a durable pavement consisting of an all-weather asphalt, concrete pavement surface, pavers, or the equivalent in accordance with Village requirements, unless otherwise approved by the Administrative Officer. Alternative pavers, such as pervious concrete or natural stone, that reduce the overall surface coverage and lessen stormwater runoff are encouraged and may be approved by the Building Commissioner and Village Engineer in off-street parking areas, crosswalks, parking stalls, or in drive aisles.
- ii. In the MB zone all open off-street parking areas (including a driveway used as a parking area) shall be improved with a durable pavement consisting of an all-weather asphalt, concrete pavement surface, pavers, or the equivalent. This subsection shall not apply where an open off-street parking area (including a driveway used as a parking area) is not improved with the required durable pavement surface in conformance with Village requirements at the time of the adoption of this amendment to the Zoning Ordinance. In such

cases, the gravel or other nonconforming surface of an open off-street parking area must be maintained in a first class condition. The failure to maintain any such gravel or other nonconforming surface in a first class condition, or reconfiguring or enlarging such nonconforming parking area (or driveway used as a parking area) will require that such parking area or driveway conform to all the regulations in this section requiring a durable pavement surface.

- c. **Screening and Landscaping:** All open parking areas containing four (4) or more parking spaces, located less than forty feet (40') from the nearest property line of a lot in a Residential District shall be effectively screened on each side adjoining or fronting on such property line by a wall, fence or densely planted compact hedge, consistent with Article VI: Site Development Standards.
  - d. **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance. Lighting in a parking area containing four (4) or more parking spaces shall be extinguished not more than one-half (½) hour after the close of business except as may otherwise be permitted or required by the Zoning Board of Appeals for maintaining illumination with less candle-power after the time specified above. Lighting shall be consistent with Site Development Standards (Article VI, Section 6.07 of this Zoning Ordinance).
  - e. **Repair and Service:** No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities.
- (7) **Employee Parking:** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
  - (8) **Required Spaces:** The minimum number of off-street parking spaces shall be provided in the Schedule of Off-Street Parking Requirements (Table 7.01.01):
  - (9) **Permanent Location Prohibited:** No vehicle shall have its wheels removed or be set on or affixed to the ground so as to prevent its ready removal.
  - (10) **Parking and Storage of Inoperable Vehicles:** No vehicle, other than a vehicle awaiting timely (no longer than fourteen (14) days) repair at an automotive repair shop, gasoline station or new or used car dealer, incapable of being driven or used for the purpose or use for which it was designed, shall be stored in a fully enclosed building or fully enclosed structure and shall not be stored in any open or unenclosed parking lot or open or unenclosed parking area in the Village.

- (11) Residential Use Prohibited: No vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored in the Village.
- (12) Utility Hookups: No vehicle shall be connected to any public utility except for required servicing.
- (13) Unsafe Conditions: No vehicle shall be parked or stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of debris and combustible material.
- (14) Prohibition of Open Storage of Certain Materials: The following items shall not be stored in any unenclosed area of any Vehicle which is parked or stored in an unenclosed parking space from the hours of 7:00 p.m. to 7:00 a.m.: including, flammable liquids, explosive substances; salvage items; Ladders; contracting materials or equipment which protrude above the sidewalls of the truck bed; landscaping debris or materials; and any other items which constitute a nuisance or which are noxious or dangerous to persons or property.

#### **7.07 COLLECTIVE PARKING, SHARED PARKING FACILITIES AND REDUCTION IN PARKING REQUIREMENTS**

- (1) Collective Parking Provision: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals in accordance with procedures set forth herein in Article V.
- (2) Shared Parking Facilities; Reduction in Parking Requirements: Cumulative parking requirements for mixed-use occupancies may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times during the day. The Shared Parking Report 2<sup>nd</sup> Edition, published by the Urban Land Institute may be used as a guideline in the estimation of parking demand. For a shared parking arrangement, the Building Commissioner may make an administrative adjustment that reduces the off-street parking requirements for each participating commercial property by a maximum of 15%. To approve such an administrative adjustment, the Building Commissioner shall find:
  - a. The collective parking facility is located within 300 feet walking distance of each of the uses, as measured from the entrance of each use to the nearest parking space in the collective parking facility.

- b. Convenient, safe, accessible and visible pedestrian connections are located between the facilities and all of the shared properties.
- c. The commercial properties do not have the same hours of operation, i.e. there is some substantial difference in business hours; an example follows:
  - i. Business 1: Monday – Friday: Open 9 AM – 5:30 PM, Closed Sat, Sun.
  - ii. Business 2: Monday – Saturday: Open 11 AM – 7 PM, Closed Sun.

#### **7.08 OFF-STREET LOADING FACILITIES.**

Off-street loading spaces shall be provided as follows:

- (1) Location: All required loading spaces shall be located on the same lot as the principal use served. Unenclosed off-street loading facilities shall not be located in any front yard or corner side yard.
- (2) Area: An off-street loading space shall not be less than ten feet in width and fifty-five feet in length (10' x 55'), exclusive of aisle and maneuvering space; except, when a loading space having a length greater than fifty-five (55'), exclusive of aisle and maneuvering space is required herein, it shall be not less than twelve feet (12') in width. Enclosed off-street loading spaces shall have a vertical clearance of at least fourteen feet (14').
- (3) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (4) Surfacing: All open off-street loading spaces shall be improved with pavement in accordance with such standards set forth herein for off-street parking spaces and storm water drainage facilities.
- (5) Utilization: Space allocated to any required off-street loading space shall not, while so allocated, be used to satisfy the requirements for any off-street parking spaces.
- (6) Minimum Facilities: Uses for which off-street loading facilities are herein required but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.
- (7) Off-Street Loading Space Requirements: Off-street loading spaces are contained in Table 7.01.02 – Off-Street Loading Requirements.

- (8) Uses not Listed. The Building Commissioner shall make an administrative decision for parking requirements of uses not specifically listed. Such a decision shall be based on the requirements for similar uses found either inside or outside the corporate limits of the Village.

#### **7.09 RELIEF FROM OFF-STREET PARKING AND LOADING REQUIREMENTS**

- (1) Variations from the Zoning Board of Appeals. The Zoning Board of Appeals may grant parking variations in the specific instances set forth in Article V of this Zoning Ordinance.
- (2) Payment in Lieu of Providing Parking Spaces. A reduction in the required number of off-street parking and loading facilities in any zoning district may be granted by the Board of Trustees, after a hearing by the Zoning Board of Appeals in accordance with Article V.
  - a. Such reduction may be granted provided that the owner of the property shows that there are practical difficulties or particular hardships preventing the implementation of the strict regulations of this Article and that the granting of relief will not be detrimental to the public welfare.
  - b. The Village Board may authorize the requested parking variation conditioned upon payment by the owner, in lieu of providing the number of parking spaces normally required. The payment of a fee in lieu of providing parking spaces shall be established from time to time by the Village Board and placed into a Village fund to be used by the Village of Lincolnwood for the acquisition and maintenance of public off-street parking and loading facilities to serve the zoning district wherein the property is located. Upon payment of the established fee by the owner, the property granted the variation shall be credited permanently by ordinance with the number of spaces for which payment has been received.
  - c. Establishment of Parking Facility Funds. At any time the Village may establish an off-street public parking plan for any zoning district. To implement and finance the creation of off-street parking, the Village Board may establish a special parking facility fund for each such plan. Whenever an owner is granted relief from the Village's parking requirements, pursuant to the provisions in this Article, the applicable fees shall be paid into the Village's special parking facility fund. If the Village constructs a public off-street parking facility before such monies are available, the special parking facility fund shall reimburse the Village's expenditures when and as fees are paid into such special facility parking fund. Monies placed in any such fund may be used by the Village at any time to offset the costs of implementing such a plan.

7.10 OFF-STREET PARKING SCHEDULE

Table 7.10.01 –

Use Category	Required Parking Space
<b>RESIDENTIAL</b>	
<b>Household Living</b>	
Single-Family Dwellings Two-Family Units	2 spaces for each dwelling 2 spaces for each dwelling
Multiple-Family Dwellings	1.5 spaces for each dwellings with 1 or fewer bedrooms; 2 spaces for each dwelling with 2 or more bedrooms
Dwellings Above 1 <sup>st</sup> Floor Commercial	1.5 spaces for each dwelling
<b>Group Living</b>	
Assisted living, community residence, nursing and personal care facility	1 space per 4 residents, plus 1 space per each full-time employee
<b>COMMERCIAL USES</b>	
<b>All commercial uses</b> , (except where more specifically regulated in this table)	<b>3.3 spaces/1,000 SF of GFA</b>
Dry cleaning, pick-up, no on-site cleaning	4 spaces/1,000 sq ft of GFA
<b>Eating &amp; Drinking Establishments</b>	
Restaurant	15 spaces per 1,000 sq ft of SF or 1 space per 3 seats, whichever is greater
Restaurant, Carry-Out with or without limited seating	1 space per seat, plus 3 spaces per cashier station, plus 1 space per employee
Pub, bar, lounge	6.6 spaces/1,000 sq ft of GFA
<b>Entertainment &amp; recreation</b>	
Billiard club	3 spaces/pool table + 1 space per employee
Bowling alley	5 spaces/lane
Golf course, private	10 spaces per 1 hole, plus 1 per employee
Health club or recreation facility, private	1 space per 3 persons + 1 space/2 full-time employees
Banquet facility	1 space per 4 persons + 1 space per 2 full-time employees
Entertainment venue	1 space per each 3 seats, based on maximum occupancy
<b>Facility with drive-thru</b>	<i>(See Section 4.07(8))</i>
<b>Financial services</b>	
Bank, credit union, savings & loan	4 spaces/1,000 sq ft of GFA
<b>Food &amp; beverage retail sales</b>	
Convenience store	3.3 spaces/1,000 SF of GFA

<b>Use Category</b>	<b>Required Parking Space</b>
Grocery store Liquor store, package goods	4.5 spaces/1,000 SF of GFA 3 spaces/1,000 SF of GFA
<b>Lodging</b>	
Bed & breakfast, (4 or less guest rooms)  Hotel/motel	1 space per guest room + 1 space/employee 1 space per guest room + 10 spaces/1,000 SF of retail or dining area
<b>Office</b>	
Office, general or professional	3 spaces per 1,000 sq ft of GFA
<b>Retail sales &amp; service</b>	
General Furniture or appliance store	3.3 spaces per 1,000 sq ft of GFA 2.5 spaces per 1,000 sq ft of GFA
<b>Services, consumer</b>	
Car & light truck rental  Car wash  Catering establishment  Laundromat Undertaking, funeral parlor	2.5 spaces per 1,000 sq ft office area, plus sufficient spaces for rental cars 6 stacking spaces per washing bay, plus 1 space per 1.5 employees 2 space per 1,000 SF of GFA, plus 1 space per 2 full-time employees 2.5 spaces per 1,000 sq ft of GFA 4 spaces per 1,000 SF of GFA
<b>Personal Services Establishment</b>	
General Salon, beauty, barber shop or spa	3.3 spaces/1,000 SF of GFA 4 spaces/1,000 SF of GFA
<b>Vehicle sales &amp; service</b>	
Auto body & repair	1 spaces per service bay
Auto service or gas station	1 space per service bay, plus 5 spaces per 1,000 sq ft of retail or office space
Auto/light truck sales & service	3 spaces per 1,000 SF of office or retail area, plus 1 space per employee; Customer and employee parking shall be reserved and signed and shall not be shared with parking for vehicles to be sold on the premises.
Vehicle storage and towing	5 spaces per 1,000 sq ft of office area
<b>Industry and manufacturing</b>	

Use Category	Required Parking Space
Manufacturing, light or medium  Wholesale establishment	1 space per 1,000 SF of GFA or 1 space per 1.5 full-time employees, whichever is greater  2 spaces per 1,000 sq ft of GFA
<b>Warehouse, storage &amp; freight</b>	
Warehouse, storage & freight transportation	1 space per 1,000 SF of GFA or 1 space per 2 full-time employees, whichever is greater
<b>MISCELLANEOUS/INSTITUTIONAL USES</b>	
<b>Adult/Child Care Facilities</b>	
Elderly development center  Child development center  Day care nursery/Elderly daycare home	1 space/4 persons (based on building capacity) + 1 space per employee  0.1 spaces per child licensed capacity + 1 space/employee  3 spaces/day care home
<b>Community Facilities</b>	
Community center  Library  Lodge, fraternal and civic assembly  Municipal facility, including postal facility	2.5 spaces per 1,000 sq ft of GFA  1.25 spaces per 1,000 sq ft of GFA  1 space per 4 seats, plus 1 space per room  1 space per 2 employees, plus adequate spaces as determined by the Administrative Officer to serve visitors
<b>Educational Facilities</b>	
College or university	1 space for each 5 students, based on maximum occupancy, plus 2 spaces per 3 employees
Commercial, trade school, private	1 space per 4 students, based on maximum occupancy, plus 1 space for 2 employees
School, nursery, kindergarten - junior High	1 space for each faculty member and one for each other full-time employee + 1 space/20 students
School, senior high school	1 space for each 6 students, based on maximum number/building design capacity & 1 space per each employee
<b>Health Services</b>	
Hospital	1 space per bed for 100 beds or less, 1.1 spaces per bed for 101

Use Category	Required Parking Space
	to 300 beds, 1.2 spaces per bed for 301 to 500 beds, 1.3 spaces per bed for over 500 beds
Massage therapy	4 spaces per 1,000 SF of GFA
Medical clinic	5 spaces per 1,000 SF of GFA
Office, Medical (in-patient only)	4 spaces per 1,000 sq ft of GFA
Planned Development	Negotiated during PUD process, should be based on standards for specific uses in this schedule
Religious use	1 parking space 4 seats in the main assembly area
Utilities	1 space per 2 employees

Table 7.10.02

Use	Gross Floor Area of Establishment (SF)	Number of loading spaces required
<b>Commercial Uses</b>		
All office uses, recreation, & entertainment	0-9,999 SF	0 spaces
	10,000-99,999 SF	1 space
	100,000 + SF	1 space per 100,000
Funeral & internment services	0-7,999 SF	0 spaces
	8,000 – 99,000 SF	1 space
	100,000 + SF	1 space per 100,000
Lodging	0-24,999 SF	0 spaces
	25,000 – 199,999 SF	1 space
	200,000 + SF	1 space per 200,000
All other commercial and retail uses	0-9,999 SF	0 spaces
	10,000 – 24,999 SF	1 space
	25,000 – 99,999 SF	2 spaces
	100,000 – 199,999 SF	3 spaces
	200,000 + SF	4 spaces
<b>PUBLIC, CIVIC, EDUCATIONAL, OTHER USES</b>		
Educational facilities, libraries, lodge, civic assembly, religious use	0-24,999 SF	0 spaces
	25,000 – 199,999 SF	1 space
	200,000 + SF	1 space per 200,000
Hospital, medical clinic or service	0-9,999 SF	0 spaces
	10,000 – 100,000 SF	1 space
	100,000 + SF	1 space per 100,000 SF, plus 1 space per 50,000 SF above 100,000 SF
Planned Development	Shall be provided on the basis of each individual use in the Planned Development	
<b>INDUSTRIAL USES</b>		
All Industrial or Manufacturing uses	0-9,999 SF	0 spaces
	10-24,999 SF	1 space
	25,000 -49,999 SF	2 spaces
	50,000 – 99,999 SF	3 spaces
	100,000 – 249,999	4 spaces
	250,000 SF +	4 plus one for each 200,000 SF above 250,000 SF

*Note: For each additional 100,000 square feet or fraction thereof of floor area over 100,000 square feet of floor area, 1 additional loading space.*

**7.11 PARKING AND STORAGE OF COMMERCIAL VEHICLES AND TRAILERS IN RESIDENTIAL DISTRICTS**

- (1) Parking and Storage Defined. For purposes of this Section 7.11, the parking or storage of commercial vehicles and trailers, shall mean the parking of any such vehicle at any time.
- (2) Parking and Storage of Commercial Vehicles and Trailers. The parking and storage of Commercial Vehicles and Trailers in residential districts shall comply with the following restrictions:
  - a. Class 1 Commercial Vehicles and Trailers: All Class 1 Commercial Vehicles or Trailers must be parked or stored in a fully enclosed building or fully enclosed structure at all times, subject only to the exceptions stated herein. No Class 1 Commercial Vehicle or Trailer shall be parked or stored in any unenclosed parking lot or parking area on any zoning Lot in a residential district, except for the period necessary for the reasonable expeditious loading or unloading of such vehicle or in conjunction with the performance of a service or delivery for the benefit of the Lot or its owners or occupants.
  - b. Class 2 Commercial Vehicles and Trailers: Not more than one (1) Class 2 Commercial Vehicle may be parked or stored in an unenclosed parking space per zoning Lot. All other Class 2 Commercial Vehicles or their trailers must be parked or stored in a fully enclosed building or fully enclosed structure at all times except for the period necessary for the reasonable expeditious loading or unloading of a such vehicle or in conjunction with the performance of a service or delivery for the benefit of the Lot or its owners or occupants. Notwithstanding the foregoing, nothing herein shall permit a detached Trailer to be parked or stored in any unenclosed parking lot or parking area on any zoning Lot in a residential district.
  - c. Impervious Surface Required: Those Class 2 Commercial Vehicles not restricted to parking in fully enclosed parking lots, garages or parking areas as required by Section 7.11,(2),(b) above, shall be parked or stored on an all weather asphalt or concrete pavement surface in accordance with Village requirements and this Zoning Ordinance.
- (3) Storage of Vehicles in Garages: A Commercial Vehicle or Trailer may be stored in a fully enclosed garage or accessory structure in a residential district provided that said garage or accessory structure complies with all applicable provisions of this Zoning Ordinance.
- (4) Construction Sites: The regulations prohibiting the outdoor parking or storage of Commercial Vehicles and Trailers set forth herein shall not apply where Commercial Vehicles or Trailers are parked or stored on a zoning Lot where improvements to that zoning Lot are actively being constructed

pursuant to a current, valid Village permit. Notwithstanding the foregoing, no owner, occupant, or any contractor or agent of an owner or occupant, shall park or store any Commercial Vehicle or Trailer on any zoning Lot in a residential district for an indefinite period of time during the permit period. Only those Commercial Vehicles or Trailers which are used to facilitate the construction authorized by Village permit shall be exempt from the regulations set forth in this Article VII.

- (5) Exemption for Commercial Vehicles Registered to Educational, Religious or Charitable Organizations: The Board of Trustees or a committee thereof, upon proper written application by the owner of a vehicle which would otherwise be classified as a Commercial Vehicle under this Zoning Ordinance, and which vehicle is registered to an educational, religious or charitable organization, and the vehicle is used for educational, religious or charitable purposes, may after due consideration, exempt such vehicle from the requirements of this Article VII. An applicant for a permit to exempt a vehicle may be required to submit certain documents as part of the application process including: 1) a written statement of recent date by the Attorney General of Illinois that the organization is in compliance with the provisions of 225 Illinois Compiled Statutes 460/2 of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes", and such statute as may hereafter be amended; 2) a written statement from the Internal Revenue Service that the organization is a tax exempt organization under the Internal Revenue Code of the United States, Section 501(c)(3). Any vehicle so exempted must be in a fully operational condition.

#### **7.12 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL VEHICLE TRAILERS, AND MOBILE HOMES IN ALL ZONING DISTRICTS**

- (1) Parking and Storage: This Section 7.12 governs the parking and storage of Recreational Vehicles, Recreational Vehicle Trailers and Mobile Homes at any time.
- (2) Fully Enclosed Parking Required; Unenclosed Parking or Storage Prohibited: Except as permitted in Article III, Section 3.11 (Mobile Homes or Trailers used as temporary offices), any recreational vehicle, recreational vehicle trailer or mobile home shall be parked or stored in a fully enclosed building or fully enclosed structure. No recreational vehicle, recreational vehicle trailer or mobile home shall be parked or stored in any unenclosed parking lot or parking area on any zoning lot in any zoning district, except for the period necessary for the reasonable expeditious loading or unloading of such vehicle, and except as set forth below.
  - a. Limited Exception; Grace Period: Recreational Vehicles may be parked in an unenclosed parking lot or parking area for up to 48 consecutive hours. Notwithstanding the foregoing, the following specific regulations apply to certain seasonal types of recreational vehicles:

- i. Boats and Boat Trailers shall be parked in a fully enclosed building or structure for the period commencing October 31 and ending April 1 each year.
    - ii. Snowmobiles, snowmobile trailers, ice sailing craft and trailers used to transport such craft, or any other similar recreational vehicle (and trailer) used for transport over ice or snow, shall be parked in a fully enclosed building or structure for the period commencing April 1 and ending November 30 each year.
  - b. No Exception for Empty Trailers: Empty Recreational Vehicle Trailers shall be parked or stored in a fully enclosed building or structure and shall not be permitted to be parked in any other manner.
- (3) Parking and Storage of Vehicles in Fully Enclosed Garages: A recreational vehicle, recreational vehicle trailer or mobile home may be parked or stored in a fully enclosed garage or accessory structure in any zoning district provided that said garage or accessory structure complies with all applicable provisions of this Zoning Ordinance.
- (4) Parking and Storage of Vehicles in Storage Facilities: A recreational vehicle, recreational vehicle trailer or mobile home may be stored in a facility where the storage of property is the primary business of such facility or in a facility where the parking or storage of recreational vehicles, recreational vehicle trailers or mobile homes for display prior to sale or storage prior to delivery may be permitted on a lot in districts where establishments manufacturing such vehicles are permitted uses or special uses and such use complies with all applicable provisions of this Zoning Ordinance.
- (5) Utility Hookups: It shall be unlawful for any Recreational Vehicle, Recreational Vehicle Trailer or Mobile Home to be connected to any public utility except for required servicing and maintenance of any Recreational Vehicle, Recreational Vehicle Trailer or Mobile Home.
- (6) Residential Use Prohibited: No Recreational Vehicle, Recreational Vehicle Trailer or Mobile Home shall be occupied for lodging or dwelling purposes in the Village.
- (7) Unsafe Conditions: It shall be unlawful to park or store a Recreational Vehicle, Recreational Vehicle Trailer or Mobile Home in a manner which creates a dangerous or unsafe condition. A dangerous or unsafe condition shall include but shall not be limited to:
- a. Parking or storage in an unlocked condition.
  - b. Parking or storage with flammable liquids aboard in portable containers.

- c. Parking or storage in such a manner that a Recreational Vehicle or Recreational Vehicle Trailer, or Mobile Home, whether loaded or not, may readily tip or roll.
  
- (8) Location on Lot: Any Recreational Vehicle or Recreational Vehicle Trailer when parked or stored must be fully contained within the zoning Lot and shall not extend into the public right- of-way. In no event shall the Recreational Vehicle or Recreational Vehicle Trailer create a visual or safety hazard for pedestrians or vehicular traffic.
  
- (9) Effective Date: This Article VII, shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

## **ARTICLE VIII – SPECIAL DISTRICTS**

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### Organization:

#### **Part A: Planned Unit Developments**

- 8.01 Purpose
- 8.02 Objectives
- 8.03 Applicability of Zoning Ordinance Regulations
- 8.04 Standards
- 8.05 Procedure
- 8.06 Specific Content
- 8.07 Conditions and Guarantees

#### **Part B: Lincoln Avenue Overlay District**

- 8.08 Purpose
- 8.09 Boundaries
- 8.10 General Requirements
- 8.11 Additional Standards: B-3 PD District
- 8.12 Additional Standards: Mixed-Use Hubs
- 8.13 Additional Standards: Business/Residential Transition Area
- 8.14 Additional Standards: Business Transition Area
- 8.15 Parking
- 8.16 Building and Site Enhancements
- 8.17 Building and Site Enhancements

#### **Part C: Village Center Planned Unit Development District**

- 8.18 Purpose and Intent
- 8.19 Boundary and Size
- 8.20 General Objectives
- 8.21 Permitted Uses
- 8.22 Prohibited Uses
- 8.23 Signs
- 8.24 Lincoln Avenue Overlay District, Site Development Standards

## **PART A: PLANNED UNIT DEVELOPMENTS**

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### **8.01 PURPOSE**

- (1) The purpose of the Planned Unit Development (PUD) approach is to provide the flexibility needed to allow more creative and imaginative design for land developments than is possible under the more conventional zoning regulations.
- (2) Within the framework of a PUD, normal zoning standards may be modified. The resulting flexibility is intended to encourage developments that are more environmentally sensitive, economically viable, that preserve the natural site qualities, provide better urban amenities and more open space and accomplish a higher quality project.
- (3) The Planned Unit Development is intended to provide for projects incorporating a single type or a variety of related uses which are planned and developed as a unit. The Planned Unit Development should provide amenities not otherwise required by law, and often establishes facilities and open space greater than the minimums required by law.
- (4) The unique and substantially different character of Planned Unit Developments requires that proposed Planned Unit Developments be processed administratively and reviewed legislatively as a Special Use pursuant to this Zoning Ordinance. Planned Unit Developments are more complex and of a different character than other special uses, thereby requiring the establishment of the specific and additional procedures, standards and exceptions, as set forth in this Part A, to guide the recommendations of the PC/ZBA and the action of the Board of Trustees.

### **8.02 OBJECTIVES**

The Planned Unit Development procedure is intended to achieve the following specific objectives:

- (1) To permit a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities;
- (2) To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features;
- (3) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development;
- (4) To provide for more usable and suitably located recreation facilities and other public and private facilities;

- (5) To encourage land use(s) which promote the public health, safety, comfort, morals and welfare;
- (6) To be compatible with the character of the underlying zoning district in which it is located; and
- (7) To be compatible with the Comprehensive Plan and facilitate development that achieves the objectives of the Comprehensive Plan, including those related to land use, transportation and community facilities.

### **8.03 APPLICABILITY OF ZONING ORDINANCE REGULATIONS**

- (1) The procedures set forth in this Part A shall apply to all Planned Unit Developments.
- (2) Planned Unit Developments may be allowed in each of the Zoning Districts of the Village only as a special use approved pursuant to the procedures set forth in this Part A.
- (3) Except as provided in Parts B through D of this Article, the bulk regulations set forth in this Zoning Ordinance shall not apply to Planned Unit Developments; provided, however, that Section 4.13 of this Zoning Ordinance shall apply to Planned Unit Developments located in the B-3 Zoning District of the Village.
- (4) The use, parking, and loading regulations set forth in Articles IV and VII of this Zoning Ordinance, and in Parts B through D of this Article, shall apply to all Planned Unit Developments.

### **8.04 STANDARDS**

The PC/ZBA shall not recommend, and the Board of Trustees shall not approve, the issuance of a special use permit for a Planned Unit Development except upon finding that the proposed PUD meets the following standards:

- (1) Objectives: A Planned Unit Development must conform with the intent of the objectives set forth in Section 8.02 of this Article.
- (2) Size and Ownership: The site of the Planned Unit Development must be under single ownership and/or unified control, and must be not less than two (2) acres in area.
- (3) Compatibility: The Planned Unit Development must be of a type and location so as to (a) cause no undue detrimental influence upon surrounding properties, and (b) be compatible with surrounding uses.
- (4) Land Designation: The proposed Planned Unit Development shall provide for the dedication of land for recreational purposes and permanent common open space. Alternatively, the Board of Trustees may accept a

cash payment in lieu of actual land dedication, or may approve a combination of cash and land dedication.

a. Common Open Space. In residential or mixed-use residential Planned Unit Developments, common open space shall be provided for recreational purposes. Such open space may be designed for active or passive recreational use. Common open space shall meet the following standards:

- i. Each parcel of common open space intended for active recreation shall be at least 12,000 square feet. The minimum width of the common open space shall allow for the safe participation in the active recreational activities for which it is designed. For trail purposes, the minimum open space width shall be twenty (20) feet.
- ii. The common open space must be accessible to all the residents of the proposed residential planned unit development. Sidewalks, bike trails or pedestrian trails must link the parcels.
- iii. The slope of the common open space must be appropriate for the activities for which the common open space is intended.
- iv. Land dedicated to the Village may be included in the calculation of usable common open space.

b. Areas Excluded from Common Open Space. Common open space provided to satisfy the requirements of this Section 8.04(4) shall not include:

- i. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
- ii. Dedicated streets, alleys, and other public rights-of-way;
- iii. Required detention areas, floodplains or wetlands, unless the Village Board determines that any such natural features, such as a creek or lake, will be a substantial amenity for the development;
- iv. Vehicular drives, or parking, loading and storage areas;
- v. Irregular or unusable narrow strips of land less than 50 feet wide, unless containing a trail or bicycle path; and
- vi. Existing permanent utility easements.

(5) Need: The applicant must demonstrate the desirability of the plan and its benefit to the community.

(6) Yards: The required yards along the periphery of the Planned Unit Development shall be at least equal in width and depth to those required in the adjacent Zoning District or Districts, except as may be approved by the Board of Trustees.

- (7) Setbacks: Buildings of more than twenty four feet (24') in height shall provide a setback from any property line of a depth equal to or greater than the height of such buildings, except as may be approved by the Board of Trustees.
- (8) Parking Requirements: Adequate parking shall be provided and in no event shall the parking be less than that required pursuant to this Zoning Ordinance, except as may be approved by the Board of Trustees.
- (9) Traffic: Adequate provision shall be made to provide ingress and egress to the PUD so as to minimize traffic congestion in the public streets and promote safety.
- (10) Design Standards: The PUD shall adhere to the provisions of Article VI of this Zoning Ordinance, except as may be approved by the Board of Trustees.

## 8.05 PROCEDURE

A Planned Unit Development may be allowed as a special use in accordance with the procedures and standards set forth in this Article. To the extent that the procedures, standards, and requirements set forth in this Article conflict with the procedures, standards and requirements set forth elsewhere in this Zoning Ordinance, the procedure, standards, and requirements of this Article shall control.

- (1) Step 1: Pre-Application Procedure (Mandatory):
  - a. Pre-Application Conference: Prior to the filing of an application for approval of a Planned Unit Development, the developer shall file a request with the Zoning Officer for a Pre-Application Conference with the Board of Trustees to discuss the proposed development of the subject property, which request shall be accompanied by two (2) paper copies, and one (1) electronic copy in a form approved by the Zoning Officer, of each of the materials listed in Section 8.06(1) of this Article.
  - b. The Pre-Application Conference shall be held during a regularly scheduled Board of Trustees meeting and shall be open to the public.
  - c. The Pre-Application Conference shall be an informal communication and discussion, at which no commitments shall be given. Statements or opinions of the Village President or of any Village Trustee that are expressed at the Pre-Application Conference shall not be deemed binding. No recommendations need be made to, or acted upon by, the Board of Trustees.
  - d. The Pre-Application Conference shall be completed prior to (i) the filing of an application for a Planned Unit Development, and (ii) the Development Review Team meeting required pursuant to Section 5.05(4) of this Zoning Ordinance.

(2) Step 2: Conceptual Plan Procedure (Optional):

- a. Purpose: The purpose of the Conceptual Plan Submission is to obtain approval of the Village for the development of a parcel of land in accord with the plans, programs and schedule submitted as a part of the Planned Unit Development application. It is intended that the proposal submitted will be in preliminary conceptual form and that, if approved, the developer will proceed with preparing detailed plans for all or a portion of the subject property for formal preliminary approval of the proposed PUD. This procedure allows for approval of an overall concept without the necessity of prejudging long-range markets and preparing precise plans for unknown quantities. The "conceptual plan" procedure is not mandatory.
- b. Procedure: A request for the approval of a Conceptual Plan, as a step in the Planned Unit Development procedure, shall be submitted to the Zoning Officer who shall refer the Conceptual Plan to the PC/ZBA for review at a regularly scheduled public meeting.
- c. The Conceptual Plan submittal shall consist of fifteen (15) copies of each of the materials listed in Section 8.06(2) of this Article.

(3) Step 3 - Preliminary Approval Procedure (Required):

- a. Purpose: The purpose of the preliminary approval submission is to obtain tentative approval and/or commitments from the Village that the plans, design and program that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into the final detailed architecture, engineering, surveying and landscape architecture in anticipation of final approval and subsequent construction. This is a relatively detailed submission that assures the Applicant that the proposed PUD is preliminarily acceptable, and that the Applicant can invest the money necessary to prepare final plans with the assurance that the final plans will be accepted if they substantially conform to the preliminary plans.
- b. Procedure: An application for preliminary approval of the Planned Unit Development shall be submitted to the Zoning Officer who shall refer the application to the PC/ZBA for a public hearing and a report and recommendation to the Board of Trustees. All applications for preliminary approval of a Planned Unit Development shall be subject to the Site Plan Review procedures and standards set forth in Article V of this Zoning Ordinance.
- c. The application for preliminary approval of the Planned Unit Development shall consist of fifteen (15) copies of each of the materials listed in Section 8.06(3) of this Article, and the fees required pursuant to Chapter 6, Article 12 of the Municipal Code.

- d. The PC/ZBA shall hold a Public Hearing regarding the preliminary approval of the proposed Planned Unit Development. Notices shall be delivered in accordance with Section 5.20 of this Zoning Ordinance.
- e. Within 45 days after the completion of the public hearing, or such further time to which the Applicant may agree, the PC/ZBA shall make findings and recommend whether the proposed PUD should be preliminarily approved, and shall submit such findings and recommendations in writing to the Board of Trustees.
- f. The Board of Trustees, within 90 days after receipt of the findings and recommendations of the PC/ZBA, shall either grant or deny preliminary approval of the proposed PUD, via resolution duly adopted. The failure of the Board of Trustees to act within the time period specified in this Section 8.05(3)f, or such further time to which the Applicant may agree, shall be deemed to be a decision of the Board of Trustees denying preliminary approval of the proposed PUD.
- g. Preliminary approval of a Planned Unit Development shall not constitute approval of the final PUD. Rather, it shall be deemed an expression of approval of the proposed development and a guide to the preparation of the final PUD plans and documents to be submitted pursuant to the procedures set forth in this Article.
- h. Notwithstanding any provision of this Article IX to the contrary, the Applicant may request, in its application for approval of a preliminary PUD, that the PC/ZBA approve of a combined preliminary and final PUD review. Such approval shall be in the sole discretion of the PUD and shall be granted only if the PUD determines that the proposed PUD can be effectively and fully considered through a combined review. If approval is granted by the PUD, the proposed PUD shall be reviewed at a subsequent public hearing of the PC/ZBA, in accordance with and pursuant to the notice and hearing requirements set forth in Section 8.05(3) of this Article and the final approval procedures set forth in Section 8.05(4) of this Article.

(4) Step 4 - Final Approval Procedure (Required):

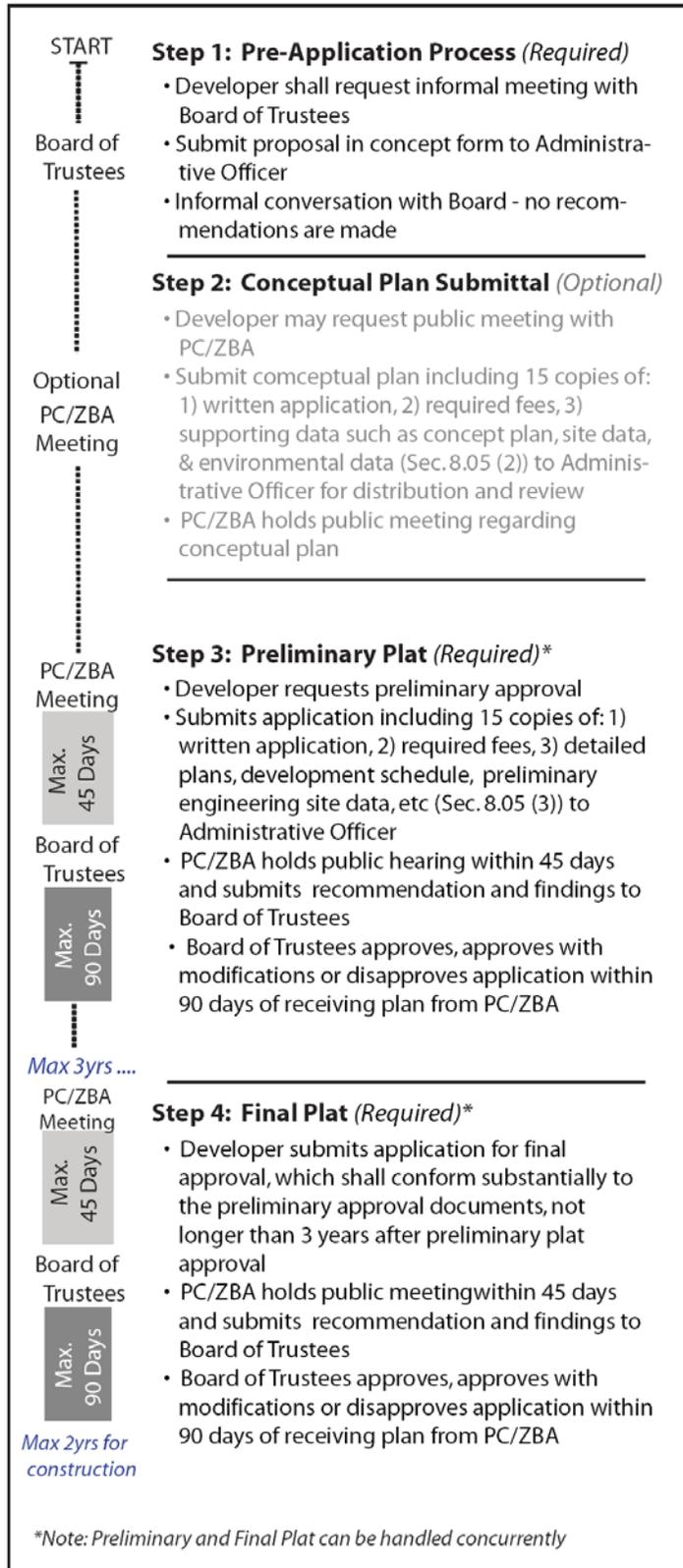
- a. Purpose: The purpose of the final approval submission is to designate with particularity the development of the proposed PUD, including the subdivision of the subject property into conventional lots, as well as the division of other lands, not so subdivided, into common open space and building sites. The final PUD documents depict the exact location of facilities, while the preliminary PUD documents show the general location of the same facilities.
- b. Procedure: The final PUD documents shall conform substantially to the plans preliminarily approved by the Board of Trustees. If desired by the developer, the final PUD documents may be submitted and reviewed in stages, with each stage reflecting that portion of the subject

property proposed to be approved and developed; provided, however, that the first application for final approval must be submitted not later than three (3) years from the date of adoption of the resolution granting preliminary approval of the proposed Planned Unit Development.

- c. The application for final approval of the Planned Unit Development shall consist of fifteen (15) copies of each of the materials listed in Section 8.06(4) of this Article.
  - d. The application for final approval of the Planned Unit Development shall be submitted to the Zoning Officer who shall refer the application to the PC/ZBA for review at a regularly scheduled public meeting.
  - e. Within forty-five (45) days after its receipt of a completed application for final approval of the Planned Unit Development, or such further time to which the Applicant may agree, the PC/ZBA shall either (i) recommend approval of the final Planned Unit Development, if the application is in substantial conformance with the approved preliminary PUD, or (ii) recommend disapproval of the final Planned United Development, if the Final Approval application is not in substantial conformance with the approved preliminary PUD.
  - f. Within 90 days after receipt of the recommendation of the PC/ZBA, or such further time to which the Applicant may agree, the Board of Trustees shall approve or deny the final PUD, via ordinance duly adopted. The failure of the Board of Trustees to act within the time period specified in this Section 8.05(4)f, or such further time to which the Applicant may agree, shall be deemed to be a decision of the Board of Trustees denying final approval of the proposed PUD.
  - g. Permits are to be issued only after the ordinance approving the final Planned Unit Development and supporting data have been recorded with the County Recorder of Deeds, and shall be issued in full conformance with all applicable ordinances. The ordinance approving the final Planned Unit Development shall be effective only upon its recording with the County Recorder of Deeds.
- (5) Changes in the Planned Unit Development: The Planned Unit Development shall be developed only according to the approved and recorded ordinance approving the final PUD. Changes to the approved Planned Unit Development may be made as follows:
- a. Major Changes: Changes which alter the concept or intent of the Planned Unit Development, including increases in density, increases in the height of buildings, reduction of proposed open space, substantial changes in the development schedule, changes in road standards, or substantial changes in the final governing agreements, provisions or covenants, may be approved only upon submission of all required

documents, and review by the PC/ZBA and approval by the Board of Trustees, in the manner set forth in Section 8.05(4) of this Article.

- b. Minor Changes: The Zoning Officer may approve minor changes in the Planned Unit Development which do not change the concept or intent of the development. Minor changes shall be any change not defined in this Section 8.05(5) as a major change. Specifically, and without limitation of the foregoing, changes in signage which do not increase the height, area, number and location of previously-approved signage shall be considered minor changes.
- (6) Construction Schedule Requirements: Construction of an approved Planned Unit Development must begin within two (2) years after of the date adoption of the ordinance approving the final PUD. The Village shall have the right to revoke any approved Planned Unit Development for which construction does not begin within two (2) years after the date of adoption of the ordinance approving the final PUD, or for which construction falls more than three (3) years behind the approved construction schedule, upon a public hearing before the Board of Trustees.



## 8.06 SPECIFIC CONTENT

Applications for a Planned Unit Development Plats shall include at least the following documents and information, unless waived by the PC/ZBA :  
(Ordinance No. Z2009-368).

(1) Pre-Application Stage (Required):

- a. General Site Information: Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants, and other related information.
- b. A plat of survey of the subject property.
- c. Sketch Plan: A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots and other features.
- d. Legal Description: A complete property survey and legal description of the site proposed for development.
- e. A written description of the proposed Planned Unit Development, describing the purpose of the development and proposed land uses.

(2) Conceptual Plan Stage (Optional):

- a. All materials required pursuant to Section 806(1) of this Article for the Pre-Application Conference.
- b. Any or all of the materials otherwise required pursuant to Section 8.06(3) of this Article for preliminary approval of the proposed Planned Unit Development.

(3) Preliminary Approval Stage (Required):

- a. Detailed Plan: A drawing of the Planned Unit Development shall be prepared at a scale of not less than one inch to one hundred feet (1"-100') and shall show such designations as proposed streets (public and private), all buildings and their uses, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings, and shall include, without limitation:
  - i. Boundary lines - bearings and distances.
  - ii. Easements - location, width and purpose.
  - iii. Streets on and adjacent to the tract - street name, right-of-way width, existing or proposed center line elevations, pavement type, walks, curbs, gutters, and culverts.
  - iv. Utilities on and adjacent to the subject property - location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire

hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest usable water mains and sewers adjacent to the tract showing invert elevation of sewers.

- v. Ground elevations on the subject property.
- vi. Other conditions on the subject property - watercourses, flood plains, marshes, rock outcrops, wooded areas, isolated preservable trees one foot (1') or more in diameter, houses, accessory buildings, and other significant features.
- vii. Other conditions on adjacent land - approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, tower, and other nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platter land refer to subdivision plat by name, and show approximate percent built-up, typical lot size and dwelling type.
- viii. Zoning - show zoning districts on and adjacent to the subject property.
- ix. Proposed public improvements - highways or other major improvements planned by public authorities for future construction on or near the subject property.
- x. Open space - all parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose intended.
- xi. Structures - general location, purpose and height, in feet or stories, of each building.
- xii. Map data - name of development, name of site planner, north point, scale, date of preparation, and acreage of site.
- xiii. Miscellaneous - such additional information as may be required by the PC/ZBA.

b. Site Data: A written explanation of the graphic elements of the plan, including:

- i. Description and quantity of land uses;
- ii. Description of residential units by type;
- iii. Number of dwelling units;
- iv. Estimated population; and
- v. Description of the development standards and design criteria.

c. Subdivision Plat: If the subject property is to be subdivided in connection with the proposed Planned Unit Development, a preliminary subdivision plat shall be submitted, in compliance with the requirements of the Subdivision Ordinance.

d. Statement of Purpose: A statement of the purpose and planning objectives to be achieved by the proposed Planned Unit Development. This statement should include a description of the character of the proposed development, the proposed land uses, any

proposed exceptions to the otherwise-applicable regulations set forth in this Zoning Ordinance, and the rationale behind the assumptions and choices of the Applicant.

- e. Ownership: Statement of present and proposed ownership of all land within the proposed Planned Unit Development, including present tract designation according to official records in offices of the County Recorder of Deeds. If legal title to the property is in trust, then a statement of the names and percentage of interest of all the beneficiaries shall be submitted. If legal title to the property is in a corporation, limited partnership or other legal entity, then a statement of the names of all persons or entities owning ten percent (10%) or more of the stock or other ownership interest shall be submitted.
- f. Schedule: Development schedule, indicating:
  - i. The stages in which the proposed Planned Unit Development project will be constructed, with an emphasis on the area, density, use and public facilities such as open space to be developed within each stage. The overall design of each stage shall be shown on the Site Plan and through supporting graphic material.
  - ii. The approximate dates for the beginning and completion of each stage of development.
- g. Covenants: Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the proposed Planned Unit Development.
- h. Density: Information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type, and the number of bedrooms in each dwelling unit type.
- i. Nonresidential Use: Provide information on the type and amount of ancillary and nonresidential uses, including the amount of common open space.
- j. Service Facilities: Provide information on all service facilities and off-street parking facilities.
- k. Architectural Plans: Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to afford an understanding of the style of the development, the design of the building, and the number, size and type of dwelling units. The floor area of all building types, and the total ground coverage and height of buildings, shall also be provided.
- l. Environment: A preliminary statement identifying existing natural and environmental resources and the method to protect the physical

amenities of the site, including information on topography, surface hydrology, vegetation and natural coverage, and soils and subsurface conditions.

- m. Utilities: A preliminary engineering study providing information on existing and proposed sanitary, storm, water and other utilities necessary to adequately service the proposed Planned Unit Development.
- n. Landscape Plans: Preliminary plans for vegetation, earth sculpturing, berming and aesthetic features shall be submitted in accordance with Part D of Article VI of this Zoning Ordinance. (Ordinance No. Z2009-368).
- o. Facilities Plans: Preliminary plans or information demonstrating the adequacy of service to the proposed PUD shall be submitted for:
  - i. Roads, including classification, width of right of way, width of pavement and typical construction details;
  - ii. Lighting programs; and
  - iii. Sidewalks, paths and cycle trails.
- p. School Impact Study: Information on the tax impact of the proposed PUD on local school districts, including details regarding student load, student scheduling, and the financial impact.
- q. Tax Impact Study: Information on the taxes to be generated by the proposed PUD and the cost to the various taxing bodies to provide the necessary services to the development.
- r. Traffic Analysis: Information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the proposed Planned Unit Development, along with an analysis of the adequacy of the internal vehicular circulation pattern.
- s. Market Study: An economic feasibility study of the proposed Planned Unit Development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.

(4) Final Plat Stage (Required):

- a. Subdivision Plat: If the subject property is to be subdivided in connection with the proposed Planned Unit Development, a final subdivision plat shall be submitted, in compliance with the requirements of the Subdivision Ordinance.
- b. 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 residents of the planned development or retained by the developer. In any event, the PC/ZBA 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.

- c. Facilities and Improvements: Detailed construction plans shall be submitted for all facilities and improvements to be built in connection with the proposed Planned Unit Development, including, without limitation: roads, curbs, gutters, street lights, street signs, water, sewers, improvements of open spaces, recreational facilities, and public parking facilities.
- d. Construction Plans: Detailed plans shall be submitted for the design, construction or installation of site amenities, including buildings, landscaping, lakes and other site improvements.
- e. Construction Schedule: A final construction schedule shall be submitted for that portion of the Planned Unit Development for which final approval is requested.
- f. Covenants: All required final final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development.

## **8.07 CONDITIONS AND GUARANTEES**

Prior to the final approval of any Planned Unit Development, the PC/ZBA may recommend, and the Board of Trustees may impose, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the Planned Unit Development as deemed necessary for the protection of the public interest, protection of the adjacent area, and to secure compliance with the standards specified in 8.04 of this Article. In all cases in which Planned Unit Developments are approved, the Board of Trustees shall require such evidence and guarantees as it may deem necessary as proof that the Applicant is complying, and will comply, with the conditions imposed in connection therewith.

## PART B: LINCOLN AVENUE OVERLAY DISTRICT

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### 8.08 PURPOSE

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*NOTE: Standards Apply to New Construction and Expansion of Existing Uses Only*

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The Lincoln Avenue Overlay District is established to provide specific development standards and guidelines for retail, office, multi-family residential, and mixed land uses within its boundaries. The corridor's existing environment consists of auto-oriented land uses, primarily offices and banks. In an effort to enhance the relationship between the surrounding residential neighborhoods with the rest of Lincoln Avenue, new development within the overlay district shall be pedestrian oriented, providing for a mix of uses. The overlay district is divided into mixed use centers or "hubs", which represent the corridors principal commercial centers, and areas designated for residential redevelopment. Each section contains a unique set of standards and design guidelines that have been prepared to help developers and Village officials implement the vision contained in the Lincoln Avenue Corridor Plan as amended. The successful implementation of this Section and standards will establish the corridor's unique image as a distinct and inviting place to live, work, and shop.

**The Lincoln Avenue Overlay District is established to:**

- Create a high quality environment with an inviting, pedestrian friendly image that offers its own sense of place and a feeling of security.
- Promote an attractive, recognizable, mixed-use corridor with outdoor gathering places that fosters a sense of civic pride.
- Improve the existing streetscape design, site enhancements, and parking locations to foster an attractive, walkable, human-scaled community.

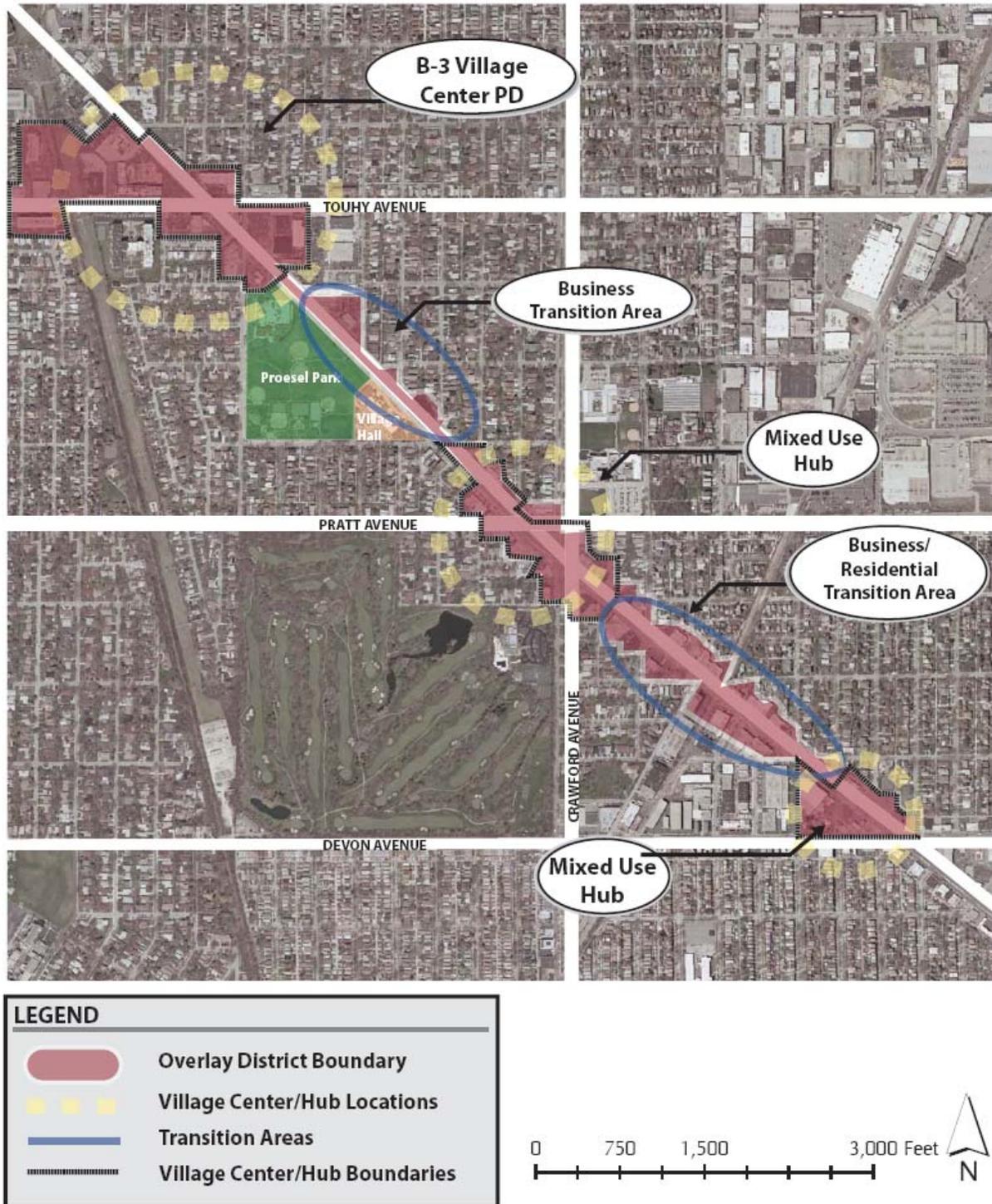
### 8.09 BOUNDARIES

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The Lincoln Avenue Overlay District shall be established on the aerial map of the Village of Lincolnwood as illustrated in Figure 1 on the following page.

FIGURE 8.09.01

LINCOLN AVENUE OVERLAY DISTRICT



## 8.10 GENERAL REQUIREMENTS

The following standards and guidelines shall be applicable to all new buildings and developments within the Lincoln Avenue Overlay District's Boundaries:

### BUILDING ORIENTATION

Main pedestrian access shall be oriented along the public street.

Buildings shall be oriented parallel to the street frontage.\*



**Orientation:**  
Main facade fronts the corridor with storefront windows, attractive facade, and awnings

**Proportions:**  
Pedestrian scale is reinforced by arched colonnades, awnings, cornice lines, planters, and site furnishings

### BUILDING PROPORTIONS

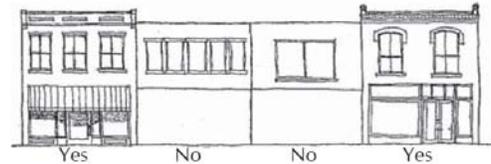
Match or transition building proportions between existing adjacent buildings.

Maintain ground level pedestrian scale with traditional residential facade components and proportions.

Large buildings of new construction should have vertical divisions consistent with building widths along the block.



New construction should maintain traditional window location and alignment



### USES

Permitted and special uses within the Lincoln Avenue Overlay District shall be the same as the underlying zoning. Refer to Table 4.01.1 of Article IV of this Zoning Ordinance.

### DESIGN CONSISTENCY

Buildings that are located within close proximity of each other shall compliment each other via architectural elements, materials, color, etc.

### BLANK WALLS

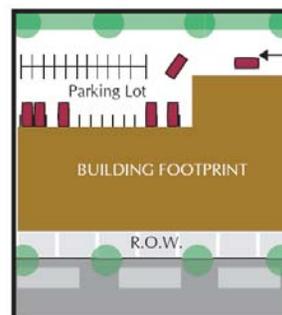
Blank walls along sidewalks shall be avoided or minimized. To accomplish this, main entrances shall be oriented towards the main street with facade windows and design elements at ground level.



This is an example of a blank wall along a main street. The main entrance to the building is not oriented towards the main street, nor are there ground level windows. This should be discouraged

### PARKING

Off-street parking shall be located toward the rear of the property. All new buildings and development must comply with the parking requirements of Article VII of this Zoning Ordinance.



Parking and parking structures must be located towards the rear of the building

\* On an exceptional basis the Village may approve buildings with angled building facades.

## 8.11 ADDITIONAL STANDARDS FOR THE B-3 VILLAGE CENTER PLANNED DEVELOPMENT DISTRICT

INTERSECTION OF TOUHY & LINCOLN AVENUES (NOTE: Standards Apply to new construction and expansion of existing uses.)

### BUILDING SITING

**Buildings on Touhy Avenue :**  
A build-to-line of 15' or more is required to buffer pedestrians from the high traffic volume on Touhy

**Buildings on Lincoln Avenue:**  
A build-to-line of 5 feet is required to provide a pedestrian oriented window shopping environment with retail establishments located near the sidewalk.

### HEIGHT REQUIREMENTS

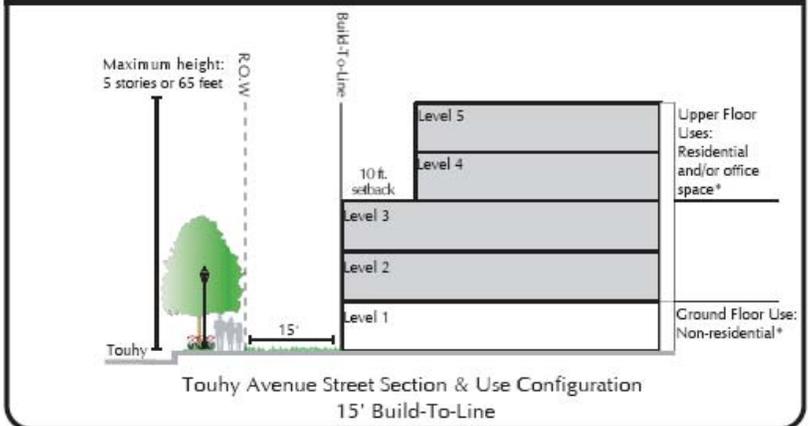
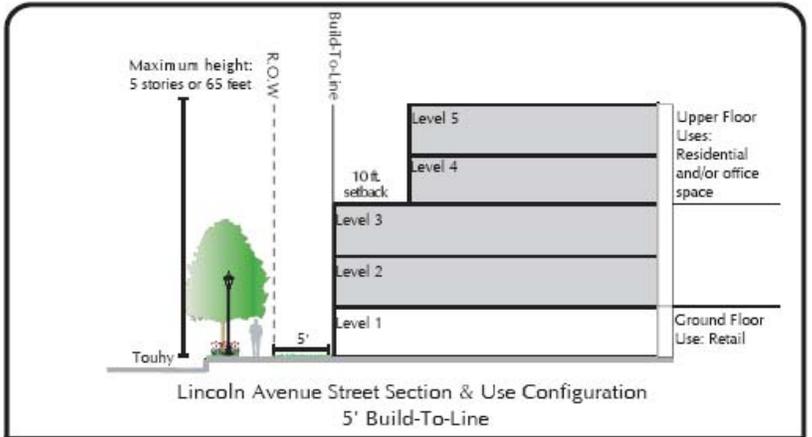
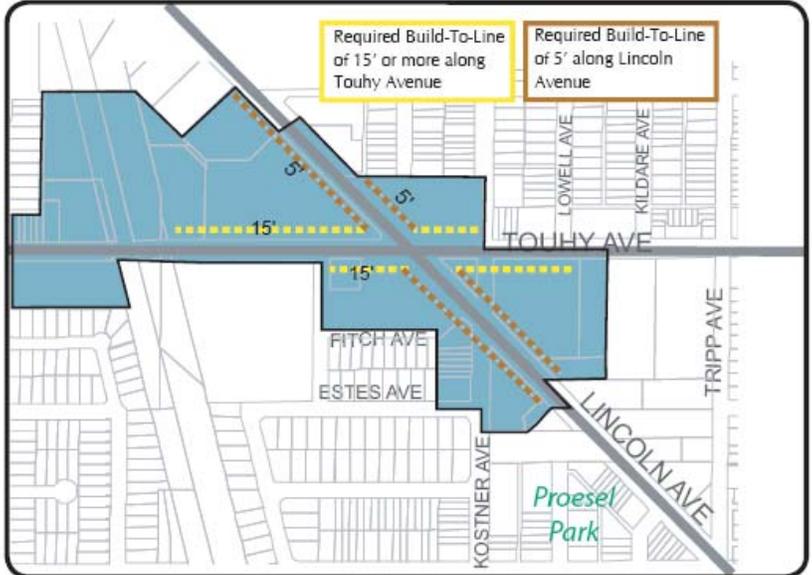
5 stories or 65' maximum height.  
  
2 stories allowed above third story provided there is a 10' setback above the 3rd floor.

### USE CONFIGURATION

**A. Ground Floor**  
Limited to retail and other non-residential uses including restaurants, boutique hotels, and family entertainment venues, which encourage pedestrian activity and congregation.\*

\*Refer to Article IV, Table 4.01.1, B-3 District for permitted and special uses.

### Land Use Plan

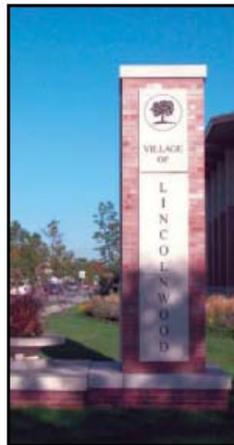
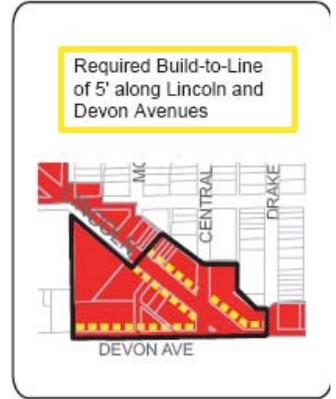


## 8.12 ADDITIONAL STANDARDS FOR THE MIXED USE

INTERSECTION OF LINCOLN-PRATT-CRAWFORD (NOTE: Standards Apply to New Construction and Development Only)  
 INTERSECTION OF DEVON-LINCOLN

<b>BUILDING SITING</b>
A maximum build-to-line of 5' from the public right of way is required to locate buildings close to public sidewalks.
<b>HEIGHT REQUIREMENTS</b>
3 stories or 38' maximum height.
<b>USE CONFIGURATION</b>
<p><b>A. Ground Floor</b>                  Limited to retail and other non-residential uses that encourage pedestrian activity and shopping, for example book stores, bistros, coffee shops, restaurants, and dry cleaners, etc. For a list of all permitted and special uses refer to Table 4.01.1 of Article IV of the Village Zoning Regulations.</p> <p><b>B. Upper Floor(s)</b>                  Lincoln-Pratt-Crawford: Limited to residential, retail or office uses.*                   Devon-Lincoln Hub: Permitted Uses: Non-residential retail or office uses.                  Special Use: Multi-Family Residential Dwellings.*</p> <p><small>* Refer to Table 4.01.1 of Article IV of the Village Zoning Regulations for a complete list.</small></p>

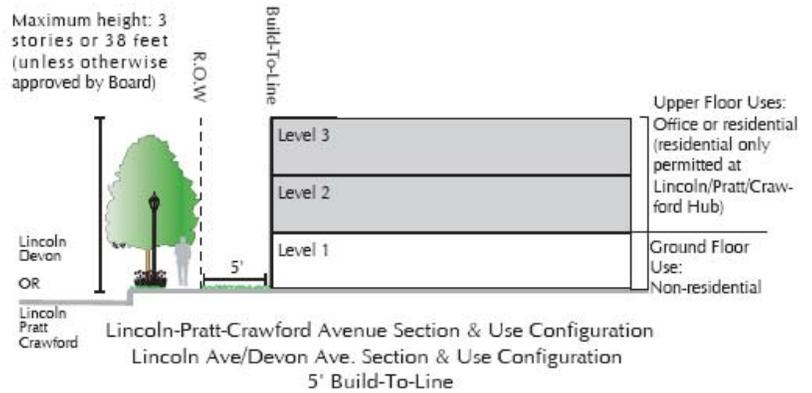
### Build-to-line: Lincoln-Pratt-Crawford & Devon-Lincoln Ave



Located at the intersection of Devon and Lincoln Avenues is the existing Gateway Sign (above).



Example of mixed-use developments with retail establishments on the ground floor and residential units above.



**8.13 ADDITIONAL STANDARDS FOR THE BUSINESS/RESIDENTIAL TRANSITION AREA** (NOTE: Standards Apply to New Construction and Development Only)

**BUILDING SITING**

A build-to-line of 10' from the public right of way is required along with a wrought iron fence, no more than 4' tall, located 5' from the public right-of-way.

A hedgerow should be placed behind the fence on the building side.

**BUILDING TYPES**

Residential uses allowed in these areas shall be three flats, townhouses and/or condominium buildings.

**DRIVEWAYS & ACCESS**

Residential buildings shall not have garages or driveways with direct vehicular access to Lincoln Avenue.

Units at the rear of the property shall not face the front door of adjacent homes.

Individual residential units shall be pedestrian accessible from the front street side.

**HEIGHT REQUIREMENTS**

3 stories or 38' maximum height.

**USE CONFIGURATION**

1. **Ground Floor**  
In addition to permitted B-1 Uses, multi-family or townhomes shall be permitted on the ground floor within the boundary of the Business/ Residential Transition Area. (See Table #4.01.1).
2. **Commercial Uses** shall be permitted only on the ground floor and shall not exceed 2,500 SF in GFA. (See Section C of Article IV for additional restrictions on commercial uses).

**Build-to-line: Business/Residential Transition**



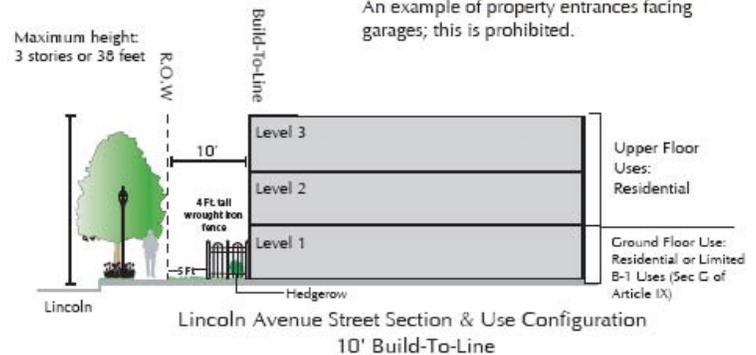
Residential buildings with direct pedestrian access to individual units should be encouraged.



Residential building with rod iron fence and hedgerow between public right-of-way.



An example of property entrances facing garages; this is prohibited.



## 8.14 ADDITIONAL STANDARDS FOR THE BUSINESS TRANSITION

(NOTE: Standards Apply to New Construction and Development Only)

### BUILDING SITING

A maximum build-to-line of 5' from the public right of way is required to locate buildings close to public sidewalks.

### HEIGHT REQUIREMENTS

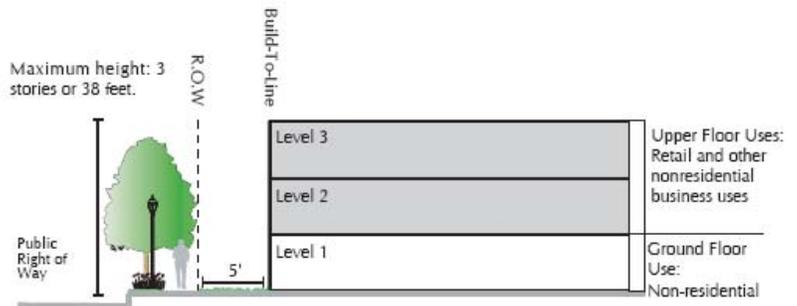
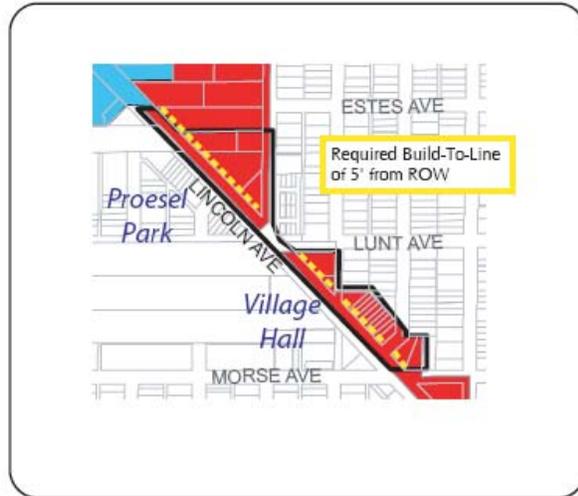
3 stories or 38' maximum height.

### USE CONFIGURATION

1. Ground Floor  
Limited to retail and other nonresidential business uses that encourage pedestrian activity and access to shopping and services. For a list of permitted and special uses refer to Table 4.01.1 of Article IV of the Village Zoning Ordinance.

2. Upper Floor  
Limited to retail, other nonresidential business and office uses. Residential uses are not permitted on the upper floors in the Business Transition Area.

### Build-to-line: Business Transition Area



Lincoln Avenue Section & Use Configuration  
5' Build-To-Line

## 8.15 PARKING

Parking requirements, vehicle and pedestrian circulation shall be in accordance with the provisions of Article VII of the Village Zoning Ordinance. Within the Lincoln Avenue Overlay District the following additional standards shall apply:

- (1) Off-street parking in the front of buildings for any future development along Lincoln Avenue shall be prohibited, except as maybe allowed by the Village Board. Instead, off-street parking shall be located toward the rear of the property.
- (2) Buffering and/or screening of business properties from adjoining residential properties is required for all new developments. For screening and parking lot setback requirements refer to Articles VI and VII.
- (3) Expansion and/or change in use of existing buildings with front yard parking must provide screening materials with either landscaping or a short screen wall along the public sidewalk to reduce the visibility of parking. Variations to this requirement must be approved by the Village Board (Figures A & B below).
- (4) On-street parking lanes in the public right-of-way shall be incorporated into a new sidewalk system with "bump-outs" for both new and existing uses. Instituting traffic calming measures in addition to the parking "bump-outs" are encouraged to increase safety (Figure C below).
- (5) Residential buildings shall not have garages or driveways with direct vehicular access to Lincoln Avenue.
- (6) When possible, it is preferable that sidewalks and other pedestrian paved areas located in front of or adjacent to principle building facades incorporate decorative brick or stone paving
- (7) Landscaped areas, including landscaped parking islands and medians, shall be separated from vehicular and pedestrian encroachment by curbs and raised planting surfaces.

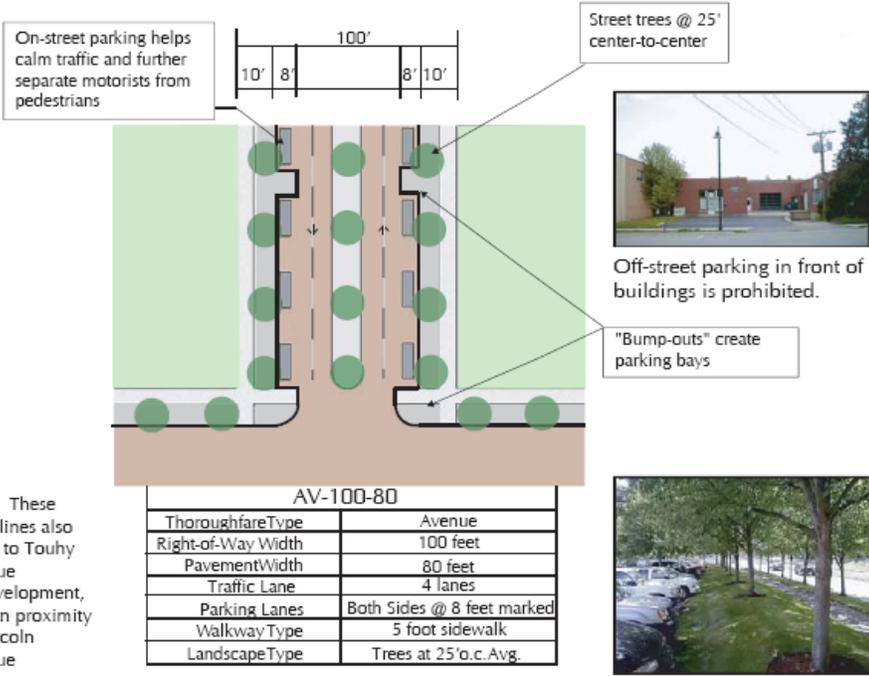


Figure C - Thoroughfare Standards for Lincoln Avenue Corridor Redevelopment Guidelines



Figure A - Plan View of Sample Parking Area Screening for Infill

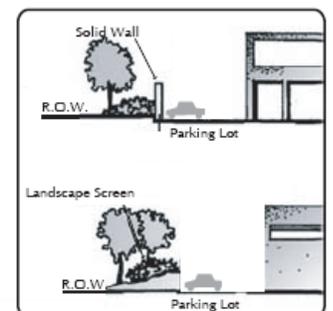
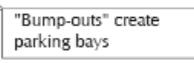


Figure B - Cross Section Examples of Screening for Infill Development



Off-street parking in front of buildings is prohibited.



"Bump-outs" create parking bays



Landscaped Screening

## 8.16 BUILDING AND SITE ENHANCEMENTS

### ELEVATION

Blank, uninterrupted facades and street facing elevations shall be prohibited. Building facades and elevations facing a public street shall articulate the line between the ground and upper levels with a cornice, balcony, arcade, or other feature. Facades and street facing elevations shall incorporate such elements as projections, recesses, and offsets in order to divide flat expanses of buildings.

### FACADE WINDOWS

For mixed-use, commercial, office, and retail buildings, the front elevation shall provide a minimum of 60 percent window transparency at ground level. Side elevations shall provide at least 30 percent transparency. If the building has a second story, upper floor windows are required. Transparency on other elevations is optional. Transparency is measured in a linear manner; for example a 100 foot long building shall have at least 60 feet in length of windows.

### CORNER TOWERS

To accentuate buildings located at major intersections and corners, tower or turret features shall be incorporated into the building design. Corner towers may exceed the maximum height indicated.

### OUTDOOR SEATING

Commercial and mixed-use buildings that allow outdoor seating must allow a 5' setback from the normal build-to-line for those building portions that house cafes, restaurants, and other such uses. Recesses created by this additional setback must have a minimum width of 10' (Figure A).



Elevation sketch demonstrates strong facade elements that should be encouraged along the corridor, including large display windows, awnings, and upper story balconies recessed into building.



Consistent, attractive planning, design, and architecture are especially important at gateway locations in order to establish the corridor's character.



Incorporating turret or tower features on corner buildings can add focal points in a community and help create a dynamic form.

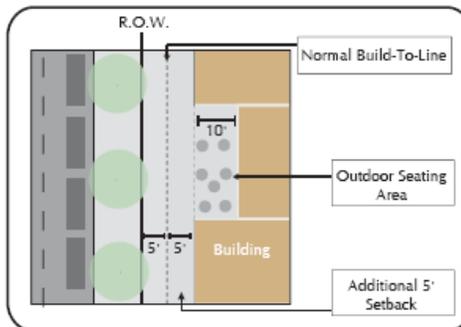


Figure A - Outdoor Seating Standards



Outdoor cafe displaying setback requirements

## 8.17 BUILDING AND SITE ENHANCEMENTS

### BUILDING DETAILS

Pedestrian scale elements shall be included in the facade or any building elevation fronting a public right-of-way other than an alley. Examples of such pedestrian scale elements are: decorative lighting, planters, and awnings.



Lighting should be designed as an architectural element and integrated with the building design.



Buildings with awnings help create a sense of human scale. Consistency in awning shape, size, horizontal location, and color should be encouraged.

### BUILDING MECHANICALS

Mechanical units shall be hidden from views from public rights-of-way and adjacent properties; HVAC duct work shall not be placed on the exterior of walls.

### AWNINGS

Awnings are encouraged.

### SHUTTERS

Shutters, if used, shall be sized and mounted appropriately for the window, and shall be operable.

### COLORS

Roofs visible from the street shall be earth tones (e.g., browns, dark green sand, red-brown).

### PERMITTED OVERHANGS

Balconies and oriels may extend over sidewalk or right-of-way by 12 inches.

Turrets and eaves may extend over sidewalk by 24 inches.

### BUILDING MATERIALS

Buildings shall be constructed of masonry only. Aluminum and vinyl siding as well as concrete block shall not be allowed.



Buildings with long, monotonous walls should be avoided. Monotonous walls can be broken up with windows, display cases, architectural detailing, and variation in the height of buildings. A consistent build-to-line should be maintained along the street.



Buildings that avoid long, monotonous walls should be encouraged.



An example of operable shutters facing the street.



Permitted Overhang: Example of an acceptable corner tower oriel



## 8.20 GENERAL OBJECTIVES

Overall land use and design objectives for development within the Village Center Planned Development District include:

- (1) Mixed use buildings with retail on the ground floor and office or residential uses above to encourage business, activity and pedestrian gathering in the downtown area;
- (2) Cross-access between sites and connected access roads or streets, with Lincoln Avenue bisecting the District and serving as the principal vehicular means of transportation through the district;
- (3) An attractive, vibrant and pedestrian-oriented environment as emphasized in the Lincoln Avenue Corridor Plan with emphasis on median landscaping, parkway restoration, and visual focus points, and a unified streetscape;
- (4) Integration of public art, plazas, parks, outdoor seating into specific development plans;
- (5) Attractive, well-articulated building facades that encourage activity and relate to the principal street.
- (6) Pedestrian and bicycle linkages shall be established within and between blocks between the Village Center and the surrounding neighborhoods or activity centers.

## 8.21 PERMITTED USES

The following uses may be permitted in the VC-PD District, subject to approval as part of an agreed to master development plan (see Table 4.01.1 for permitted uses).

## 8.22 PROHIBITED USES

The following uses are prohibited:

- (1) Automobile sales
- (2) Automotive service station, including service and minor repair
- (3) Banks, credit unions, savings and loan, check or currency exchange
- (4) Fast food/carry-out restaurant with drive-through
- (5) Mini warehouses/self-service and personal storage facilities
- (6) Industrial and warehouse uses

**8.23 SIGNS**

The Village may require, as a condition of the special use permit, more restrictive sign regulations than otherwise permitted in Chapter 12, Article 2 of the Municipal Code.

**8.24 LINCOLN AVENUE OVERLAY DISTRICT, SITE DEVELOPMENT STANDARDS**

All standards of the Lincoln Avenue Overlay District (Article VIII, Part B) and Site Development Standards (Article VI) shall apply to the B-3 PD Village Center District.

## **ARTICLE IX – NONCONFORMING BUILDING, STRUCTURES, AND USES**

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Organization:

### **Part A: General**

9.01 Purpose and Scope

### **Part B: Nonconforming Uses**

9.02 Continuance of Nonconforming Use

9.03 Expansion of Nonconforming Use

9.04 Change of Nonconforming Use

9.05 Discontinuance or Abandonment of Nonconforming Use

9.06 Transfer of Nonconforming Use

### **Part C: Nonconforming Structures**

9.07 Repairs and Alterations of Nonconforming Structures

9.08 Additions and Expansion of Nonconforming Structures

9.09 Restoration of a Damaged Nonconforming Structure

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## **PART A: GENERAL**

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### **9.01 PURPOSE AND SCOPE**

- (1) It is the purpose of this Article IX to provide for the regulation of legally nonconforming uses, structures, and lots, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. In order to protect the orderly development and taxable value of other properties in the Village, it is necessary and consistent with the regulations prescribed by this Zoning Ordinance that nonconformities not be permitted to continue without restriction.
- (2) The provisions of this Article IX are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Zoning Ordinance and enhance the character of the Village. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Zoning Ordinance and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Zoning Ordinance, or any subsequent reclassification of zoning districts or other amendment to this Zoning Ordinance, may be continued or maintained only in accordance with the terms of this Article

## **PART B: NONCONFORMING USES**

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### **9.02 CONTINUANCE OF NONCONFORMING USE**

- (1) Any use of a structure or land that was lawfully established as of the effective date of this Zoning Ordinance that does not conform to the use regulations for the Zoning District in which it is located shall be deemed to be a legal nonconforming use and may be continued only in accordance with the limitations and standards provided in this Article IX.
- (2) Any legal nonconforming use of a structure may be continued, provided there is no physical expansion or extension other than necessary maintenance and repair, except as otherwise permitted in accordance with this Article IX. The owner of the subject property shall bear the burden of establishing that any nonconforming use is a legal nonconforming use, as defined and regulated by this Article IX.
- (3) The nonconforming use of land not involving a structure, or in connection with any structure thereon which is incidental or accessory to the principal use of the land, may be continued; provided, however, that if the nonconforming use of land is discontinued for a period of six (6) consecutive months, it shall not thereafter be renewed, and any subsequent use of such land shall conform to the regulations of the Zoning District in which such land is located.

### **9.03 EXPANSION OF NONCONFORMING USE**

- (1) A nonconforming use shall not be increased in intensity, nor expanded or extended beyond the floor area or lot area occupied as of the date on which such use became nonconforming, or in a manner that displaces any conforming use in the same structure or on the same parcel.
- (2) No use or structure which is accessory to a principal nonconforming use or structure, shall continue after such principal nonconforming use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Zoning Ordinance.

### **9.04 CHANGE OF NONCONFORMING USE**

- (1) A nonconforming use of a structure, or part thereof, may be changed to a use of the same or similar character, unless such change requires the addition of off-street parking, building expansion, or building extension.
- (2) A nonconforming use shall not be changed to another nonconforming use, except upon approval of a request therefore by the Zoning Officer. All new nonconforming uses shall comply with the Site Development Standards set forth in Article VI of this Zoning Ordinance.

- (3) Any part of a structure or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this Zoning Ordinance shall not thereafter be used or occupied by a nonconforming use.

#### **9.05 DISCONTINUANCE OR ABANDONMENT OF NONCONFORMING USE**

- (1) Whenever any part of a structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by any nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.
- (2) Whenever a nonconforming use of a structure, or part thereof, has been discontinued for a period of six (6) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall conform with the use regulations of the Zoning District in which it is located.
- (3) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) consecutive months shall constitute abandonment.

#### **9.06 TRANSFER OF NONCONFORMING USE**

The purchaser of property constituting a legal nonconforming use is entitled to the same rights as the seller of that property.

## **PART C: NONCONFORMING STRUCTURES**

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### **9.07 REPAIRS AND ALTERATIONS OF NONCONFORMING STRUCTURES**

- (1) Repairs of Nonconforming Structures: Necessary maintenance and repair may be made to a nonconforming structure, provided that no structural alterations shall be made to a structure, except as follows:
  - a. If required by law or are necessary to make the structure and use thereof conform to the regulations of the district in which it is located.
  - b. If the structure contains a residential nonconforming use, and the enlargement or alteration itself conforms to the requirements of the underlying Zoning District; provided, however, that no structural alteration shall be made which would increase the number of dwelling units within the structure.
- (2) Previously Approved Development Projects: Any structure for which a building permit has been lawfully granted prior to the effective date of this Zoning Ordinance may be completed in accordance with the plans approved therefore, provided that construction is started within ninety (90) days, pursuant to the permit, and diligently prosecuted to completion. The structure shall thereafter be deemed a legal nonconforming structure.

### **9.08 ADDITIONS AND EXPANSIONS OF NONCONFORMING STRUCTURES**

- (1) A structure that is nonconforming because of lot size requirements or building bulk regulations shall not be added to, expanded, or enlarged, unless such addition, expansion, or enlargement conforms to all of the regulations of the Zoning District in which it is located.
- (2) No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- (3) A structure which is nonconforming with respect to yards, lot coverage, or any other element of bulk regulated pursuant to this Zoning Ordinance shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations of the Zoning District in which it is located.

### **9.09 RESTORATION OF A DAMAGED NONCONFORMING STRUCTURE**

- (1) A nonconforming structure may be not restored upon destruction or damage, by fire or other casualty or act of God, to the extent that the cost of restoration shall exceed the lesser of fifty (50%) percent of the cost

of replacement, or the market value of the entire structure, unless such structure and all uses within conform to the provisions of the Zoning District in which it is located.

- (2) If the cost of restoration of a damaged nonconforming structure does not exceed the lesser of fifty (50%) percent of the cost of replacement, or the market value of the entire structure, the structure may be restored to its original condition, and the occupancy or use of such structure may be continued in the manner that existed at the time of such partial destruction, provided that such restoration is commenced within six (6) months from the date and is diligently pursued until completion. Failure to initiate or conclude restoration within these limits shall constitute abandonment as defined in Section 9.05 of this Zoning Ordinance.

## **PART D: NONCONFORMING LOTS**

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### **9.10 DEVELOPMENT PROHIBITED**

No lot or lot of record may be improved unless it is in conformity with the requirements of this Zoning Ordinance, except as provided in Section 9.11 of this Zoning Ordinance. unless the lot or lot of record is located in a residential Zoning District and does not meet the requirements of Article IV as to lot area or width, in which case it may be improved for a detached single-family residence in accordance with all other requirements of this Zoning Ordinance.

### **9.11 SPECIAL BULK STANDARDS FOR RESIDENTIAL NONCONFORMING LOTS**

(1) Applicability: Notwithstanding Section 9.10 of this Zoning Ordinance to the contrary, the following types of nonconforming lots and lots of record, if located in a residential Zoning District and nonconforming as to lot area and/or lot width, may be improved in accordance with this Section 9.11:

- a. Lots or of lots of record that have not at any time been held in contiguous ownership subsequent to the effective date of this Zoning Ordinance; and
- b. Single lots record held in contiguous ownership with an adjacent existing lot that is improved with a principal structure.

(2) The improvement of any lot or lot of record permitted in accordance with this Section 9.11 shall comply with the following standards:

- a. Side and Rear Yard Building Setbacks: Each side and rear yard shall be of a depth not less than ten percent (10%) of the lot width and twenty percent (20%) of lot depth; provided, however, that no side yard shall be of a depth less than five (5') feet, and no rear yard shall be of a depth less than twenty (20) feet.
- b. Front Yard Setback. The minimum front yard shall be of a depth not less than twenty percent (20%) of the lot depth.

## **PART E: NONCONFORMING STATUS EXCEPTION**

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### **9.12 PURPOSE AND SCOPE**

- (1) The Plan Commission/Zoning Board of Appeals may vary the regulations set forth in this Article IX in accordance with their general purpose and intent, only in the specific instances herein established, and only when the PC/ZBA has made findings of fact, based upon the standards set forth in Section 9.14 of this Zoning Ordinance, supporting the conclusion that the strict application of the regulations of this Article IX will create practical difficulties of particular hardship for the owner, lessee or occupant of land, buildings or other structures.
- (2) Notwithstanding any terms of this Article IX prohibiting the continuation, reconstruction, or expansion of nonconforming uses and structures, a nonconforming use or structure may be deemed to be in conformity with the requirements of this Article IX, and may be allowed to continue and to expand as a lawfully existing use or structure, through the issuance of a special exception in accordance with the procedures and standards set forth in this Part E.

### **9.13 APPLICATION FOR NONCONFORMING STATUS EXCEPTION**

- (1) An application for a nonconforming status exception shall be filed with the Zoning Officer, who shall forward a copy of the application to the Plan Commission/Zoning Board of Appeals without delay.
- (2) The application shall contain such information as determined necessary by the Zoning Officer. Within 60 days after the filing of such application, a hearing shall be held by the Plan Commission/Zoning Board of Appeals on the application. Notices of the public hearing shall be delivered in accordance with Section 5.20 of this Zoning Ordinance.

### **9.14 STANDARDS FOR NONCONFORMING STATUS EXCEPTION**

- (1) The Board of Trustees shall not vary the regulations of this Article IX, as authorized pursuant to Section 9.15 of this Zoning Ordinance, unless it shall, in each specific case, make findings of fact, based upon the evidence presented to it, that support one or more of the following conclusions:
  - a. The conditions upon which the application is based exist because of existing factors not entirely attributable to the owner of the property;
  - b. The purpose of the request for a nonconforming status exception is not based solely upon a desire to increase the value of the property; or

- c. The granting of a nonconforming status exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the subject property is located.
- (2) In reviewing and acting upon an application, the Plan Commission/Zoning Board of Appeals and the Board of Trustees shall also consider the extent to which the nonconforming use or structure can be improved as follows:
- a. A landscaped buffer could be provided between the nonconforming use or structure and any abutting lot in order to provide the maximum buffering effect for potentially adverse impacts of the use or structure on any abutting properties.
  - b. Off-street parking areas located on the lot could be improved by landscaping sufficient to mitigate adverse impacts on any abutting properties.
  - c. Nonconforming signs, outdoor lighting, off-street parking areas, and other nonconforming accessory structures located on the lot could be removed or brought into conformity with the applicable requirements of this Ordinance.
  - d. A nonconforming structure would not be expanded or enlarged so as to increase the degree of nonconformity, except as permitted in this Article.
  - e. Any expansion or enlargement of the use or structure could be limited to no greater than fifty percent (50%) of the floor area or lot area that it occupied on the effective date of this Ordinance, or any amendment thereto, which rendered the use or structure nonconforming.
- (3) The concurring vote of four (4) members of the Plan Commission/Zoning Board of Appeals shall be necessary in order that the proposed nonconforming status exception, including findings and recommendation, may be submitted to the Board of Trustees for final consideration.

#### **9.15 AUTHORIZED NONCONFORMING STATUS EXCEPTIONS**

Upon receipt of the findings and recommendation of the Plan Commission/Zoning Board of Appeals, a nonconforming status exception resulting in a variation from the regulations of this Article IX may be granted by the Board of Trustees upon consideration of the standards set out in Section 9.14 of this Zoning Ordinance, and may be granted only in accordance with and upon all the following conditions:

- (1) A nonconforming status exception will be granted only to the present owner or owners, provided that a contract purchaser or purchasers shall be deemed to be an owner having a title interest for purposes of this Section 9.15. Lessees or assignees of the owner shall not be entitled to a nonconforming status exception.
- (2) The Plan Commission/Zoning Board of Appeals may recommend, and the Board of Trustees may impose, such conditions and restrictions upon the premises benefited by a nonconforming status exception as deemed necessary for compliance with the standards set out in this Zoning Ordinance, to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, or to better to carry out the general intent of this Zoning Ordinance and the Comprehensive Plan.
- (3) A nonconforming status exception will terminate automatically and immediately at such time as:
  - a. The owner ceases to use the property in the same manner in which said property was used at the time application for a nonconforming status exception was filed;
  - b. The owner's or use of the property is increased or intensified significantly from that in existence as of the date of adoption of the ordinance granting the nonconforming status exception;
  - c. The property or area is not continually maintained in a neat and orderly manner; or
  - d. The structure or use is abandoned or discontinued for a period of one hundred eighty (180) consecutive days.
- (4) Upon the granting of a nonconforming status exception by the Board of Trustees, the subject use or structure shall no longer be treated as nonconforming, and shall be allowed to continue as a lawfully existing use or structure unless it satisfies one of the provisions set forth in Section 9.15(2) of this Zoning Ordinance. The status as a lawfully existing use shall apply only to the use or structure for which the nonconforming status exception has been issued, and not to any other use or structure that may be located on the subject property.
- (5) The ordinance approving the nonconforming status exception shall be recorded by the Village Clerk with the Office of the Cook County Recorder of Deeds.

## ARTICLE X – TOWERS, ANTENNAS, ANTENNA SUPPORT STRUCTURES AND PERSONAL WIRELESS SERVICE FACILITIES

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Organization:

### Part A: General

- 10.01 Authority and Purpose
- 10.02 Applicability
- 10.03 Location

### Part B: General Requirements and Performance Standards

- 10.04 Requirements
- 10.05 Telecommunications Support Facilities; Antennas Mounted on Structures or Rooftops
- 10.06 Safety and Performance Standards
- 10.07 Applications; Information Required
- 10.08 Supplemental Special Use Requirements
- 10.09 Setbacks and Separation
- 10.10 Findings; Substantial Written Evidence of Denial
- 10.11 Petition for Amendment
- 10.12 Nonconforming Facilities
- 10.13 Services of Independent Technical Expert

## PART A: GENERAL

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### 10.01 AUTHORITY AND PURPOSE

- (1) **Home Rule Authority.** This Article X is adopted pursuant to the Village of Lincolnwood's home rule authority as set forth in Article VII, Section 6(a) of the Illinois Constitution.
- (2) **Purpose.** The purpose of this Article X is to establish general guidelines for the siting of towers, antennas, antenna support structures and personal wireless service facilities in the Village.

### 10.02 APPLICABILITY

- (1) New Towers, Antennas, Antenna Support Structures or Personal Wireless Facilities: shall not be erected or installed except in compliance with the provisions of this Article X. The provisions of this Article X apply to all towers, antennas, antenna support structures or personal wireless service facilities, whether such facilities are used as a principal use or as an accessory use. Towers, antenna support structures, antennas, or personal wireless service facilities located on property owned, leased or otherwise controlled by the Village shall be exempt from the requirements of this Article X provided a lease, license or use agreement authorizing such facilities has been approved by the Village Board of Trustees.
- (2) Preexisting Towers, Antenna Support Structures or Personal Wireless Facilities or Antennas in place prior to October 1, 2002, shall not be required to meet the

requirements of this Article X except that all such preexisting towers, antenna support structure, personal wireless facilities and preexisting antennas shall meet and comply with the requirements of Sections 10.04(1), 10.04(4), 10.04(5), and 10.04(10), 10.04(12), 10.04(14), and 10.05 of this Article, and any and all provisions and conditions to the special use permit for the specific preexisting tower, antenna support structure, personal wireless facility and preexisting antenna granted by the Village Board of Trustees; and any other applicable provisions of this Zoning Ordinance as of the date such special use was enacted by the Village Board of Trustees. Any alteration to a preexisting antenna support structure will require a Village permit to locate on the same antenna or antenna support structure.

- (3) Amateur radio station operators/receive only antennas: This Article X shall not govern any tower or installation of any antenna that does not exceed twelve (12) feet in height which is owned and operated by a Federally licensed amateur radio station operator as part of the Amateur Radio Service, citizens band radio, or is used exclusively for receive only antennas. Direct to home satellite services are not included in the scope of this Article X. Where conflicts exist between this Article X and the remainder of this Zoning Ordinance, the provisions of this Article X shall govern.

## 10.03 LOCATION

To every extent possible, telecommunications providers shall locate towers, antennas, antenna support facilities and personal wireless facilities as follows:

- (1) In areas that have the least impact on the character of existing residential development in the Village.
- (2) In areas zoned for manufacturing uses and areas of municipally owned property including, but not limited to, the site where the Village owned water tower is located.
- (3) Minimizing the total number of towers throughout the Village.
- (4) Utilizing joint location, co-location and co-use of new and existing tower and antenna sites.
- (5) In areas where the overall adverse impact on the Village is minimal.
- (6) Constructing, configuring and concealing them in a manner that minimizes the adverse visual and aesthetic impact of towers and antennas.
- (7) Avoiding potential damage to adjacent properties from safety related concerns.
- (8) Promoting telecommunications service coverage within the Village.
- (9) Antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible.

## **PART B: GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS**

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### **10.04 REQUIREMENTS**

- (1) **Special Use Required.** A special use permit shall be required for the construction of towers, monopoles, antenna support structures, antennas, and personal wireless service facilities in all Zoning Districts, except in the R-1, R-2, and R-3 Zoning Districts, in which such facilities are prohibited, unless such facilities are antennas mounted on utility poles or light poles in the public right of way or are located on a lot owned by a unit of government or school district, and are otherwise approved by the Board of Trustees or unless such facilities are not included within the scope of this Article X.
- (2) **Additional Use Permitted on Lot.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district bulk regulations, including but not limited to setback and lot requirements, the dimensions of the entire zoning lot shall control, even though the antennas or towers may be located on leased property within such zoning lot(s).
- (3) **Towers in the B, R-4 and M-B Districts**
- i. No stand alone towers shall be located in a B "Business" Zoning District, O "Office District" or the R-4 Residential District.
  - ii. Buildings in the R-4 Residential District where rooftop equipment is to be installed shall be a minimum of five stories in height
  - iii. Location and Setbacks:
    1. Towers shall be located in the rear or interior side yards or on the roof of buildings.
    2. Towers shall be set back from residentially zoned property a minimum distance equal to the height of the tower.
    3. Towers, poles or antenna structures shall comply with the rear yard setback requirements of this Zoning Ordinance and the side yard setback of said tower, pole or antenna structure shall be no less than forty percent (40%) of the lot width from each side lot line.
  - iv. Number: No more than one tower shall be located on each zoning lot.
  - v. Height:
    - i. The height of a single user tower shall not exceed eighty (80) feet, measured from grade to the top of the tower or to the top of an antenna, whichever is taller, except as provided below.
    - ii. The height of a tower designed to accommodate co-location for at least three additional antennas shall not exceed one-hundred forty (140) feet (beginning at 80 feet and an additional twenty

(20) feet of overall height for every additional co-location site provided on the proposed tower up to a maximum of sixty (60) additional feet in overall height), measured from grade to the top of the tower or to the top of the highest antenna, whichever is taller. Said towers shall be subject to the regulations governing setbacks.

- iii. The measurement of the height of facilities shall include antenna, basepad, and other apparatuses and shall be measured from the crown of the nearest improved right-of-way.
- (4) **Lighting**. No signals, lights or illumination shall be permitted on a tower, antenna, antenna support structure or personal wireless service facility unless required by the FCC, the FAA or the Village. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and is subject to the review and approval of the Zoning Officer.
- (5) **Security Lighting**. The lighting alternatives and design chosen must cause the least disturbance to the surrounding views and are subject to the review and approval of the Zoning Officer.
- (6) **Signage**. No commercial advertising shall be allowed on any tower, antenna, antenna support structure or personal wireless service facility.
- (7) **Aesthetics**. Antennas, antenna support structures, towers and personal wireless facilities shall meet the following requirements:
- i. Facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted so as to reduce visual obtrusiveness.
  - ii. At a facility site, the design of the accessory buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Omni directional, whip, directional, dish or panel antennas when mounted on a building or structure shall be of a material or color which matches the exterior of the building or structure. Dish, directional, or panel antennas when mounted on a building, structure or rooftop shall be located or screened in an aesthetically acceptable manner so as to minimize visibility from the adjacent properties and/or right of way. The Zoning Officer shall determine whether dish, directional, or panel antennas mounted on a building, structure, or rooftop matches the building, structure, or rooftop and is screened from adjacent right-of-way(s) and/or properties.

- iv. Dish antennas attached to a tower shall not exceed forty (40) inches in diameter.
- (8) **Landscaping.** The following requirements shall govern the landscaping surrounding Facilities.
- i. Facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide from the edge of the compound. In some cases, existing natural growth around the property perimeter may be a sufficient buffer.
  - ii. A landscape plan showing specific landscape materials shall be provided unless waived by the Village.
  - iii. Where the Village determines that landscaping is not practical, the applicant will provide screening of Facilities by installation of a masonry wall to a height that effectively screens the Facilities.
  - iv. In locations where the visual impact of the facilities would be minimal, the landscaping requirement may be reduced or waived.
- (9) **Windloading Standards.** Windloading design standards shall be those standards set forth in the TIA/EIA Standard "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" ©Telecommunications Industry Association 1996 (1996 edition).
- (10) **Security Fencing.** Telecommunications facilities shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an acceptable anti-climbing device or design; provided however, that the PZ/ZBA may recommend, and the Village Board of Trustees may grant, a waiver of such requirements, as deemed appropriate.
- (11) **Antennas on Buildings:**
- Antennas that are installed on buildings shall conform with one of the following:
- a. Such antennas shall be located only on a lawfully pre-existing building and shall not exceed the following dimensions:
    - i. Omnidirectional or whip antennas shall not exceed six (6) inches in diameter and twelve (12) feet vertically; and
    - ii. Directional or panel antennas shall not exceed three (3) feet horizontally and six (6) feet vertically.
  - b. Such antennas and any necessary antenna support structures are fully enclosed or shielded from view from any point located off the zoning lot on which they are located by a structure otherwise permitted on the zoning lot and all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot.

All such antennas shall not exceed the maximum height authorized by applicable zoning district regulations, and shall not extend above the highest point of the building or structure to which they are attached or more than two (2) feet from the exterior of any wall or roof of the building to which they are attached.

(12) **Abandonment; Removal of abandoned antennas and towers:**

- a. Any telecommunications facility, tower, or antenna that is not operated for a continuous period of six (6) months shall be considered abandoned, whether or not the owner or operator intends to make use of such facility.
- b. The Zoning Officer shall ascertain on an annual basis whether any telecommunications facility, tower or antenna has been abandoned.
- c. If upon inspection by the Zoning Officer it is determined that a telecommunications facility, tower, or antenna is abandoned, or, upon receipt by the Village of the owner's notice to the FCC of intent to cease operations, the Zoning Officer shall send a written notice of such abandonment to the owner of the telecommunications Facility and the owner of the property if such owner is different from the owner of such Facility. Such notice shall be mailed by certified mail, return receipt requested.
- d. The owner of the telecommunications facility, tower, or antenna and the owner of the property if such owner is different from the owner of such Facility, shall have sixty (60) days after mailing of the notice to remove all of such Facility, including any and all footings and foundation.
- e. If such telecommunications Facility is not removed within sixty (60) days after receipt of notice from the Village notifying the owners of such abandonment, the Village may remove such facility and file a lien against the property in the office of the Cook County Recorder of Deeds for the costs of removal.
- f. The Village may pursue any and all available legal remedies to insure that an abandoned telecommunications facility, tower, or antenna is removed.
- g. Any delay by the Village in taking action to enforce the removal of an abandoned telecommunications facility, tower, antenna support structure or antenna against the owner of the telecommunications facility, tower, or antenna and the owner of the property if such owner is different from the owner of such facility, shall not waive the Village's right to take any action at a later time.
- h. The Village may seek to have the telecommunications Facility removed regardless of the owners' or operator's intent to operate such Facility, and regardless of any permits, federal, state or otherwise, which may have been issued or granted.

- i. If the owner of an abandoned telecommunications Facility, wishes to use such an abandoned Facility, the owner shall first apply for and receive all applicable permits and meet all of the conditions of this Article X as if such telecommunications Facility were a new Facility.
- (13) Equipment: Mobile or immobile equipment not used in direct support of a facility shall not be stored or parked on the site of the facility unless repairs to such Facility are being made. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Noise attenuation measures shall be included to reduce noise levels. Testing and maintenance of generators shall only take place on only on weekdays between the hours of 7:00 a.m. and 6:00 p.m.
- (14) Compliance with Plans: Every personal wireless services facility, antenna, tower, and antenna support structure shall comply with all plans approved by the Village.

#### **10.05 TELECOMMUNICATIONS SUPPORT FACILITIES; ANTENNAS MOUNTED ON STRUCTURES OR ROOFTOPS**

The telecommunications support facilities used in association with such antennas shall comply with the following:

- a. The telecommunications support facilities shall not contain more than one hundred twenty (120) square feet of gross floor area or be more than ten (10) feet in height. If telecommunications support facilities are shared by more than one user said facilities shall not exceed one hundred fifty (150) square feet of gross floor area or ten (10) feet in height. Such facilities shall be located on the ground and shall not be located on the roof of the structure, unless alternative architecturally acceptable screening is utilized. A structural analysis shall be provided as set forth below, and that is subject to the review and approval of the Zoning Officer.
- b. If the telecommunications support facilities are located on the roof of a building, the area of the telecommunications support facilities and other equipment and structures shall not occupy more than twenty-five (25%) percent of the square footage of the roof area.
- c. A structural analysis prepared by a licensed structural engineer must be submitted to the Village and shall include the engineer's certification that the roof of the building where the proposed facilities are to be located possesses the structural integrity to safely support the proposed telecommunications facilities.
- d. Telecommunications support facilities shall comply with all applicable building codes. Required building permits shall be obtained prior to commencing construction of any telecommunications facilities.

## 10.06 SAFETY AND PERFORMANCE STANDARDS

- (1) **Federal Requirements:** All towers, antenna support structures, antennas and personal wireless service facilities shall meet or exceed the current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, then the owner(s) of the facilities shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency, or unless facilities are grandfathered by such revised standard. Failure to bring such facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless service facilities at the owner's expense.
- (2) **Building Codes; Safety Standards:** To ensure the structural integrity of telecommunications facilities, towers and antennas, the owner shall ensure that they are maintained in compliance with standards contained in applicable the Village building codes and the applicable standards published in the National Electrical Code, as amended from time to time. If, upon inspection, the Village concludes that any telecommunications facility, tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner, the owner shall have thirty (30) days to bring such structure into compliance with such code and/or standard which constitutes a danger to persons or property. Failure to do so within such thirty (30) days shall constitute grounds for the removal of the telecommunications facility, tower or antenna at the owner's expense.

## 10.07 APPLICATIONS; INFORMATION REQUIRED

- (1) Identity of Owner and Lessee: The name, address, telephone number and facsimile number of the owner and lessee of the parcel of land as well as for the owner and operator of the telecommunications facility which is the subject of the application. If the applicant is not the owner of the parcel of land, the written consent of the owner shall be evidenced in the application.
- (2) Alternative Site Analysis: Each applicant requesting a special use permit under this Article X shall submit an alternative site analysis prepared and attested to by a professional engineer which identifies all reasonable technically feasible alternative sites which would provide the proposed services; a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography, radio frequency coverage, tower height requirements, setbacks, drives, adjacent roadways, proposed means of access, parking, fencing, landscaping, adjacent uses; and other information reasonably deemed by the Zoning Officer to be necessary to assess compliance with this Article X.

- (3) Inventory of Existing Sites: Every applicant shall provide to the Zoning Officer an inventory of its existing telecommunications facilities, towers and antennas, or sites which have been approved for telecommunications facilities, towers and antennas, or for which applications or petitions for approval have already been filed, that are either within the jurisdiction of the Village or within one (1) mile of the border thereof, including specific information about the location, height and design of each telecommunications facility, tower and antenna. The Zoning Officer may share such information with other applicants applying for special use permits under this Article X or with other organizations seeking to locate telecommunications facilities within the jurisdiction of the Village, provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (4) Code Compliance: A statement of compliance with this Code and all applicable federal or state laws and Village ordinances.
- (5) Radio Frequency Coverage Map: Current radio frequency coverage prediction maps showing the area served both prior to and after construction of the proposed telecommunications facility and technical performance goals for the desired signal strength.
- (6) Drive Test Results: Drive test results which confirm or refute the areas shown on coverage maps used in planning the system used by the telecommunications provider.
- (7) Engineer's Statement: A written statement from a licensed professional engineer(s) that the construction and placement of the telecommunications facility, tower or antenna will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent properties.
- (8) Statement Agreeing to Removal: A statement by the owner of the parent tract (if the location is leased) agreeing to the terms relating to removal of the Facility, as set forth herein.

#### **10.08 SUPPLEMENTAL SPECIAL USE REQUIREMENTS**

- (1) Administration: The administration provisions applicable to special uses as set forth in Article V of this Zoning Ordinance shall be applicable to consideration of special uses pursuant to this Article X.
- (2) Special Provisions: The following provisions relating to special use permits pursuant to this Article X shall supplement the special use provisions set forth in Article V of this Zoning Ordinance.
  - i. An applicant for a special use permit shall submit the information described in this Article X, any other information required by this Zoning Ordinance for special uses, and the fees required as set forth

in Chapter 6, Article 12 of the Village Code to reimburse the Village for the costs of reviewing the application.

- ii. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
- iii. In granting a special use permit, conditions may be imposed to the extent that the PC/ZBA and/or Village Board of Trustees conclude are necessary to minimize any adverse effect of the proposed facilities on adjoining properties.
- iv. In recommending or granting a special use permit, the PC/ZBA and/or Village Board of Trustees may impose a condition requiring that the applicant allow, on a commercially reasonable and technologically feasible basis, a minimum of one other provider of wireless services to co-locate additional facilities on a tower which is part of the applicant's proposed facility.
- v. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- vi. Concurrent with the approval by the Board of Trustees of a special use permit pursuant to this Article X, the Applicant shall deposit with the Village a surety bond in the sum of Ten Thousand Dollars (\$10,000.00) ("Surety Bond"). Said Surety Bond shall be held by the Village as security for the removal of facilities in accordance with the requirements of this Article X. If the Applicant abandons its facilities, antennas, towers, or antenna support structures and the Applicant does not remove its facilities, antennas, towers, or antenna support structures as required herein, the Village may use, apply or retain all or a part of the Surety Bond to compensate the Village for any loss, damage or expense incurred or suffered by the Village in removing the abandoned facilities, antennas, towers, or antenna support structures.

(3) Additional Factors Considered in Granting Special Use Permits: In addition to the standards identified in Article V of the Zoning Ordinance, the following factors may be considered in determining whether to issue a special use permit:

- i. Height of the proposed antenna or tower.
- ii. Proximity of the antenna or tower to residential structures and residential district boundaries.

- iii. Nature of uses on adjacent and nearby properties.
- iv. Surrounding topography.
- v. Surrounding tree coverage and foliage.
- vi. Design of the antenna, support structure or tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- vii. Demonstrated ability for co-location of antennas by more than one wireless service carrier on the facility proposed to be constructed. Demonstrated ability shall include, but not be limited to, landlord approval if proposed tower site is to be leased, commercially reasonable sublease agreement, facility constructed to structurally accept co-locations, and antenna or tower site of sufficient size to accept co-locations.
- viii. Availability of suitable existing towers and other structures as set forth herein. No new antenna or tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Village that no existing antenna, tower or antenna support structure or other existing structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower, antenna support structure or existing structure can accommodate the applicant's proposed antennas may consist of the following:
  - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

- f. The applicant's demonstration that there are other limiting factors that render existing towers and structures unsuitable.

(4) **Term Limitation of Special Use Permit:**

Every ordinance granting approval of a special use permit for a personal wireless services antenna, tower, or antenna support structure may provide that:

- i. Where the provider of personal wireless or telecommunications services is not the owner of the land on which such facility is located, the term of the special use permit is limited to the term of the lease or other agreement granting rights to use the land; and
- ii. The special use permit shall be subject to review by the Board of Trustees, at five year intervals, to determine whether the technology in the provision of personal wireless or telecommunications services has changed such that the necessity for the special use permit at the time of its approval has been eliminated or modified, and whether the special use permit should be modified or terminated as a result of any such change.

- (5) **Special Use Permit Limited to Applicant:** Every ordinance granting approval of a special use permit pursuant to this Article X shall state that any assignment or transfer of the special use permit or any of the rights there under may be made only with the approval of the Board of Trustees following a public hearing before the PC/ZBA and a report and recommendation of the PC/ZBA. The Village may require that any applicant for assignment or transfer of a special use permit previously granted hereunder fully comply with the application requirements of this Article X.

## 10.09 SETBACKS AND SEPARATION

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required. The standard setbacks and separation requirements may be reduced on recommendation of the PC/ZBA as approved by the Village Board or Trustees, if the goals of this Article X would be better served thereby.

- (1) **Required Setback from Residential Property:** Towers shall be set back from the closest adjacent residential principal structure a distance equal to the height of the tower or twenty percent (20%) of the height of the tower from the adjacent property line, whichever is greater.
- (2) **Setback Requirements:** Towers and accessory facilities must satisfy the minimum zoning district setback requirements.
- (3) **Setback for Towers in Excess of Fifty (50) Feet in Height:** Towers over fifty (50) feet in height shall not be located within one-quarter of a mile from any existing tower that is over fifty (50) feet in height. To minimize adverse visual impacts associated with the proliferation and clustering of wireless service facilities, installing wireless service facilities with the demonstrated ability for

co-location of antennas by more than one wireless service carrier on an existing or new tower; and/or technical evidence acceptable to the Zoning Officer concluding no other site or latest technology could be used to provide the intended services, and denial of the proposed site would create a gap in providing services to the residents of the Village shall eliminate the separation requirement.

#### **10.10 FINDINGS; SUBSTANTIAL WRITTEN EVIDENCE OF DENIAL**

In the course of reviewing any request for any approval required under this Article X, the PC/ZBA or the Board of Trustees, as the case may be, shall act within a reasonable period of time after the request is duly filed, taking into account the nature and scope of the request, and any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

#### **10.11 PETITION FOR AMENDMENT**

Should the application of this Article X have the effect of prohibiting a person or entity from providing personal wireless service to all or a portion of the Village, such provider may petition the Board of Trustees for an amendment to this Article X in accordance with the provisions and procedures set forth in Section 5.16 of this Zoning Ordinance.

#### **10.12 NONCONFORMING FACILITIES**

Any facility installed and operating prior to the enactment of this Article X, which would be prohibited by this Article X, shall be considered a lawful existing nonconforming use and/or structure, as the case may be, and shall be subject to the rules on Nonconforming Buildings, Structures and Uses as set forth in Article IX of this Zoning Ordinance.

#### **10.13 SERVICES OF INDEPENDENT TECHNICAL EXPERT**

The PC/ZBA, Zoning Officer, and the Board of Trustees are authorized to employ an independent technical expert on the Village's behalf to review any technical materials submitted including, but not limited to, those required under this Article X. The applicant shall pay all reasonable costs of said review, including any administrative costs incurred by the Village in the manner provided for in Chapter 6, Article 12 of the Municipal Code. Hourly rates charged by the independent technical expert shall not exceed those hourly rates customarily charged by technical experts within the radio engineering industry. Any proprietary information disclosed to the Village or the expert hired shall remain confidential and shall not be disclosed to any third party.