

VILLAGE OF FOX RIVER GROVE

ZONING ORDINANCE

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ARTICLE I TITLE

This ordinance shall be known as the Village of Fox River Grove Zoning Ordinance or the Zoning Ordinance of the Village of Fox River Grove.

ARTICLE II INTENT AND PURPOSE

I. This ordinance is adopted for the purpose of:

1. Promoting and protecting the public health, safety, comfort, morals, convenience, and general welfare;
2. Securing adequate natural light, pure air, and safety from fire and other dangers;
3. Conserving and enhancing the taxable value of land and buildings; and
4. Enhancing aesthetic values generally throughout the Village of Fox River Grove.

A. To these ends this ordinance is intended to accomplish certain standards and objectives by:

1. Dividing the entire Village of Fox River Grove into districts and restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residential, business, or other specified uses;
2. Avoiding or lessening congestion in the public streets;
3. Preventing the overcrowding of land through regulating and limiting the height and bulk of buildings hereafter erected as related to land area;
4. Establishing, regulating, and limiting the building of setback lines on or along streets, alleys, or property lines;
5. 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;
6. Establishing standards to which buildings or structures therein shall conform;

7. Prohibiting uses, buildings, or structures incompatible with the character of the residence and business districts;
8. Preventing additions to, and alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations hereunder imposed;
9. 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;
 - a. 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;
 - b. Elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and
 - c. Elimination of such buildings and structures when they are destroyed or damaged in major part as hereinafter provided, or when they have reached the age fixed herein as the normal useful life of such buildings or structures;
10. Defining and limiting the powers and duties of the administrative officers and bodies as hereinafter provided; and
11. Prescribing penalties for the violation of the provisions of this ordinance, or of any amendment thereto.

ARTICLE III DEFINITIONS

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

A. RULES

1. Words used in the present tense shall include the future tense;
2. The singular number shall include the plural number and the plural number the singular number;
3. The word "building" shall include the word "structure";
4. The word "shall" is mandatory and not directory; and

5. The word "may" is permissive.

B. DEFINITIONS

ABUTS, ABUTTING: The word "abuts" or "abutting" shall mean having a common property line or district line.

ACCESSORY BUILDING, STRUCTURE OR USE: An accessory building, structure or use:

- a. Is subordinate to and serves a principal building or principal use;
- b. Is subordinate in area, extent or purpose to the principal building or use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- d. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; AND ,
- e. Complies with the provisions of Article IV (F)

ADJACENT: To lie near or close to; in the neighborhood or vicinity of.

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

ADULT USE: Adult bookstores, adult motion picture theaters, and adult entertainment cabarets as defined below:

- a. The term "adult bookstore" means an establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas;" or an establishment with a segment or section devoted to the sale or display of such materials which segment or section consists of more than ten (10%) percent of the floor space occupied by the establishment which is accessible to patrons of the establishment;

or an establishment that holds itself out to the public as a purveyor of such materials based upon factors showing the establishment's primary purpose is to sell such material, including, but not limited to, its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, the exclusion of minors from the establishment's premises and the offering for sale of instruments devices, or paraphernalia which are designed to be used, or marketed primarily, for the stimulation of human genital organs. A store which sells and/or rents videotapes for viewing other than on the premises of the store shall not be considered an adult bookstore, provided that all videotapes which depict specified sexual activities and which have either an MPAA rating of NC-17 or are unrated are maintained in an area that is separated from the other areas in the store and provided that the management of the store has designated such separated area as being intended only for persons who are 18 years of age or older.

- b. The term "adult entertainment cabaret" means a public or private establishment which (i) features entertainers or performers who display "specified anatomical areas"; or (ii) features entertainers or performers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers or performers who engage in or are engaged in explicit simulation of "specified sexual activities."
- c. The term "adult motion picture theater" means a building or area regularly that is used for the presentation to paying adult customers of motion pictures, films or videotapes which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- d. The term "specified sexual activities" when used in relation to an adult use means (i) human genitals in the state of sexual stimulation or sexual arousal; (ii) actual or simulated acts of masturbation, sexual intercourse or sodomy involving one or more persons; (iii) fondling or other sexual touching of human genitals, pubic region, buttocks, or female breasts and (iv) excretory functions as part of or in connection with any of the activities listed in (i) through (iii).
- e. The term "specified anatomical areas" when used in relation to an adult use means (i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areolae; or (ii) human male

genitals in a discernibly turgid state even if completely and opaquely covered.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to

produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. (Ord. 19-21, Sec. 2, 12-3-19)

ALLEY: Any right-of-way, with a width of not less than 16 feet nor more than twenty-four (24) feet, 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 or use of a building or structure.

ANIMAL HOSPITAL: A building or portion thereof designed or used for the care, observation, or treatment of animals.

AUTOMOBILE LAUNDRY OR CAR WASH: A building or portion thereof containing facilities for washing one or more motor vehicles, using automatic equipment and/or production-line methods.

AUTOMOBILE SERVICE STATION: A building or portion thereof of premises used for dispensing or offering for sale at retail to the public of motor vehicle fuels stored on the premises; or where lubricating oil and grease, tires, batteries and similar accessories and parts also may be offered for sale and installation on the premises at retail; including minor services and installation customarily incidental to the conduct of a public garage. Automobile service stations do not include open motor vehicle sales lots.

AWNING: A roof-like mechanism, retractable in operation, and covered with textured material, which projects from the wall of a building.

BASEMENT: A story having part but not more than one-half of its floor clear ceiling height below grade. When a basement is used for storage, garages for use of occupants of the building, or other facilities common for the rest of the building, it shall not be counted as a story. A basement is not the same as a cellar.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, or other lines of demarcation. A block may be located in part beyond the boundary lines of the corporate limits of the Village of Fox River Grove.

BUILDABLE AREA: The area of a lot remaining after the minimum yard and setback requirements of the zoning district have been met.

BUILDING: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, and which is affixed or anchored to the land. When any portion thereof is completely separated from every other portion by a party wall then such portion shall be deemed to be a separated building.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by entrance and exit doors of such exterior walls and party.

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.

BUILDING, DETACHED: A building surrounded by open space.

BUILDING, HEIGHT OF: The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and 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 calculated building height.

BUILDING INSPECTOR: Any person appointed by the Village Administrator or the Village President to serve as a building inspector.

BULK: The term used to indicate the size and setback of buildings or structure, and the location of same with respect to one another, and includes the following: (a) size and height of buildings; (b) location of exterior walls at all levels in relation to lot lines, street, or other buildings; (c) floor area ratio; (d) all open space allocated to buildings, and (e) amount of lot area and lot width provided per dwelling unit.

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.

CELLAR: A story having more than one-half of its floor to clear ceiling height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement. A cellar is not the same as a basement.

CLINIC, MEDICAL OR DENTAL: A building or portion thereof, the principal use of which is for offices of an organization or group practice of specializing physicians or dentists or both, and contains facilities for examination and treatment of patients but without facilities for overnight lodging.

CLUB OR LODGE, PRIVATE: A non-profit association of persons who are bona fide 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.

COMMUNITY RESIDENTIAL HOME: A single dwelling unit occupied on a relatively permanent basis in a family like environment by a group of unrelated persons with disabilities plus a paid professional support staff provided by a sponsor either living with the residents on a twenty-four (24) hour a day basis, of present whenever residents are present at the dwelling unit. To be a community residential home a dwelling unit must comply in all respects with the regulations for the zoning district in which the dwelling unit is located. The following definitions and interpretative rules apply when used with respect to a community residential home and the regulations in this ordinance applicable to community residential homes:

- a. “Full-time staff” means staff, which occupy the residence overnight. “Full-time staff” shall not be included when calculating the number of residents living in a community residential home, but shall be included when determining the total number of persons that can live in a dwelling unit under the Village’s building code or any similar law, ordinance, rule or regulation
- b. The term “community residential home” does not include the following: (i) dwelling units with medical or nursing facilities, (ii) dwelling units which serve as an alternative to incarceration for a criminal offense, or (iii) dwelling units which are occupied by persons whose primary reason for residing in the dwelling unit is for treatment of substance or alcohol abuse or the treatment of a

communicable disease. Community residential homes also do not include nursing homes, halfway houses or hospices.

- c. The term “small community residential home” means a community residential home consisting of no more than four (4) residents.
- d. The term “large community residential home” means a community residential home consisting of five (5) but no more than eight (8) residents.
- e. The term “persons with disabilities” means any individual whose disability:

- (1) Is attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and

- (2) Is likely to continue for a significant amount of time or indefinitely; and

- (3) Results in functional limitations in three or more of the following areas of major life activities:

- (A) Self-care

- (B) Receptive or expressive language

- (C) Learning

- (D) Mobility

- (E) Self-direction

- (F) Capacity for independent living

- (G) Economic self-sufficiency

- (4) Reflects a person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life-long or extended duration.

A person whose mental, intellectual or physical impairment is due to the use of, or addiction to, alcohol, a communicable disease, or a controlled substance is not a "person with a disability."

- f. The term “sponsor” means any person, organization, unit of government or other entity which is licensed by an agency of the State of Illinois or another governmental agency or which is otherwise authorized to operate a community residential home.

- g. The term “resident” means any natural person with a disability.

CONFORMING BUILDING OR STRUCTURE: Any building or structure which: (a) complies with all the regulations of this comprehensive amendment or of any amendment thereto governing bulk in the district in which said building or structure is located; and (b) is

designed, intended or is being utilized for a permitted or special use as applicable in the district in which it is located.

CONTIGUOUS: In actual contact.

CONVERSION: A change in the use of land or a structure .

COURT: An open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

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".

DISTRICT: A portion of the Village of Fox River Grove within which on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this ordinance, or within which certain yards and other open spaces are required or within which certain lot areas, dwelling sizes and density requirements are established or within which a combination of such aforesaid regulations are applied.

DOMESTIC PET SERVICE: An establishment where clipping, bathing, and other services except that of veterinary nature are rendered to dogs, cats, and domestic pets. No boarding shall be permitted.

DOWNTOWN AREA: That area in the Village of Fox River Grove generally organized along Northwest Highway (Route 14), between the Fox River to the west and School Drive to the east.

DRIVE-IN ESTABLISHMENT: An establishment or part thereof in which are provided facilities where serving or consuming commodities is intended to occur primarily either in patrons' motor vehicles parked on the premises or off of the premises. Drive-in establishments also include facilities where the receiving of commodities are intended to occur primarily either in patrons' motor vehicles parked on the premises or off of the premises.

DRIVE-IN FACILITY; DRIVE-UP FACILITY: A facility which is intended to dispense or serve a commodity or provide a service to a patron while the patron is in a motor vehicle on the premises where the commodity can be dispensed or the service provided while the motor vehicle's motor is running.

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 trailers or structures which are not permanently anchored to the land, and also not including lodging rooms in hotels, motels, or lodging houses.

DWELLING, ATTACHED: A dwelling joined to at least one other dwelling by a party wall, or vertical cavity wall, and above ground physically unifying horizontal structural element.

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

DWELLING, MULTIPLE-FAMILY: A dwelling containing three or more dwelling units.

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

DWELLING, TWO-FAMILY: A dwelling containing two dwelling units only.

DWELLING, UNIT: One or more rooms which are arranged, designed or used as living quarters for one or more persons to live together as a group sharing bathrooms, kitchen facilities and other common living areas. A dwelling unit must include a bathroom with a sink, toilet and shower or bathtub and kitchen facilities which allow for the preparation of food. The rooms within a dwelling unit must all be accessible to one another either directly or through other rooms and interior hallways and staircases within the same dwelling unit.

EARTH STATION: Any disc antenna with an essentially solid surface, whether flat concave or parabolic, which is designed for receiving television, radio or data microwave signals from satellites and which has a diameter of more than forty-eight (48) inches.

EFFICIENCY DWELLING 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.

ELECTRIC DISTRIBUTION CENTER: 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.

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 firm or person appointed and designated as the Village Engineer.

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

FAMILY: One person or two or more persons who maintain a common household in a dwelling unit.

FENCE: A structure which is a barrier and used as a boundary or means of protection or confinement.

FENCE, NATURAL: That type of fence which consists of natural growth, such as shrubs, hedges, evergreens and the like, which are thirty (30) inches or more in height and are spaced less than ten (10) feet apart. (Ord. No. 9-31, Sec. 2, 11-19-09)

FENCE, OPEN: A fence including gates which has, for each one foot wide segment extending over the entire length and height of the fence, twenty-five (25%) percent of the surface area in open spaces which afford a direct view through the fence.

FENCE, SOLID: A fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.

FENCE, SPLIT RAIL: An undressed fence rail split lengthwise from a log and set at either end into an upright post intended to contribute to the attractiveness of the property, and not to act as a means of protection or confinement. (Ord. No. 9-31, Sec. 2, 11-19-09)

FLOOD-PLAIN AREA: An area subject to flooding as regulated and described by the current flood-plain map issued by the Federal Emergency Management Agency or other agency of the United States Government or an area designated as subject to flooding in a Village Ordinance.

FLOOR AREA - FOR DETERMINING FLOOR AREA RATIO: The sum of the gross horizontal areas of the several floors including also the basement floor of a building - measured from the exterior faces of the exterior walls, or from the center lines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells; (b) mechanical equipment,

except if located on the roof, when either open or enclosed - i.e. bulkheads, water tanks, and cooling towers; (c) habitable attic space as permitted by the Building Code of the Village of Fox River Grove; (d) interior balconies and mezzanines; (e) enclosed porches; and (f) accessory uses. The "floor area" of structures used for bulk storage of materials - i.e., grain elevators, petroleum tanks, shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one floor for each ten feet of structure height and if such structure measures less than ten feet but not less than five feet over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of the cellar floor shall not be included in the "floor area".

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 gross 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 entire building. All horizontal dimensions shall be taken from the exterior faces of the walls.

FLOOR AREA, USABLE: Any floor area within outside walls of a residential building exclusive of areas in cellars, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

FLOOR AREA RATIO: The numerical value obtained by dividing the "floor area" within a building or buildings on a lot by the area of such lot. The floor area ratio requirement as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible "floor area" for the building or buildings on the lot.

FOOTCANDLE: The illuminance on a one-square foot surface of which there is a uniformly distributed flux of one (1) lumen.

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

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. A garage is not a private garage if it is used for the storage of a vehicle, other than a vehicle which has been classified as a

recreational vehicle under the Illinois Vehicle Code, which has a height greater than eight feet or a gross weight including vehicle and equipment greater than 8,000 pounds.

GARAGE, PUBLIC: A building or portion thereof other than a private or storage garage, designed or used for equipping, services, 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 or land 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.

GRADE: The established grade of the street roadway or street sidewalk adjoining the front lot line, at a point opposite the middle of the building wall facing such front lot line. Where no such grade has been established, the grade shall be the elevation of the street sidewalk at such point and where no sidewalks exist, the grade shall be the street roadway adjacent to the front lot line, except in cases of unusual topographic conditions as determined by the Building Inspector grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure.

GREEN AREA: A portion of a lot to be landscaped with vegetation.

HALFWAY HOUSE: A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times residents are present for the following purposes:

- a. To help them recuperate from the effects of drugs or alcohol addiction;
- b. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- c. To provide temporary shelter for persons who are victims of domestic abuse.

HOSPICE: A temporary residential living arrangement for persons with a disease generally considered to be terminal that requires full-time support, therapy, and/or treatment.

HOME OCCUPATION: Any occupation or profession located in a dwelling unit and/or accessory buildings which is clearly incidental and

secondary to the residential use of the premises. The fact that a particular occupation or profession does not directly or indirectly impose a fee or charge is not determinative of whether that activity falls within the definition of home occupation.

HOME TOURS AND RELATED USES: The use of an owner-occupied private residence or property with special architectural or historical significance for either home tours or special community-related events or activities, or both, that involve members of the public, whether or not any fee or donation is involved. Home tours and related uses do not include showing a residence or property to potential purchasers or renters.

HOSPITAL: An institution or business establishment providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution, related facilities, such as laboratories, pharmacies, gift shops, cafeterias, outpatient facilities, training facilities, medical office and other similar accessory uses.

HOTEL: An establishment containing rooms, for occupancy by 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 Fox River Grove, and which provides customary hotel services such as: maid, telephone and secretarial, bellboy and desk services; and the use and upkeep of furniture; and laundry or linens.

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

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

LAUNDERETTE: A business that provides coin operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that: (a) not more than four persons, including owners, are employed on the premises; and (b) no pick-up or delivery service is maintained.

LIGHT ASSEMBLY: Light assembly is the storage and/or assembly of equipment, goods or other items which occurs entirely within a building that is located on a lot that is not more than three (3) acres in size.

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

LODGING ROOM: A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this ordinance.

LOT: A single parcel of land under Single Ownership located within a single block and occupied by or intended for occupancy by, one or more principal use(s), together with accessory buildings, structures and uses, yards and other open spaces as required by this ordinance and having its principal frontage on a street. A "lot" shall be designated and determined at the time an application for a building permit is filed. If a lot is or was not designated at the time an application for a building permit was filed, or if no application for a building permit was filed, then a lot shall consist of all contiguous areas of land under a single ownership. A "lot" may be one or two or more lots of record or parts of lots of record comprising the tract of land which is designated by the owner at the time of application for a building permit as the site to be used, developed or built upon as a unit under single-ownership or control. Therefore a "lot" for purposes of this zoning ordinance may or may not coincide with a lot as shown or designated on a plat of subdivision.

LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

LOT, CORNER: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and any two-chords of which form an angle of 120 degrees or less measured on the lot side.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory building or structures.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT, INTERIOR: A lot that is not a corner lot.

LOT LINE, FRONT: That boundary of a lot which abuts a street line. On a corner lot the lot line having the shortest length abutting a street line shall be the front lot line.

LOT LINE, INTERIOR: A lot line which does not abut a street.

LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

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 a pair of opposite lot lines along two or more less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

LOT WIDTH: The minimum horizontal distance between the side lot lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required front setback line.

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

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

MOTEL: An establishment consisting of a group of attached or detached lodging rooms with bathrooms, and where more than fifty (50%) percent of the lodging rooms are occupied, designed or marketed for transient occupancy. A "motel" furnishes services such as maid services and laundering of linen, telephone, secretarial and desk service, and the use and upkeep of furniture.

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.

NON-CONFORMING BUILDING OR STRUCTURE: Any building or structure lawfully established which: (a) does not comply with all the regulations of this ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed on intended for non-conforming use.

NON-CONFORMING USE: Any use of a building, structure or land that does not conform with the regulations of this ordinance or any

amendments thereto governing use in the district in which the building, structure or land is located which did conform with all of the codes, ordinances, and other legal requirements applicable at the time such building, structure or land was first utilized for such use.

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.

NURSERY, DAY CARE OR CHILD CARE FACILITY: An establishment for the part-time care of three or more children under the age of twelve (12) who do not reside on the premises. No establishment shall be a nursery or a day care or child care facility unless all licenses have been issued by the State of Illinois and any other governmental agency having jurisdiction that are required in order for a nursery or a day care or child care facility to be permitted to operate on the premises.

NURSING HOME: A home for the aged, the chronically ill, or the care of children, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three or more persons not members of the family residing on the premises are received, and provided with food, shelter and care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness and not including community residential homes, halfway houses or hospices.

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.

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.

OWNER OF A LOT: The owner of a lot is the legal entity which holds title to the lot. The owner of a lot may be one or more persons, a land trust, a corporation, or any other entity which is capable of holding title to land.

PARKING SPACES: An area, enclosed in a building or unenclosed, reserved for the parking of one motor vehicle and which is accessible to and from a street or alley.

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.

PERFORMANCE STANDARD: A criteria established to control smoke and particular 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

PERSONAL WIRELESS SERVICE FACILITIES: The term personal wireless service facilities shall have the same meaning when used in this Zoning Ordinance as set forth in Section 332(c)7(C) of Title 47 of the United States Code as amended and as may be amended from time to time in the future, except that a facility which is attached to the main building on a lot and which is used solely to transmit and/or receive telecommunications to or from the lot on which the facility is located shall not be considered to be a personal wireless service facility for purposes of this ordinance.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission of the Village of Fox River Grove, Illinois.

PLANNED UNIT DEVELOPMENT: A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one more principal uses, planned and constructed as a unified development and which has been designated and approved as a planned unit development in accordance with the applicable provisions of the Village of Fox River Grove Zoning Ordinance in effect at the time the principal buildings were planned and constructed.

PRINCIPAL USE: The primary use of land or structures as distinguished from a secondary or accessory use.

PRIVACY WALL: A continuous vertical structure of masonry or stone construction that encloses or divides an area of land for the purpose of securing privacy. (Ord. No. 19-16, Sec. 1, 8-1-19)

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.

RELOCATION: To move the residence of an individual, a household, a use or building from one location to another location.

RESERVOIR STANDING SPACES: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

RINGELMANN CHART: The chart described in the U.S. Bureau on Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke density.

RINGELMANN NUMBER: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of smoke.

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

SETBACK: The horizontal distance between a lot line and the side of a building or other structure, located on a particular lot, to such lot line.

SETBACK, ESTABLISHED: The front yard setback that is utilized under the provisions of this ordinance for determining the depth of the required front yard for vacant lots located on blocks where 40 percent or more of the lots on the same block and the same side of the street as the vacant lot are improved lots.

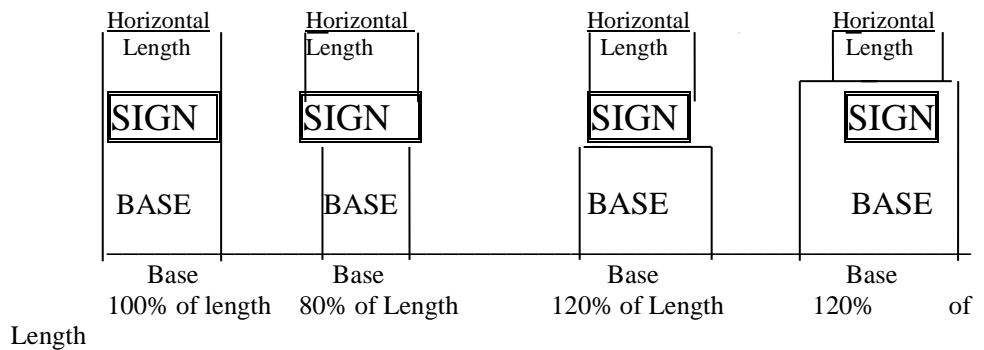
SIGHT TRIANGLE: That portion of a lot within the triangular area formed by either: (i) two (2) measurements twenty-five (25) feet in length from the point of intersection of two (2) street right-of-way lines forming a corner lot along each right of way, or (ii) by a line along the street right of way that is twenty-five (25) feet in length from the point of intersection of a street right-of-way line and the edge of an intersecting driveway and a line along the intersecting driveway that is twenty-five (25) feet in length from the point of intersection of the driveways intersection with a street right-of-way line. (Ord. No. 9-31, Sec. 2, 11-19-09)

SIGN: A name, identification, description, illustration, display or device which is affixed to, painted or represented upon a building, structure or land and which directs attention to a product, place activity, person, institution or business. For purpose of definition, a sign structure may be single face or double face. However, a sign shall not include any display of any court, public or official notice, nor shall it include the flag, emblem, or insignia of a nation, political unit, school, religious or charitable institution or organization. A sign shall also include a permanent sign located completely within an enclosed building provided such sign is intended to be viewed primarily from the exterior of the building.

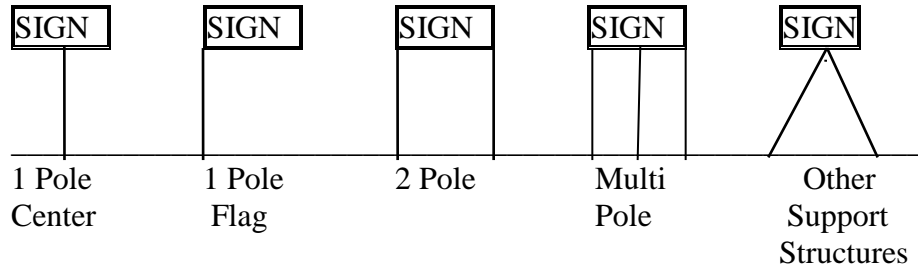
SIGN, BUSINESS: A sign which directs attention to a business, commodity, service, entertainment or other activity conducted upon the premises upon which such sign is located.

SIGN, GROSS SURFACE AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V type sign, erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square-foot area, be considered and measured as a single face sign.

SIGN, MONUMENT: An unattached sign that is erected on a base or pedestal that has a width not less than eighty (80%) percent or more than one hundred twenty (120%) percent of the horizontal length of the sign that is being supported. Example illustrations of Monument Signs are set forth below:



SIGN, POLE OR PYLON: An unattached sign that is erected upon standards including but not limited to a pole, multiple poles, posts, pylons, piers, or other upright supports, structures or braces. Example illustrations of Pole or Pylon Signs are set forth below:



(Ord. No. 2009-09, Sec. 3 and 4, 3-19-09)

SINGLE-OWNERSHIP: A lot in single ownership is one where the owner of the lot does not own any property contiguous to the lot.

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

SMOKE UNIT: The number obtained when the smoke density in the Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation: (a) a Ringelmann density reading shall be made at least once a minute during the period of observation; (b) each reading is then multiplied by the time in minutes during which it is observed; and (c) the various products are then added together to give the total number of "smoke units" observed during the entire observation period.

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.

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 is no floor above it, then the space between the floor and the ceiling above the floor. The floor of a story may have split levels provided that there are not more than four feet difference in elevation between the difference levels of the floor. A basement shall be counted as a story and a mezzanine floor shall be counted as a story when it covers over one-third the area of the floor next below it, or if the vertical distance from the floor below the mezzanine and any part of that floor's ceiling is 24 feet or more.

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

STREET: Any right-of-way containing a roadway which affords the primary means of access to properties which abut the right-of-way. An alley shall not be considered a street.

STREET, FRONTAGE: All of the property fronting in one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

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, buildings, sheds, signs, back stops for tennis court, and pergolas.

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, 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 structure.

TAVERN: An establishment where alcoholic beverages are sold to be consumed on the premises, but not including restaurants where the principal business is the serving of food.

THREE-COMPONENT MEASURING SYSTEM: Instruments which measure simultaneously earthborn vibrations in horizontal and vertical planes.

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. Trailers include, but are not limited to, mobile homes.

TRAILER, TRAVEL: A trailer designed and constructed for travel and temporary lodging purposes and which is intended for use for camping, recreational travel, or vacation use and any vehicle which meets the criteria for the issuance of recreational vehicle license plates under the Illinois Motor Vehicle Code.

USE: The purpose or activity for which land, or a structure thereon, is occupied, maintained or utilized and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

USE, LAWFUL: The use of any building, structure, or land that conforms with all of the regulations of this ordinance or any amendment hereto.

USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and if applicable, any performance standards for the district in which such use is located.

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

USE, SPECIAL: A use that has unique characteristics and is deemed desirable or necessary in a district or districts for public convenience and welfare, but due to its unique characteristics its location and development in a district are conditioned upon conformance with special standards herein set forth for a special use. The issuance of a permit and zoning certificate for a special use is predicated on the recommendation in each case by the Planning and Zoning Commission, and approved by the Village Board.

VEHICLE: Any passenger vehicle, automobile, bicycle, motorcycle, snowmobile, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

VEHICLE, MOTOR: A vehicle equipped with a motor which provides the energy to propel the vehicle.

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

VIBRATION: The periodic displacement, measured in inches, of earth at designated frequency - cycles per second.

VILLAGE BOARD: The Village President and Trustees of the Village of Fox River Grove.

YARD: An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance.

YARD, FRONT: A yard which is bounded by the side lot lines, front lot line, and the front yard line, or the established setback line.

YARD LINE: A line in a lot that is parallel to the line along which the applicable yard extends and which is not nearer to such lot line at any point than 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 ordinance.

YARD, REAR: A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

YARD, SIDE: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

YARD, SIDE - ADJOINING A STREET: A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

YARD, INTERIOR SIDE: A side yard which adjoins another lot or an alley separating such side yard from another lot.

ZONING DISTRICTS: The districts into which the Village of Fox River Grove, Illinois has been divided for zoning regulations and requirements, as set forth on the Zoning District Map. (Ord. 13-22, Sec. 2, 9-5-13, Ord. 14-19, Sec. 1, 8-21-14; Ord. 16-07, Sec. 1, 4-7-16; Ord. 19-21, Sec. 2, 12-3-19)

ARTICLE IV GENERAL REGULATIONS

A. ALLOWABLE USE OF LAND, BUILDINGS, OR STRUCTURES

The following uses of land, buildings, or structures are allowed in the districts indicated hereinafter in Articles VI, VII, and VIII, under the conditions specified in this ordinance:

1. Uses lawfully established and existing on the effective date of this ordinance, provided that uses lawfully established and existing on the effective date of this ordinance, and, rendered non-conforming by the provisions herein shall be subject to the regulations of Article X.
2. Permitted uses as designated in Article VI, VII, and VIII.
3. Special uses as designated in Article VI, VII, and VIII.

A classification of special uses is established to provide for certain uses hereinafter specified that are unique in physical and operational characteristics, but are deemed desirable or necessary for public

convenience and welfare within a given district or districts. Due to the unique characteristics of special uses, special standards and other conditions for their location and development are set forth for each special use in district regulations. Additions or alterations to existing buildings or land improvements for expansion of a use designated as a special use shall conform with standards and other conditions governing the special use as set forth for the district in which it is located.

B. PROHIBITED USES OF LAND, BUILDINGS, OR STRUCTURES

No building, other structure or land shall be devoted to any use other than one which is specified as a permitted use by the district regulations applicable to the district in which such building or land is located, as set forth in Articles VI, VII, and VIII unless such use is a special use which is allowed in the district in which the use is located and has been authorized as provided in this ordinance or unless such use is a non-conforming use which can be continued under the provisions of this Zoning Ordinance. However, where a building permit for a building or structure had been issued in accordance with law, prior to the effective date of this ordinance, and where construction has been begun within six 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 set forth in Section 6-34 of the Village Code.

C. CONTROL OVER USE

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.

D. CONTROL OVER BULK

All new buildings shall conform to the bulk regulations established herein for the district in which each building is located, and an enlargement or reconstruction, structural alteration, conversion or relocation of an existing building, shall not conflict or further conflict with the bulk regulations in this ordinance applicable to the district in which such existing building is located, except in residence districts, if a lot located within a subdivision for which the plat of subdivision was recorded prior to April 8, 1965 does not conform with the requirements of this ordinance, as to minimum lot area or width, the lot may be used for a single family detached dwelling, provided there is conformance with all other applicable regulations of this ordinance and provided that the lot is not under the same ownership or control as any tract of land which abuts or is contiguous to the lot.

E. BUILDINGS ON LOT

In Single-Family Residence Districts, every single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall be not more than one dwelling unit on a lot, except as otherwise provided by this ordinance.

F. ACCESSORY BUILDINGS, STRUCTURES, AND USE

1. Subject to the terms and condition contained in this Ordinance, accessory uses of buildings, structures and land shall be permitted, provided the accessory use is customarily incidental to the principal use of the building structure or land.
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, rabbits, horses, bees or livestock, whether or not for profit.
3. Radio, television or telecommunications poles or towers and antennae, other than earth stations that have a disc diameter of more than three feet, which are not more than thirty-five (35) feet in height above ground shall be permitted as accessory structures on lots in any district, whether or not attached to a building or structure.
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 ten (10) feet from the nearest wall of the principal building, or within sixty (60) feet of the front lot line, except tool sheds may be nearer to the principal building or front lot line, provided that the tool shed is not located within a front yard or side yard.
 - b. An accessory building whether detached or attached to the principal building shall not be located in any part of a front yard, in a required interior side yard, or in a required side yard adjoining a street.
 - c. Detached accessory buildings in a rear yard shall conform with the following:
 1. Not more than one (1) story or twelve (12) feet in height - whichever is lower;

2. Cover not more than thirty (30%) percent of the area of the rear setback or 576 square feet, whichever is less; and
3. Be located not less than five (5) feet from the nearest lot line, except;
 - a. On corner lots - not less than six (6) feet from a rear lot line which adjoins a lot in a Residence District and the distance required for side yard adjoining a street from the side street line; and
 - b. On through lots - not less than the distance required for a front yard from the rear lot line adjoining a street.
- d. A private garage, whether attached or detached, shall not have more than 3 (three) garage doors or more than twenty-seven (27) lineal feet of garage doors(s) facing a street. (Ord. 2009-12, Sec. 2, 4-16-09)

G. YARDS, GENERAL

1. The minimum yard or other open space required for one building or structure shall not again be considered as a yard or other required open space for another adjoining or adjacent building, structure or use of land.
2. No lot shall be reduced in area so that the yards or other open space and lot area or width become less than required by this ordinance.
3. On streets where the established setback results in front yards of more or less than required by this ordinance, the front yard line for each remaining vacant interior lot along such street frontage shall be the distance along a line on the lot which is perpendicular with a point one-half the width of the lot at the front lot line, measured from such point to the point of intersection along such perpendicular line of a line connecting the nearest points of the setback lines of the next existing buildings on each side of the lot, or in the case of a building only on one side of the lot, the line connecting such setback line on the existing building on one side of the lot with the required setback line on the vacant lot on the other side of the lot.
4. On a through lot, either of the lot lines abutting a street right-of-way line may be established as its front lot line, except that where two or more lots are contiguous and a front lot line had been duly established, the same street lot line shall thereafter be deemed to be the front lot line of all such contiguous lots.

H. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Obstructions in required yards shall be permitted in accordance with the following:

1. In all yards:

- a. Awnings and marquees provided that the awning does not project more than thirty-six (36) inches and the marquee does not project more than forty-eight (48) inches into the yard;
- b. Chimneys projecting twenty-four (24) inches or less into the yard;
- c. Flag poles;
- d. Ordinary projections of sills, belt courses, cornices, and ornamental features projecting not more than eighteen (18) inches into a yard;
- e. Ornamental light standards;
- f. Steps which are necessary for access to permitted buildings or for access to lots from streets, and required exterior fire escapes; and
- g. Trees and shrubs

2. In front yards and side yards abutting a street:

- a. Fuel pumps and air and water outlets in conjunction with automobile service stations, provided they shall be set back at least fifteen (15) feet from the front lot line;
- b. One story bay windows projecting three (3) feet or less into the yard;
- c. Open off-street parking spaces in B1, B2, B3, B4, and B5 Districts;
- d. Open terraces and decks not over four (4) feet above the average level of the adjoining ground and not projecting over ten feet into a yard, but not including permanently roofed-over terraces or porches;
- e. Overhanging eaves and gutters, projecting not more than twenty-four (24) inches into the yard; and

- f. Signs and nameplates as regulated herein and in other applicable ordinances of the Village of Fox River Grove.
 - g. Air conditioning condensers for central air conditioning units shall be permitted in side yards abutting a street provided the following conditions are met:
 - 1. The air conditioning condenser for the central air conditioning unit must have been located in the side yard which abuts the street on February 1, 1990.
 - 2. The location of the air conditioning condenser must conform with all other applicable ordinances and codes of the Village of Fox River Grove.
 - 3. The air conditioning condenser must be maintained in operable working condition during the period between May 15 and September 15. An air conditioning condenser shall not be considered to be inoperable if it is in need of repair to operate and the required repair is made within a thirty day period after the condenser ceases to function.
 - 4. The air conditioning condenser is not expanded or enlarged.
 - h. Natural and split rail fences. Natural and/or split rail fences may be allowed anywhere in the required front yard and/or side yard adjoining the street, subject to the following provisions:
 - 1. Fences must be wholly within the property lines.
 - 2. No fence located in a front yard or side yard adjoining a street may be located closer than ten (10) feet from the curb or pavement or within a sight triangle.
 - 3. Split rail fences located in a front yard or in a side yard adjoining a street shall be no more than forty-eight (48) inches in height, shall be at least fifty (50%) percent open space, and shall in no way interfere with vision. (Ord. No. 9-31, Sec. 3, 11-19-09)
3. In rear yards:
- a. Air conditioning condensers for central air conditioning units, provided location conforms with all other applicable ordinances and codes of the Village of Fox River Grove;

- b. Arbors and trellises;
- c. Balconies;
- d. Breezeways and open porches;
- e. Enclosed off-street parking spaces - attached or detached provided such accessory building shall not cover more than thirty (30%) percent of the required area of a rear yard and, if in a residential district, does not have a surface area greater than 520 square feet whichever is less;
- f. One-story bay windows projecting three feet or less into the yard;
- g. Open off-street parking spaces;
- h. Open terraces and decks not over four (4) feet above the average level of the adjoining ground, but not including permanently roofed-over terraces or porches, provided that if an open terrace or deck is located on a lot that is subject to a conservation easement or which has a conservancy area, the open terrace or deck must be located at least five (5) feet from the conservation easement or conservancy area; (Ord. 2000-46)
- i. Fences or Privacy Walls - Fences, not more than six (6) feet in height are permitted in Residence Districts or Business Districts. Privacy Walls not more than six (6) feet may be constructed around the immediate boundaries of patios or terraces when said boundaries are located not less than five (5) feet from a lot line are permitted in Residence Districts. Privacy Walls not more than six (6) feet in height are permitted Business Districts; (Ord. 19-16, Sec 2, 8-1-19)
- j. Overhanging roof eaves and gutters, provided eaves and gutters of detached accessory buildings are not less than two (2) feet from a lot line;
- k. Playground equipment and clotheslines;
- l. Sheds, tool rooms, or similar buildings customarily accessory to the principal use;
- m. Swimming pools, private - provided they are located not less than eight (8) feet from a lot line and when swimming pool installation

and operations are also in accordance with all other applicable ordinances and codes of the Village of Fox River Grove; and

- n. Earth stations in residential districts which are setback at least ten (10) feet from the property line.

4. In interior side yards:

- a. Open off-street parking spaces;
- b. Fences or Privacy Walls – Fences, not more than six (6) feet in height are permitted in Residence Districts or Business Districts. Privacy Walls not more than six (6) feet in height are permitted in Business Districts. (Ord. 19-16, Sec. 2, 8-1-19).
- c. Overhanging eaves and gutters projecting twenty-four (24) inches or less into the yard.

I. TRAILERS, TRAVEL TRAILERS, BOATS AND SNOWMOBILES

- 1. Trailers 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 a lot contiguous thereto.
- 2. Trailers and travel trailers shall not be parked or stored in the open or occupied for lodging or dwelling purposes on any lot except as specifically allowed under the Code of Ordinances of the Village of Fox River Grove; except trailers or mobile homes for display prior to sale or storage prior to delivery on lots occupied as trailer manufacturing or sales establishments;
- 3. A trailer which has a gross weight of more than 8000 pounds including vehicle and maximum load shall not be parked in a business district for a period of more than seventy-two (72) hours in any seven day period unless it cannot be viewed from outside the lot on which it is parked except as may be specifically allowed under the Code of Ordinances of the Village of Fox River Grove.
- 4. Boats which have a length greater than thirty (30) feet or a height, including any masts, of more than ten (10) feet shall not be stored in the open or occupied for lodging or dwelling purposes on any lot except as specifically allowed under the Code of Ordinances of the Village of Fox

River Grove; other than boats for display prior to sale or storage prior to delivery on lots occupied as boat manufacturing or sales establishments.

5. Not more than two (2) snowmobiles may be parked or stored on any lot except as specifically allowed under the Code of Ordinances of the Village of Fox River Grove; except snowmobiles for display prior to sale, or storage prior to delivery, on lots occupied as snowmobile manufacturing or sales establishments. If a snowmobile is parked on a lot other than a lot occupied as a snowmobile manufacturing or sales establishment, the snowmobile must be parked or stored in the rear yard of the lot.

J. FLOOD PLAIN AREA

No new building or structure shall be constructed and no existing building or structure shall be altered or enlarged that is located in a flood plain area unless there is compliance with all applicable laws, ordinances, rules and regulations applicable to the construction and maintaining of buildings and structures within a flood plain area, including, but not limited to, the ordinances of the Village and the regulations of the Federal Emergency Management Agency.

K. BUILDING HEIGHT

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, silos, storage hoppers, elevators or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than twenty-five (25) feet the height limits of the district in which it is located.

L. LANDSCAPE STANDARDS

1. Purpose.

The purpose of these standards is to promote careful planning and creative landscape design so as to enhance the character of the Village and maintain and enhance the value of property within the Village as the Village develops in the future pursuant to the Village's comprehensive plan and zoning ordinance.

2. Applicability.

The landscape standards set forth in this Section L apply to the following:

- a. Planned Unit Developments.

- b. Land included within subdivisions.
- c. New buildings and other structures located within business zoning districts which have a floor area greater than 2,000 square feet.
- d. Major alterations of non-residential uses which result in the reconfiguration or alteration of more than 2,000 square feet floor area.
- e. Property for which a special use or a variation has been granted where the special use or variation was granted on the condition there is compliance with the landscape plan requirements provided for in this Section L.
- f. Vacant land located within a business zoning district on a lot greater than 20,000 square feet where cutting of trees having a diameter of twelve (12) inches or more, measured at a point four and one half feet (4.5) above grade, is proposed and where a building permit has not yet been applied for. There shall be compliance with Section 5.e. of this Section L as applicable to establish replacement tree quantities to be implemented at a later date when a building permit is applied for. (Ord. No. 2005-32, Sec. 2, 10-20-05)

No building permit shall be issued for any building or structure located on property to which the landscape standards set forth in this Section L are applicable until a landscape plan has been submitted to and approved by the Village staff.

3. Relation to Subdivision Control Regulation Requirements.

The landscape plan and planting requirement provisions contained in this section “L” shall not in any way affect the planting and other landscape requirements contained in Chapter 19 “Subdivisions” of the Code of Ordinances of the Village of Fox River Grove.

4. Content of Landscape Plan.

A landscape plan submitted to the Village for review shall be prepared using the same scale as a site plan or preliminary plat that is submitted to the Village for the property to which the landscape plan is applicable. If no site plan or preliminary plat has been submitted to the Village, the landscape plan shall be drawn at a scale of not less than twenty-five (25) feet to the inch. Each landscape plan submitted to the Village for approval shall contain or have attached to it the following information:

- a. A scale, date and north arrow;
- b. The name and address of the applicant and the name of the project, if any;
- c. The name, address and telephone number of the person who prepared the landscape plan;
- d. The location and dimensions of all existing and proposed structures, parking lots and driveways, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas and any other proposed improvements to the site for which landscape plan approval is being requested;
- e. The location and dimensions of all existing structures, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas and other pertinent information on property located within fifteen (15) feet of the site for which landscape plan approval is requested.
- f. The location, quantity, size and species (both common and scientific names) of all plant materials including ground cover which are proposed to be planted or installed pursuant to the landscape plan;
- g. Existing and proposed topography of the site for which landscape plan approval is being requested with contours at not more than two (2) foot intervals;
- h. A full description of the manner in which existing trees having a diameter of twelve (12) inches or more, measured at a point four and one half feet (4.5) above grade, will be preserved and protected during construction pursuant to the requirements of this Section L and Article II of Chapter 21 of the Code of Ordinances of the Village of Fox River Grove, if applicable;
- i. Other data and/or information which the Village staff may deem necessary in order to determine whether the proposed landscape plan meets the intent and purpose of this Section L. (Ord. No. 05-32, Sec. 3, 10-20-05)

5. Landscape Design Requirements

The following criteria must be met in order for a landscape plan to be approved:

- a. Landscape plants selected for use shall be species adaptable to climatic conditions existing in the Village of Fox River Grove and generally found growing in hardiness Zone 4 as established by the United States Department of Agriculture. The trees set forth in Table 1 and Table 2 below are acceptable. Other trees not listed in Table 1 or Table 2 may be included as part of a landscape plan if approved by the Village staff.

TABLE 1: APPROVED TREE LIST

A. SHADE/CANOPY TREES

Common Name	Scientific Name
White Oak	Quercus Alba
Sugar Maple	Acer saccharum
Scarlet Maple	Acer rubrum
Sycamore Maple	Acer pseudo plantanus
Hackberry, Common	Celtis occidentalis
Ginkgo (male)	Ginkgo biloba
Sweet Gum	Liquidambar styraciflua
Tulip Tree	Liriodendron tulipifera
Cucumber Tree	Magnolia acuminata
European Sycamore	Plantanus orientalis
Scarlet Oak	Quercus coccinea
Shingle Oak	Quercus imbricaria
Pin Oak	Quercus palustrus
Red Oak	Quercus rubra (borealis)
Little Leaf Linden	Tilia Cordata
White Linden	Tilia Tomentosa
Locust, Thornless Honey & Cultivars	Gleditsia triacanthos
Buisman Elm	Ulmus buisman
Ash	Fraxinus species
Cherry, Black	Prunus seotina
Coffee Tree	Gymnocladus dioicus
Hickory, Shagbark	Carya ovata

B. ORNAMENTAL/UNDERSTORY TREES

Common Name	Scientific Name
Grey Birch	Betula prunifolia
Hornbeam	Carpinus caroliniana
Washington Hawthorn	Crataegus phaenopyrum
Ironwood	Ostrya virginiana

TABLE 2: APPROVED REPLACEMENT EVERGREEN TREES

Common Name	Scientific Name
Fir, Douglas	<i>Pseudotsuga menziesii</i>
Fir, White	<i>Abies concolor</i>
Hemlock, Canadian	<i>Tsuga canadensis</i>
Pine, Austrian	<i>Pinus nigra</i>
Pine, White	<i>Pinus strobus</i>
Spruce, Black Hills	<i>Picea glauca densata</i>
Spruce, Colorado Blue	<i>Picea pungens glauca</i>
Spruce, Colorado Green	<i>Picea pungens</i>
Spruce, Norway	<i>Picea abies</i>

- b. The landscape plan must contain a diverse mixture of trees and shrubs throughout the site to which the landscape plan is applicable. No single species of deciduous or evergreen trees or shrubs shall represent more than forty (40%) percent of all required plantings.
- c. Shade/canopy tree species must represent at least twenty-five (25%) percent of the required shade/canopy tree equivalents. The trees listed in Table 3 below are not acceptable.

TABLE 3: PROHIBITED TREE SPECIES

Common Name	Scientific Name
Box Elder	<i>Acer negundo</i>
Soft Maple	<i>Acer saccharinum</i>
Catalpa species	<i>Catalpa spp.</i>
Tree of Heaven	<i>Ailanthus glandulosa</i>
Mulberry	<i>Morus spp.</i>
Black Walnut	<i>Juglans nigra</i>
Chinese Elm	<i>Ulmus chinesensis</i>
Willows	<i>Salix spp.</i>
Female Ginko Tree	<i>Ginko biloba - Female</i>
Thorned Honeylocust	<i>Gleditsia triacanthos</i>
Lombardy Populur	<i>Populus nigra</i>
Osage-Orange	<i>Maclura pomifera</i>
Buckthorn	<i>Rhamnus cathartica</i>

- d. The landscape plan must provide for the removal of any tree of a species listed in Table 3.

- e. The landscape plan must provide for the replacement in accordance with Table 4 of any existing trees which are to be removed. Where there is practical difficulty in replacing an existing tree, the equivalent specified in Table 5 may be substituted with the approval of the Village staff.

TABLE 4: REPLACEMENT TREE SCHEDULE

Trees removed subject to the provisions of a landscape plan shall be replaced according to the following schedule:

<u>Total Diameter of Removed Tree(s)</u>	<u>Number of Required Replacement Shade/Canopy Trees 3≅ cal. or greater</u>
10-12 inches	2
13-15 inches	3
16-20 inches	5
21-25 inches	7
26-30 inches	9

Note: In cases where the total diameter of the removed trees exceeds thirty (30) inches, the total number of replacement trees shall be calculated using the above information.

Example: 160 inches of tree diameter removed

5 units of 26-30 inch replacement	= 45 trees
1 unit of 10-12 inch replacement	= 2 trees
Total Tree Replacement	= 47 trees

TABLE 5: SUBSTITUTION EQUIVALENCIES*

Number Type

1 Shade/Canopy Tree =	2 Ornamental/Understory Trees
1 Shade/Canopy Tree =	2 Evergreen Trees
1 Shade/Canopy Tree =	1 Evergreen Tree greater than 8 feet in height
1 Shade/Canopy Tree =	8 Evergreen shrubs
1 Shade/Canopy Tree =	15 Deciduous or Flowering Shrubs
1 Shade/Canopy Tree =	500 Square Feet of Ground Cover

*Pursuant to the approval of the Village staff.

- f. The landscape plan must provide for a minimum of one shade/canopy tree or equivalent planting as set forth in Table 5.
- g. The landscape plan must provide for landscaping which will provide a buffer between parking areas and the street and between non-residential uses and residential uses or lots that are zoned for residential use. The landscape plan may provide for fences, hedgerows and berms to be used to screen non-residential uses from adjacent residential uses or from adjacent property which is zoned for residential use. The Village staff may require that fences, hedgerows and berms be utilized to screen non-residential uses from residential uses and lots that are zoned for residential use whenever such screening is necessary in order to maintain the value of the property on which the residential use is located or the lot zoned for residential use.
- h. The landscape plan must provide for the preservation of existing healthy trees having a diameter of twelve (12) inches or more, measured at a point four and one half feet (4.5) above grade, wherever possible, except for trees that are listed in Table 3. (Ord. No. 05-32, Sec. 4, 10-20-05)
- i. The landscape plan must *not* provide for landscaping to be placed so as to impair visibility of driveways, at street intersections, in any other location where there is a potential threat to traffic safety, or where the landscape may create a hazard or endanger persons or property. In determining whether landscaping will impair visibility or create another type of hazard, the size of the plants provided for in the landscaping plan at maturity shall be taken into consideration.
- j. The landscape plan must provide for the screening of all dumpsters and all other refuse disposal containers by a fence, wall or a densely planted hedge.

The landscape design requirements set forth in this Section L(5) shall not apply:

If a flood plain, wetland or other natural condition exists on the site covered by the landscape plan which makes it impossible to meet these requirements; or

If compliance with the requirements would result in the violation of any other existing law, ordinance, rule or regulation of a unit of government other than the Village; or

To interior open space areas that are devoted to athletic fields, agricultural fields, septic tanks and or similar uses where compliance with the requirements would be inconsistent with such use.

6. Minimum Plant Size Materials

The following are the minimum sizes for plant materials required to be included in a landscape plan:

- | | | |
|----|----------------------------|-------------------|
| a. | Shade Canopy Tree | 3≅ cal. |
| b. | Ornamental Understory Tree | 2≅ cal. or 6= ht. |
| c. | Evergreen Tree | 6= ht. |
| d. | Deciduous shrubs | 24≅ min. |
| e. | Evergreen shrubs | 24≅ min. |

7. Parking Lot Design Criteria

In addition to the requirements set forth elsewhere in this Section L, where a site includes a parking lot that is intended to be used in connection with a business or other commercial use, the parking lot shall be landscaped in accordance with a landscape plan which meets the following requirements:

- a. The landscape plan must provide for the landscaping of a minimum of eight (8%) percent of the area within the parking lot and access aisles. (Ord. No. 99-17, Sec. 1, 6-17-99)
- b. The landscape plan must provide for at least a five (5) foot setback between the parking lot and abutting residential uses, lots zoned for residential use and public right-of-ways. The landscape plan must provide for this setback area to be landscaped.
- c. The landscape plan must provide for the installation of landscape planting islands with a minimum area of 130 square feet, which are spaced no further than 180 feet apart, The landscape planting islands must have a minimum length of nineteen (19) feet and a minimum width of seven (7) feet. The planting islands must contain at least one shade/canopy tree or the equivalent number of substitute plantings as set forth in Table 5 for each row of parking spaces.
- d. The landscape plan must provide for two (2) shade trees or an equivalent number of substitute plantings as set forth in Table 5 for

every 260 feet of area contained within the area of the planting islands.

- e. The landscape plan must provide screening utilizing either landscaping, fences, walls or berms to prevent vehicle headlight spill over onto adjacent and nearby properties which are used for residential purposes, lots which are zoned for residential use and abutting streets and public right-of-ways.
- f. The landscape plan must allow for snow removal and storage.
- g. The landscape plan must provide for vehicle stacking areas as necessary for the intended use of the property.
- h. The landscape plan must provide for the preservation of existing healthy trees where possible other than trees which are listed in Table 3.
- i. The landscape plan must provide for an eight (8) foot landscaped strip between parking spaces and the face of a building. This landscaped strip must be not less than ten (10) feet if the strip contains a sidewalk.
- j. The trees and other plants provided for in the landscape plan must be of a species capable of withstanding extreme temperatures, drought, air pollution, high salinity, oil pollution and physical abuse that may be caused by human activity.

8. Fees, Escrow Requirements and Letter of Credit

- a. A landscape plan submitted pursuant to the requirements of this ordinance shall be accompanied by an application fee of Two Hundred Fifty Dollars (\$250.00).
- b. If the cost of implementing a landscape plan is estimated to exceed \$15,000.00, then the applicant shall, at the time a building permit is issued, provide the Village with a letter of credit or other security in an amount equal to 110% of the estimated cost of installing all plantings provided for in the landscape plan. The letter of credit shall be maintained by the applicant until all plantings provided for in the landscape plan have been installed and the landscape plan is otherwise fully implemented. The letter of credit or other security shall be in a form that is approved by the Village Attorney.

9. Landscape Installation and Maintenance

- a. All landscaping installed on any property to which the landscape standards contained in this Section L apply shall be installed in a manner that is provided for and consistent with an approved landscape plan.
- b. All plantings and other items and materials provided for in a landscape plan must be planted or installed no later than the date one year after the landscape plan is approved by Village staff or prior to the issuance of an occupancy permit, whichever is the last to occur.
- c. All landscape material installed in the implementation of a landscape plan shall be installed in accordance with the procedures established by the American Association of Nurserymen to the extent that such procedures are applicable.
- d. Any tree or shrub required to be planted by a landscape plan shall conform to the American Standard for Nursery Stock as approved by the American Standard Institute, Inc. If any tree or shrub provided for in a landscape plan should die, the tree or shrub shall be replaced within one year after its death. Where a tree dies, the tree may be replaced in accordance with Table 4 and Table 5 above.
- e. The owner of the property covered by an approved landscape plan shall be responsible for the maintenance, repair and replacement of all landscaping and other items and materials provided for in the landscape plan, including any refuse disposal area screening, which may be required, in a manner that is consistent with the landscape plan.
- f. All plants that are installed pursuant to a landscape plan shall be of specimen quality and shall be maintained in a good condition so as to present a healthy, neat and orderly appearance. Such plants shall be replaced as necessary and shall be kept free of refuse and debris.
- g. Where a landscape plan provides for the construction or installation of a fence, wall or other means of enclosure as part of the plan, the fence, wall or other means of enclosure shall be maintained in good repair.

M. EXEMPTIONS

The following uses are exempted by this ordinance and permitted in any use district:

Poles, wires, cables, conduits, laterals, pipes, mains and valves or other similar distribution equipment of a public utility as defined in "An Act Concerning Public Utilities" (220 ILCS 5/1-101 et. seq.), a telecommunications company (subject to the provisions of Article VIII of this ordinance), or of a public utility owned and operated by a unit of local government, provided that no pole shall be permitted to exceed the height limits applicable to the district in which the pole is located unless a special use has been granted after hearing and approval as provided in this ordinance.

Notwithstanding any other provision of this Zoning Ordinance to the contrary, all Village uses, buildings, structures, and facilities shall be permitted by-right in all zoning districts in the Village, currently existing and hereafter created, and such Village uses, buildings, structures, and facilities shall be exempt from the otherwise applicable regulations of this ordinance provided that prior to constructing, enlarging or relocating a public building, structure, or facility, plans must be submitted to the Planning and Zoning Commission for comment; (Ord. No. 14-20, Sec. 2, 8-21-14)

N. SCREENING OF ROOFTOP EQUIPMENT

1. Applicability

The screening requirements set forth in this Section N apply to the following:

- a. Planned Unit Developments.
- b. Land included within subdivisions.
- c. New buildings and other structures located within business zoning districts which have a floor area greater than 2,000 square feet.
- d. Major alternations of non-residential uses which result in the reconfiguration or alternation of not less than 2,000 square feet of surface area.
- e. Property for which a special use or a variation has been granted where the special use or variation was grated on the condition there is compliance with the screening requirements provided for in this Section N.

No building permit shall be issued for any building or structure located on property to which the screening requirements set forth in this Section N

are applicable unless plans have been submitted to and approved by the Village staff which show how the requirements of this Section N are to be met.

2. Non-applicability to Telecommunications Equipment

The screening requirements of this Section N do not apply to satellite dishes used for the reception of television signals, antennas used for telecommunications purposes, and other types of equipment used solely for telecommunications purposes.

3. Screening of Rooftop Equipment Required

Equipment, other than telecommunications equipment as set forth in Sub-section 2 of this Section H, located on the roof of a building or structure, including, but not limited to, heating, ventilating and air conditioning equipment, and elevator equipment, shall be completely screened so that the equipment cannot be viewed by a person who is less than six feet tall while such person is standing on a public street or public sidewalk that is located adjacent to the property on which the building or structure is located. The screening required by this sub-section shall be provided by a parapet, roof-top fence, or other form of screening which is compatible in design, and color with the materials, color and design of the exterior of the building on which the equipment is located. (Ord. 2000-45)

O. DESIGN GUIDELINE STANDARDS

1. Purpose

The purpose of these design guideline standards is to promote careful planning and creative design so as to enhance the character of the Village and maintain and enhance the value of property within the Village as the Village develops in the future pursuant to the Village's Comprehensive Plan and Zoning Ordinance. Additionally, by applying the design guideline standards to all multi-family residential, commercial, public land uses and redevelopment projects, the Village will achieve and maintain a smooth, aesthetically attractive transition from detached single-family residential and mixed uses and small town feel.

2. Applicability

The design guideline standards set forth in this Section O apply to multi-family residential, commercial, public land uses and redevelopment projects as follows:

- a. Planned Unit Developments.

- b. Land included within those subdivisions requiring preliminary plat approval.
- c. New construction.
- d. All redevelopment, renovations or alterations on buildings and other structures.
- e. All renovations or alterations of facades on existing buildings and other structures which require Village approval.
- f. All improvements or changes on existing buildings and other structures which do not require Village approval but where one or more of said design guidelines set forth below are applicable to such improvements or changes.
- g. Property for which a conditional use or a variation has been granted where the conditional use or variation was granted on the condition there is compliance with the design guideline standards provided for in this Section O.

3. Relation to Subdivision Control Regulation Requirements and Landscape Standards

The design guideline standards contained in this Section O are in addition to the design standards, development requirements and the planting and other landscape requirements contained in Chapter 19 “Subdivisions” of the Code of Ordinances of the Village of Fox River Grove and the landscape standards contained in Section “L” of the Zoning Ordinance. The design guideline standards shall not in any way affect the design standards, development requirements and the planting and other landscape requirements contained in Chapter 19 “Subdivisions” of the Code of Ordinances of the Village of Fox River Grove and the landscape standards contained in Section “L” of the Zoning Ordinance.

4. Design Guideline Standards

The following design guideline standards shall apply to all multi-family residential, commercial, public land uses and redevelopment projects:

- a. Any increase in building height shall be gradual as distances from detached single-family residential areas and streets increase. Height transitions between buildings are to be less than a maximum ratio of 1:15. The topography and below ground parking shall be utilized to reduce the apparent height of buildings.

Feathering between residential and mixed-use areas through spacing setbacks, building details, screening, buffering and other techniques shall be used to emphasize blending with surrounding neighborhoods.

- b. The buildings shall be tied together architecturally with canopies, continuation of sill and lintel levels, similarly pitched roofs, use of similar materials, harmonious colorings, and any other techniques that accomplish architectural symmetry.
- c. Monotonous repetition of façades shall be avoided by the use of varying textures, roof lines, breaks in elevations, architectural detailing around windows and doors, parapets, etc.; however facades shall not be excessively ornamental.
- d. Adjacent buildings shall be of similar style and proportional to each other.
- e. Main entrances to buildings are to be prominent, with distinct architectural features at the street elevation, such as canopies, arcades, columns, taller roof lines, etc. The use of awnings shall be limited.
- f. The appearance of flat roof lines shall be avoided. Roof lines are to vary in height. Flat “Green Roofs,” i.e., covered with plants and approved landscaping may be considered.
- g. Window sizes shall be proportional to wall surfaces and shall be proportional in their arrangement on the building or structure.
- h. Architectural transitions through the use of varying materials, colors and accents shall be used between different levels of each building. Variations in materials and accents on different levels are encouraged.
- i. Decorative items such as fences, light poles, entrance posts and light fixtures shall be used to soften building mass.
- j. Subdued colors are to be used. Bright or iridescent colors are not to be used, unless it is demonstrated that such colors are appropriate for the building or structure in question.
- k. Visibility of parking shall be minimized with landscaping, berming, decorative walls, placement of garage doors in the rear, underground parking, façade treatments and avoidance of large expanses of parking lot, unless it is demonstrated that large

expanses of parking are appropriate for the use and a hardship exists which warrants such a parking lot and appropriate screening is provided with decorative elements, building wall extensions, plantings and berms.

- l. Mechanical equipment, service areas and trash enclosures shall be screened from public view.
- m. Landscaping shall be designed by a licensed landscape architect and shall be an integral part of the overall design. Landscaping shall be used for screening, shade, delineation of space, accents, focal points, to compliment building lines and provide privacy. Plants shall be hardy and include year-round and seasonal varieties. Landscape buffers between used and heavily traveled areas shall be required. The use of native plants is encouraged in all landscaping plans.
- n. Site amenities such as interior sidewalks, patios, plazas, bike racks, seating, gazebos and fountains, shall be provided and tied to the buildings(s) and landscape architecture.
- o. Public spaces shall be created, such as pocket parks, sitting gardens and courtyards, for people to relax in and enjoy.
- p. Lighting and signage shall be integrated and compatible with the buildings(s) and landscape architecture. Non-decorative lighting shall be unobtrusive.
- q. All materials and finishes shall be selected for their durability and ease of maintenance as well as their aesthetic characteristics.
- r. The site plan and landscape plan shall be designed to allow easy access for maintenance of buildings, landscaping, sidewalks, furniture and fixtures, as well as spaces to hold excess snow.
- s. The design guideline standards shall be applied on all sides of each building and throughout the development.

5. Photographic Exhibits

To assist in the interpretation of the design guideline standards imposed by this Section O, the photographic exhibits found in Section X of the Village's 2007 Comprehensive Plan, are hereby incorporated herein as if fully set forth herein. Appropriate streetscape character for downtown mixed-use areas are to be comparable to and / or consistent with what is generally depicted in said photographic exhibits found in the Comprehensive Plan. In the event of any

conflict between any regulatory language in this Section O and any photographic exhibit, the regulatory language shall control.

6. Plan Review

No building permit shall be issued for any building or structure located on property to which the design guideline standards set forth in Section 4 are applicable until site plans, landscape plans, architectural renderings or any other plans deemed necessary by the Village staff to determine compliance with the design guideline standards have been submitted to and approved by the Village's Planning Consultant.

Where a project is not required to have its plans reviewed by the Planning and Zoning Commission and/or the Village Board under the Subdivision Ordinance, the Zoning Ordinance or permit application process, the Village Staff, the Planning Consultant, the Village Administrator or the Village President shall have the authority to refer said plans to the Planning and Zoning Commission and/or the Village Board for review and approval of conformity with the design guideline standards set forth in paragraph 4 of this Section O.

7. Reimbursement of Costs for Design Review

The cost to the Village of all work performed by Village consultants, including but not limited to the Village Engineer, the Planning Consultant, Village Attorney and Forester, in the plan review pursuant to Section 6 above, shall be recoverable by the Village from the owner or developer. All work performed by Village consultants shall be billed to the owner or developer in the amount which the Village was billed by the consultant. The Village will issue invoices for any work for which the Village is entitled to recover the cost pursuant to this Section or any other provision of the Village Code. Invoices not paid in full within thirty (30) days shall be considered delinquent. All fees and charges established herein are in addition to the fees charged, reimbursement of costs required and security required pursuant to Chapter 2, Sec. 2-7, "reimbursement of Costs Incurred and Time and Materials expended Relating to the Zoning, Annexation or Development of Land", Chapter 6, "Building and Building Regulations", Chapter 18, "Streets and Sidewalks", Chapter 19, "Subdivisions", Chapter 23, "Water and Sewers", and the Village Zoning Ordinance; provided that an owner or developer shall not be billed twice for the same costs incurred by the Village.

The Village consultants, including but not limited to the Village Engineer, the Planning Consultant, Village Attorney and Forester, shall submit itemized bills for services, materials and out-of-pocket costs incurred in performing tasks falling within the scope of Section 6. Standard hourly or per diem rates

normally billed to the Village shall be charged. (Ord. 2008-15, Sec. 1, 8-21-08)

ARTICLE V ZONING DISTRICTS

A. ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose and provisions of this ordinance, the Village of Fox River Grove is hereby divided in the following districts:

Residential Districts

- R1 Single-Family Residence
- R1A Single-Family Residence
- R2 Single-Family Residence
- R3 General Residence

Business Districts:

- B1 Retail\Service Business
- B2 General Business
- B3 Commercial Recreation Area
- B4 Community Shopping Center
- B5 Light Assembly - Marinas

B. ZONING DISTRICT MAP AND BOUNDARIES OF DISTRICTS

1. Zoning District Map

The districts and their boundaries are as shown upon the current zoning district map entitled Zoning District Map, Village of Fox River Grove, Illinois, which map and all amendments thereto and all notations references, and other information shown thereon are hereby incorporated and made a part of this ordinance, with the same force and effect as if the said zoning district map, amendments, notations, references, and other information were fully herein set forth.

2. Boundaries of Districts

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

- a. Where district boundaries are indicated as following streets or alleys or extensions thereof, such boundaries shall be construed to be the center lines of said streets, alleys or extensions thereof.

- b. 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.
- c. Where a district boundary line divides a lot that is under single ownership, the regulations of this ordinance for either portion of the lot may, at the owner's discretion, apply to the entire area of the lot or 25 feet beyond the zoning district boundary line whichever is the lesser distance.

C. ANNEXED TERRITORY

All territory that is annexed to the Village shall upon annexation be classified as being within an R-1 Zoning District until such time as the Corporate Authorities of the Village enact an ordinance changing the zoning classification of the territory.

ARTICLE VI RESIDENCE DISTRICTS

The Residential District regulations are intended to protect the overall character of the Village by preserving established residential areas and encouraging new development consistent with the character of the Village. Commercial activities are prohibited in the Residential Districts unless expressly permitted by this Zoning Ordinance. Four zoning districts are provided for residential development: the R1, R1A, R2 and R3 districts.

The R1 Single-Family Residence District is intended for low density single-family residential use. Sanitary sewer services may not be available in areas classified in the R1 district. To protect the character of the district, permitted uses are limited to single-family residential dwellings, small community residential homes, public parks and playgrounds, and accessory uses and home occupations customarily incidental to the principal use. Certain specified cultural, educational, religious, and public uses may be allowed pursuant to a special use permit.

The R1A Single-Family Residence District is intended to provide a quality environment for single-family dwellings on moderately large lots. To protect the character of the district, permitted uses are limited to single-family residential dwellings, small community residential homes, public parks and playgrounds, and accessory uses and home occupations customarily incidental to the principal use. Certain specified cultural, educational, religious, and public uses may be allowed pursuant to a special use permit.

The R2 Single-Family Residence District is intended to promote single-family residential development in a suburban environment. To protect the character of the district, permitted uses are limited to single-family residential dwellings, small community residential homes, public

parks and playgrounds, and accessory uses and home occupations customarily incidental to the principal use. Certain specified cultural, educational, religious, and public uses may be allowed pursuant to a special use permit.

The R3 General Residence District is intended for those areas of the Village, given consideration for location, surrounding uses, topography and appropriate soil, which can be devoted to more intensive uses. To protect the character of this district, permitted uses are limited to single-family residential dwellings, multiple-family residential dwellings, two-family detached dwellings, community residential homes, and public parks and playgrounds. Certain specified cultural, educational, religious, and public uses, nursing homes, institutions, and hospitals may be allowed pursuant to a special use permit.

A. **TABLE 1 - TABLE OF PERMITTED AND SPECIAL USES IN RESIDENTIAL DISTRICTS**

- R1 Single-Family Residence
- R1A Single-Family Residence
- R2 Single-Family Residence
- R3 General Residence

The following uses, and no others, are allowed as permitted or special uses in the respective zoning districts as indicated in the following table:

Table 1: Permitted and Special Uses for Residential Districts				
Permitted and Special Use List	R-1	R-1A	R-2	R-3
Accessory uses (except for home occupations) customarily incidental to permitted uses and subject to the limitations contained in Sections 111.B.2, IV.F, and VI.B.1.	P	P	P	P
Accessory uses customarily incidental to permitted uses – including off-street parking and off-street loading facilities, and signs as herein regulated.				P
Accessory uses customarily incidental to a special use, including but not limited to, off-street parking and off-street loading and signs as herein regulated.	S	S	S	S
Art galleries or museums, public	S	S	S	S
Businesses that entail the training, breeding, day boarding, or grooming of common household pets on the premises.	S	S	S	
Churches, temples or synagogues	S	S	S	S

Permitted and Special Use List	R-1	R-1A	R-2	R-3
Colleges, universities and accessory uses thereto	S	S	S	S
Community centers, municipal including administrative offices and recreational centers	S	S	S	S
Community residential home, large	S	S	S	P
Community residential home, small	P	P	P	P
Convents, monasteries and seminaries				S
Day Care Centers, in Home. (Commercial day care not allowed in residential zoning districts unless situated in a home.)	S	S	S	S
Dwellings Multiple family dwellings of less than 3 stories Single-family detached dwellings Two family detached dwellings	P	P	P	P P P
Golf courses, standard or par 3 – on a lot not less than 25 acres in area, but not artificially lighted golf courses for night play, or miniature or pitch and putt golf courses and commercially operated driving ranges.	S	S	S	S
Home occupations, subject to Section VI.B.2	P	P	P	P
Home tours and related uses, subject to Section VI.B.6	S	S	S	S
Hospitals including accessory, drug dispensaries and medical or dental clinics for out-patients.				S
Institutions for the care of the aged and/or children				S
Libraries	S	S	S	S
Multiple Family Dwellings 3 stories or greater				S
Non-Village Municipal Public Works Facility With or Without Outdoor Storage and Non-Village Municipal Communications Equipment	S	S	S	S
Nursing homes				S
Parks and playgrounds private – not-for-profit	S	S	S	S

Permitted and Special Use List	R-1	R-1A	R-2	R-3
Parks and Playgrounds, Public	P	P	P	P
Planned Unit Developments – in accordance with Article XIII of this Ordinance	S	S	S	S
Public utility and governmental services uses on lots having areas and widths as approved by the Village Board				
Electric distribution centers	S	S	S	S
Fire stations	S	S	S	S
Gas regulator stations	S	S	S	S
Police stations	S	S	S	S
Bus passenger shelters	S	S	S	S
Telephone transmission equipment buildings and microwave relay towers	S	S	S	S
Water filtration plants, pumping stations and reservoirs	S	S	S	S
Schools, non-boarding	S	S	S	S
Schools, boarding	S	S	S	S
Temporary buildings for construction purposes for a period not to exceed such construction.	P	P	P	P
Village uses, buildings, structures and facilities (see Section IV.M)	P	P	P	P

(Ord. No. 2009-12, Sec. 3 4-16-09; Ord. No. 2010-26, Sec. 2, 8-19-10; Ord. No. 13-22, Sec. 3, 9-5-13; Ord. No. 14-20, Sec. 3, 8-21-14)

B. GENERAL REGULATIONS

1. Accessory Uses

- a. All accessory buildings, structures, and uses in the Residential Districts must meet the standards set forth in the definition of accessory buildings, structures, and uses contained in Section III.B.2, the general regulations set forth in Section IV.F, and all other applicable regulations of this Zoning Ordinance.
- b. Any accessory use that would require a special use permit in the underlying zoning district if the use were a principal use shall not be permitted as an accessory use without a special use permit.
- c. When the district regulations of this Zoning Ordinance require compliance with any procedures or standards with respect to a specific use, that use shall not be established as

an accessory use except in compliance with those procedures and standards.

- d. Accessory uses must be customary and incidental to the principal use.
- e. Commercial uses are prohibited as accessory uses in the residential districts unless such use is authorized as a home occupation pursuant to Section VI.B.2 or approved as part of a special use permit authorized by Table 1.
- f. The following accessory uses, structures, and buildings are examples of accessory uses, structures, and buildings that are customarily incidental to and compatible with residential activities and, therefore, are allowed as accessory uses, structures, and buildings in the residence district, subject to compliance with all applicable regulations of this Zoning Ordinance:
 - a. Home occupations, subject to Section VI.B.2.
 - b. Off-street parking, subject to Article IX.
 - c. Off-street loading, subject to Section IX.H.
 - d. Signs, subject to Section IX.I.
 - e. Recreational facilities accessory to the residence, including swing sets, playhouses, swimming pools, tennis courts, docks, and playing courts.
 - f. Gazebos, decks, patios, and similar structures.
 - g. Sheds.
 - h. Any other use similar to the uses listed above determined by the Village Board to be incidental to or compatible with the principal use and the residence district. (Ord. 13-22, Sec. 4, 9-5-13)

2. Home Occupations

- a. Home occupations shall be permitted in a dwelling unit and/or accessory buildings located within a residence district provided all the following conditions are met:
 - 1. There shall be no signs to indicate that the dwelling unit and/or accessory buildings are being used for any purpose

other than as a residence.

2. There shall be no activity or display that will indicate from the exterior that the dwelling unit and/or accessory buildings are being utilized for any purpose other than as a residence.
3. The persons engaging in the home occupation shall be limited to persons residing in the dwelling unit plus one additional person.
4. There shall be no external alterations, whether permanent or temporary, to the dwelling unit or any accessory building as a result of the home occupation which would diminish the residential character of the dwelling unit or accessory building.
5. All activities and all storage undertaken in connection with or as a result of the home occupations shall be conducted entirely within the dwelling unit and/or accessory buildings, except for outdoor play areas required for home daycares.
6. The conducting of the home occupation shall not cause motor vehicle traffic on the street or streets on which the dwelling unit is located, to increase to a level greater than that generally found on the same type of street located within the same zoning district as the dwelling unit.
7. An area no more than twenty-five (25%) percent of the floor space of the dwelling unit including the basement or five hundred (500) square feet of floor space, whichever is less, shall be devoted to the home occupation.
8. No home occupation shall create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance, visual or otherwise, to any greater or more frequent extent than that usually experienced in any average residential occupancy in the district in question under normal circumstances when no home occupation exists.
9. There must be compliance with all other applicable provisions of the Village of Fox River Grove Zoning Ordinance and the Code of Ordinances of the Village of Fox River Grove, including but not limited to any building permit and business license permit requirements.

10. There shall be no more than one home occupation in a dwelling unit.
 11. Parking, receipt, and delivery of goods and equipment shall be in keeping with the residential character of the property.
- b. Home occupations shall require approval as a special use (as recommended after hearing and approval as provided in this ordinance) if:
1. Any of the conditions set forth in subsection (a) of this subsection are not met;
 2. The home occupation will require the handling of food or foodstuffs, the caring for or treatment of humans or animals; or
 3. The proposed home occupation use would otherwise require a special use permit if it were a principal use.
- c. The following home occupations are examples of uses that are customarily incidental to and compatible with residential activities and, therefore, are allowed as a home occupation in the Residential Districts, subject to compliance with all applicable regulations of this Zoning Ordinance:
1. Professional office, including architect, engineer, attorney, or other recognized profession.
 2. Barber and beauty shop.
 3. Bookkeeping/accounting.
 4. Doctor, dentist, and therapist office.
 5. Computer services.
 6. Contractor (office only).
 7. Interior decorator/designer.
 8. Sewing, tailoring, knitting, and home crafts.
 9. Painting, sculpturing, or writing.
 10. Day care homes.
 11. Home tours and related uses, subject to a special use permit pursuant to Section VI.B.6.

12. Any other use similar to the uses listed above determined by the Village Board to be incidental to or compatible with residential activities.
- d. The following are examples of uses that are not customarily incidental to or compatible with residential activities and are, therefore, prohibited in the Residential Districts:
1. Adult business.
 2. Hospitals or medical centers.
 3. Massage Establishments.
 4. Restaurants.
 5. Banquet facilities and catered events.
 6. Storage of equipment, materials, and other accessories for the construction and service trades.
 7. The sale or manufacture of alcoholic beverages, tobacco products, or firearms or other weapons.
 8. Vehicle repair (body or mechanical) and automobile detailing and painting.
 9. Other similar uses as determined by the Village Board not to be incidental to or compatible with residential activities. (Ord. 13-22, Sec. 5, 9-5-13)
3. Community Residential Homes
- a. Community Residential Home, Small - allowed in all Village residential zones as a permitted use upon the issuance of an Administrative Occupancy Permit.
 - b. Community Residential Home, Large - allowed in the R-1, R-1A and R-2 zoning districts upon the issuance of a Special Use Permit and an Administrative Occupancy Permit as set forth in the requirements found in this section. Allowed in the R-3 zoning district as a permitted use, but must receive an Administrative Occupancy Permit and must meet specific location requirements set forth below.
 - c. Administrative Occupancy Permit:

Any Community Residential Home, Large, having five or more residents who are persons with disabilities shall not be occupied by any resident unless the sponsor shall have first obtained from the Village Staff, an occupancy permit authorizing the use of the dwelling unit as a community residential home. A community residential home is required to meet the following conditions in order to receive an administrative occupancy permit.

1. The residence shall be licensed by the State;
2. The residence shall meet the spacing requirements for Community Residential Homes, Large;
3. The residence complies with all applicable codes, regulations and policies of the Village of Fox River Grove;
4. Each residence shall provide one parking space per employee present, plus one space for each resident who owns and/or operates a motor vehicle. All required parking shall be accommodated in the residence's garage and driveway;
5. All community residences requiring an administrative occupancy permit shall renew their permit annually and provide a copy of their current state license.
6. Any increase in the number of residents living in the facility beyond what the administrative occupancy permit allows will require reapplication by the community residence sponsor.

d. Spacing Requirement for Community Residential Home, Large

No community residential home, large shall be located within 1,320 lineal feet (as measured property line to property line) from an existing or approved community residential home, small or large.

e. Special Use Permit

A special use permit shall be granted for a community residential home, large, required to obtain said permit only if the Village Board, after a public hearing and upon the recommendation of the Planning and Zoning Commission, finds the following conditions to exist;

1. The design, location, and operation of the community residential home, large, will not be detrimental to or endanger the public health, safety and welfare.
2. The community residential home will not substantially diminish the economic value of properties in the surrounding area of the proposed home.
3. The granting of the permit will not result in the concentration of community residential homes or other such facilities for service dependent persons to the extent that the nature and character of the surrounding area would be substantially altered.
4. The proposed use of the affected property complies with all applicable laws, ordinances and administrative regulations.

The application for a special use permit shall be subject to the procedures set forth in Article XI(L) Conditional Uses and the conditions set forth therein.

4. Maximum Number of Inhabitants in a Dwelling Unit

The maximum number of persons age 18 or older who may inhabit a dwelling unit or use a dwelling unit as their principal residence is two for each room within a dwelling unit. For purposes of this section, bathrooms and hallways shall not constitute a room and a room where a kitchen is located shall not constitute a room unless the dwelling unit is an efficiency dwelling unit.

5. Conversions

In the R3 District, conversions of existing residential buildings shall produce a minimum of 750 square feet of floor area per dwelling unit, except that efficiency units shall contain at least 450 square feet each.

6. Home Tours and Related Uses.

Home tours and related uses are permitted as a special use in the residence districts provided all of the following conditions are met:

- a. Issuance of a special use permit pursuant to the standards and procedures set forth in Section XI(D)3 of this Zoning Ordinance.

- b. Home tours and related uses do not include banquet facilities, catered events, gift shops, or similar commercial uses.
- c. The ordinance granting a special use permit for home tours and related uses may contain additional conditions on the special use permit including without limitation, a requirement that the owner submit a parking and traffic plan and calendar of proposed events and activities, limitations on the hours of operation, the number of home tours and related uses, and the number of persons allowed to participate in the home tours and related uses, restrictions on signage and other advertising, periodic inspections by the Village, and any other conditions or restrictions on the use determined by the Village to be necessary or desirable to mitigate any impact on neighboring properties or the surrounding area. (Ord. 13-22, Sec. 6, 9-5-13)

C. R1 SINGLE-FAMILY RESIDENCE DISTRICT

1. Permitted Uses

The uses designated as permitted uses in the category R-1 in the Permitted Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are permitted uses in the R1 Single-Family Residence District.

2. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category R-1 in the Special Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are special uses in the R1 Single-Family Residence District.

3. Lot Area

- a. Single-family detached dwelling - not less than one half (0.5) acre provided that the dwelling is attached to the Village’s sanitary sewer system. If the dwelling is not attached to the Village’s sanitary sewer system, the lot must be not less than one (1.0) acre.
- b. Non-residential uses - the minimum lot area for a non-residential use shall be 60,000 square feet or the minimum area established pursuant to Table 1 “Permitted and Special Uses in Residential Zoning Districts”.

4. Lot Width

- a. Single-family detached dwellings - not less than 110 feet.
- b. Non-residential uses - not less than 130 feet; provided that if a non-residential use is specifically or typically associated with a permitted residential use, the minimum lot width shall be the minimum lot width required for the permitted residential use.

5. Floor Area Ratio

- a. Single-family detached dwellings - not applicable.
- b. Non-residential uses - not more than 0.3.

6. Building Height

- a. Single-family detached dwellings - not more than two and one-half stories or 30 feet whichever is lower.
- b. Non-residential uses - not more than forty-five (45) feet.

7. Useable Floor Area Per Dwelling

- a. One-story dwelling without cellar - not less than 1,800 square feet.
- b. One-story dwellings with cellar - not less than 1,500 square feet.
- c. Dwellings having more than one story.
 - 1. Not less than 1,100 square feet for a one and one-half story dwelling.
 - 2. Not less than 950 square feet for two story or two and one-half story dwellings.

8. Yards

Except as may be otherwise herein required, yards shall be provided on each lot in accordance with the following:

- a. Front Yard: - not less than fifty (50) feet in depth.
- b. Side Yards

1. Two side yards - each side yard shall have a width of not less than fifteen (15) feet.
 2. On corner lots the side yard adjoining a street shall be not less than fifty (50) feet in width.
- c. Rear Yard - not less than sixty (60) feet in depth.
- d. Yards, General - non-residential uses - for buildings more than thirty (30) feet in height, each side yard as required above shall be increased in width by two (2) feet for each additional one (1) foot of building height over thirty (30) feet.
9. Minimum Green Area
- A minimum of sixty (60%) percent of the front setback area of the lot shall be maintained as green area and landscaped with vegetation.
10. Off-Street Parking and Off-Street Loading
- In accordance with applicable regulations herein set forth in Article IX.

D. R-1A SINGLE-FAMILY RESIDENCE DISTRICT

1. Permitted Uses
- The uses designated as permitted uses in the category R-1A in the Permitted Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are permitted uses in the R1A Single-Family Residence District.
2. Special Uses (as recommended after hearing and approval as provided in this ordinance).
- The uses designated as special uses in the category R-1A in the Special Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are special uses in the R1A Single-Family Residence District.
3. Lot Area
- a. Single-family detached dwellings - not less than 12,000 square feet.
 - b. Non-residential uses - as set forth in Section VI(C)(3)(b) for the R-1 Zoning District.

4. Lot Width

- a. Single-family detached dwellings - not less than eighty (80) feet.
- b. Non-residential uses - as set forth in Section VI(C)(4)(b) for the R-1 zoning district.

5. Floor Area Ratio

- a. Single-family detached dwellings - not more than 0.3.
- b. Non-residential uses:
 - 1. For one story buildings not more than 0.3;
 - 2. For buildings with two or more stories not more than 0.5.

6. Building Height

- a. Single-family detached dwellings - not more than two and one-half stories or thirty (30) feet whichever is lower.
- b. Non-residential uses not more than forty-five (45) feet.

7. Useable Floor Area Per Dwelling

The minimum useable floor area per dwelling shall be as established for the R-1 Zoning District.

8. Yards

Except as may herein otherwise be required, or required by the Village Board for a special use, yards shall be provided in each lot in accordance with the following:

- a. Front Yard - not less than thirty (30) feet in depth.
- b. Side Yards
 - 1. Two side yards having a combined width of not less than twenty (20) feet with neither side yard less than eight (8) feet in width.
 - 2. On corner lots, the side yard adjoining a street shall be not less than twenty (20) feet in width and on a reversed corner

lot or a corner lot having the side yard directly across the street from a front yard of a residential lot, the side yard adjoining a street shall be not less than thirty (30) feet in depth.

- c. Rear Yard - not less than forty (40) feet in depth.
- d. Yards, General - Non-residential permitted uses and special uses – for building more than thirty (30) feet in height, each front, side and rear yard as required above shall be increased in width by two (2) feet for each additional one (1) foot of building height over thirty (30) feet.

9. Minimum Green Area

A minimum of sixty (60%) percent of the front setback area of the lot shall be maintained as green area and landscaped with vegetation.

10. Off-Street Parking and Off-Street Loading

In accordance with applicable regulations set forth herein in Article IX.

E. R2 SINGLE-FAMILY RESIDENCE DISTRICT

1. Permitted Uses

The uses designated as permitted uses in the category R-2 in the Permitted Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are permitted uses in the R2 Single-Family Residence District.

2. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category R-2 in the Special Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are special uses in the R2 Single-Family Residence District.

3. Lot Area

- a. Single-family detached dwellings - not less than 9,240 square feet.
- b. Nonresidential uses - as set forth in Section VI(C)(3)(b) for the R-1 zoning district.

4. Lot Width

- a. Single-family detached dwellings - not less than sixty-five (65) feet. (Ord. 2003-29)
- b. Non-residential uses - as set forth in Section VI(C)(4)(b) for the R-1 zoning district.

5. Floor Area Ratio

- a. Single-family detached dwellings:
 - 1. For lots less than 12,000 square feet not more than 0.35.
 - 2. For lots 12,000 square feet or greater not more than .3.
- b. Non-residential uses:
 - 1. For one story buildings not more than 0.3.
 - 2. For two or more story buildings not more than 0.5.

6. Building Height

- a. Single-family detached dwellings - not more than two and one-half stories or thirty (30) feet whichever is lower.
- b. Non-residential uses not more than forty-five (45) feet.

7. Useable Floor Area Per Dwelling

The minimum useable floor area per dwelling shall be as established for the R-1 Zoning District.

8. Yards

Except as may herein otherwise be required, or required by the Village Board for a special use, yards shall be provided in each lot in accordance with the following:

- a. Front Yard - not less than thirty (30) feet in depth.
- b. Side Yards
 - 1. Two side yards with neither side yard less than eight (8) feet in width.

2. On corner lots, the side yard adjoining a street shall be not less than fifteen (15) feet in width and on a reversed corner lot or a corner lot having the side yard directly across the street from a front yard of a residential lot, the side yard adjoining a street shall be not less than thirty (30) feet in depth.

c. Rear Yard - not less than forty (40) feet in depth.

d. Yards, General - non-residential permitted uses and special uses – for building more than thirty (30) feet in height, each front, side, and rear yard as required above shall be increased in width or depth by two (2) feet for each additional one (1) foot of building height over thirty (30) feet.

9. Minimum Green Area

A minimum of sixty (60%) percent of the front setback area of the lot shall be maintained as green area and landscaped with vegetation.

10. Off-Street Parking and Off-Street Loading

In accordance with applicable regulations set forth herein in Article IX.

F. R3 GENERAL RESIDENCE DISTRICT

1. Permitted Uses

The uses designated as permitted uses in the category R-3 in the Permitted Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are permitted uses in the R3 General Residence District

2. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category R-3 in the Permitted Use List contained in Table 1 “Permitted and Special Uses in Residential Zoning Districts” are special uses in the R3 General Residence District

3. Lot Area

a. Single-family detached dwellings - not less than 9,240 square feet.

b. Two-family detached dwellings - not less than 11,000 square feet.

- c. Multiple-family dwellings - not less than 3,000 square feet for each dwelling unit except for one bedroom or efficiency type dwelling units -not less than 2,000 square feet.
 - 4. Non residential uses - as set forth in Section VI(C)(3)(b) for the R-1 zoning district.
- 4. Lot Width
 - a. Single-family detached dwellings - not less than seventy (70) feet.
 - b. Two-family detached dwellings - not less than eighty (80) feet.
 - c. Non residential uses - as set forth in Section VI(C)(4)(b) for the R-1 zoning district.
- 5. Floor Area Ratio
 - a. Not applicable for dwellings, except multiple-family dwellings.
 - b. Multiple-family dwellings - not more than 0.6.
 - c. Non-residential uses - as in the R2 District.
- 6. Building Height
 - a. All dwellings - as in the R2 District, except two-family dwellings - not more than three stories or 35 feet in height - whichever is less, and multiple family dwellings - not more than three stories or 35 feet in height - whichever is less.
 - b. Non-residential uses - as in the R2 District.
- 7. Useable Floor Area Per Dwelling
 - a. Single-family detached dwellings - as in the R2 District.
 - b. Two-family detached dwellings - not less than 920 square feet.
 - c. Multiple family dwellings - not less than 450 square feet.
- 8. Yards
 - a. As in the R2 District, except:

1. Interior side yards for multiple-family dwelling - two side yards having a combined width of not less than twenty (20) feet with neither side yard less than nine (9) feet wide and a side yard adjoining a street - as herein required for a side yard adjoining a street in the R2 District;
2. Rear yard for a multiple-family dwelling - not less than thirty (30) feet in depth, except when a rear yard adjoins an alley or service drive - not less than thirty (30) feet wide, measured from the center line of the alley or service.

9. Minimum Green Area

For single family detached and two-family detached dwellings, a minimum of sixty (60%) percent of the front setback area of the lot shall be maintained as green area and landscaped with vegetation.

10. Spacing between Buildings

When there are two or more multiple-family dwelling buildings, or a combination thereof on a lot or on contiguous lots, initially under single ownership or control, the distance between the building walls shall be as follows:

- a. When the front wall of a building faces the front wall or rear wall of the nearest building, the distance between the two building walls shall be not less than fifty (50) feet.
- b. When the rear wall of a building faces the rear wall of the nearest building the distance between the two building walls shall be not less than forty (40) feet.
- c. When the side wall of a building faces the front or rear wall of the nearest building, the distance between the two building walls shall be not less than thirty (30) feet, except when the facing side wall contains more than two windows on a floor that are not windows from bathrooms or storage rooms, such distance between buildings shall be not less than forty (40) feet, or not less than fifty (50) feet if a main entrance doorway is also in such side wall.
- d. When the side wall containing not more than four (4) windows, two (2) of which are from bathrooms or storage rooms, faces such side wall of the nearest building, the distance between the two building walls shall be not less than ten (10) feet. When the facing side wall of either or both of such buildings contains more than two window openings that are not windows from bathrooms or

storage rooms, the distance between walls shall be not less than forty (40) feet, or not less than fifty (50) feet if either or both such side walls also contain a main entrance doorway.

- e. A wall of a detached building forming the end of a court shall be not less than ten (10) feet from the nearest wall or part of the wall containing no windows or doors of a building forming the sides of the court is not less than the applicable requirements as set forth above.
- f. When a wall containing no window or doorway, or when the end of a wall contains no window or doorway faces such a wall or end of wall of the nearest building the distance between such two building walls may be not less than ten (10) feet.

11. Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article IX.

ARTICLE VII BUSINESS DISTRICTS

Business District regulations govern the development and use of the full range of business and commercial establishments needed to provide service to the citizens of Fox River Grove and its trading area. Regulations in the various business districts provide for the groupings of compatible business and commercial establishments in accordance with their function and extent of service.

1. **TABLE 2 - TABLE OF PERMITTED AND SPECIAL USES IN BUSINESS DISTRICTS**

- B1 Retail/Service Business
- B2 General Business
- B3 Commercial Recreation Area
- B4 Community Shopping Center
- B5 Light Assembly – Marinas

Table 2: Permitted and Special Uses for Business Zoning Districts					
Permitted and Special Use List	B1	B2	B3	B4	B5
Accessory Uses to Permitted Uses	P	P	P	P	P
Adult-Use Cannabis Dispensing Organization	S	S		S	S
Adult Uses					P

Permitted and Special Use List	B1	B2	B3	B4	B5
Amusement Establishments – outdoor	S	S			
Animal Hospitals	S	S		S	
Antique Shops	P	P		P	S
Art and School Supply Stores	P	P		P	S
Art Galleries	P	P		P	S
Athletic Facilities – Indoor			S		
Athletic Facilities – Outdoor			P		
Auction Rooms	S	P		P	P
Bakeries, Retail	P	P		P	S
Bakeries, Wholesale	S	P		P	P
Banks and Financial Institutions	P	P		P	
Barber Shops	P	P		P	
Beauty Shops	P	P		P	
Bicycle Shops, Rental and Repair	P	P	S	P	P
Blueprint and Photostat Establishments	P	P		P	P
Boat Sales		S			S
Book and Stationary Stores	P	P		P	
Building Material Sales Establishments – distribution of dimension lumber, millwork, cabinets, and other building materials, including milling, planing and joining.	S	P		P	P
Butcher, Retail	P	P		P	P
Camera and Photographic Supply Stores	P	P		P	P
Candy and Ice Cream Stores	P	P		P	S

Permitted and Special Use List	B1	B2	B3	B4	B5
Car Wash	S	S			S
Carpet and Rug Stores	S	P		P	
Catering Establishments	S	P		P	P
Cemeteries		S	S		
China and Glassware Stores	P	P		P	
Clothing Stores	P	P		P	
Clothing and Costume Rental Stores	P	P		P	S
Clubs and Lodges	S	P		P	P
Coin and Philatelic Stores	P	P		P	
Community Centers, Administration or Recreational	P	P		P	P
Computer, Typewriter & Adding Machine Sales and Services	S	P		P	
Consumer Electronics	P	P		P	
Currency Exchanges	P	P		P	P
Custom Dressmaking	P	P		P	
Day Care Center	S	S		S	
Delicatessens	P	P		P	S
Department Stores	S	P		P	
Drive-in Establishments	S	S		S	
Drug Stores	P	P		P	P
Dry Cleaning and Laundry, Off-Site Equipment	P	P		P	P
Dry Cleaning Establishments, On-Site Equipment	S	S		S	P
Electrical Equipment and Gas Fixtures	S	P		P	P

Permitted and Special Use List	B1	B2	B3	B4	B5
Employment Agencies	S	P		P	
Exhibition Halls	S	P		P	P
Exterminating Shops	S	P		P	P
Florist Shops	P	P		P	
Fraternal, Philanthropic, and Eleemosynary	S	P		P	P
Frozen Food Storage Lockers	S	P		P	P
Furnace and Water Heater Sales, Repairs, and Service	S	P		P	P
Furniture and Home Furnishing Stores	S	P		P	
Furrier shops - Including Storage and Conditioning	S	P		P	
Garden Supply and Seed Stores	S	P		P	
Gasoline Service Stations/Mini-Marts, including minor vehicle repairs	S	S		S	S
Gift shops	P	P		P	S
Golf Courses			P		
Greenhouses, retail	S	P		P	P
Grocery stores	P	P		P	P
Hardware stores	P	P		P	P
Health Club or Spa	S	P		P	P
Heliports			P		
Hotels and Motels	S	P		P	
Household Appliance Stores	S	P		P	
Importers and Distributors	S	P		P	P

Permitted and Special Use List	B1	B2	B3	B4	B5
Interior Decorating Shops	P	P		P	
Jewelry Stores, Sales and Repairs	P	P		P	P
Job Printing	S	S		S	S
Kennels		S			S
Laboratories, Medical and Dental	S	P		P	
Landscaping and Nursery Services		S			
Laundries, Self-Service	P	P		P	P
Laundries – Laundering and Pressing Processes	S	P		P	P
Leather Goods and Luggage Stores	P	P		P	P
Libraries, Public	P	P		P	P
Light Assembly		S			P
Liquor Stores, Retail Sales	S	P		P	
Loan Offices	P	P		P	
Locksmith Shops	P	P		P	P
Mail Order Service Stores	S	P		P	
Mail Order Houses – Orders and Services Centers	S	P		P	P
Marinas – Including Boat Launching, Rental and Docking			P		P
Marinas – Including Boat Launching, Rental and Docking Plus Winter Storage of Boats and Trailers. Must Have Direct Access to the Water.					P
Masseurs	S	S		S	S
Medical and Dental Clinics	P	P		P	P
Meeting Halls	S	P		P	P

Permitted and Special Use List	B1	B2	B3	B4	B5
Metal Plating Operations - Metal plating operations may only be located on a lot of not less than 50,000 square feet with frontage access along Northwest Highway.	P	P	P	P	P
Miscellaneous Retail	S	S		S	S
Motor Vehicle Sales Establishments	S	S		S	S
Motor Vehicle Repair Shops, Minor Repairs	S	P			P
Motor Vehicle Repair Shops, Major Repairs	S	S			S
Music Stores, Retail	P	P		P	
Music Stores – Including Instrument Repair	S	P		P	
Newspaper Distribution Agencies – Home Delivery and Retail Trade	S	P		P	P
Newspaper Offices	S	P		P	P
Offices – Business, Professional and Public	P	P		P	P
Office Supply Stores	S	P		P	P
Open Sales Lot	S	S			S
Orthopedic and Medical Appliance Stores, Retail	P	P		P	
Paint, Glass, and Wallpaper Stores	P	P		P	P
Parking Lots or Storage Garages - For Passenger Cars and Motor Trucks Under One and One-Half Ton capacity	P	P		P	P
Parks, Recreation Buildings, and Community Centers	P	P	P	P	P
Pawn Shops	S	P		P	P
Personal Wireless Facilities	S	S	S	S	S
Pet Service, Domestic	S	P		P	P
Pet Shops	S	P		P	P

Permitted and Special Use List	B1	B2	B3	B4	B5
Photography Studios – Including Developing and Printing of Photographs when Conducted as an Accessory Use of the Principal Use	S	P		P	
Picture Framing Shops, Retail	P	P		P	
Planned Unit Developments	S	S	S	S	
Plumbing, Heating, Lighting, Air Conditioning, Electrical Store & Accessory Shops – for sale of Fixtures, Equipment and Supplies		P		P	
Post Offices	S	P		P	
Printing and Publishing Establishments	S	P		P	P
Public Utility Transportation and Governmental Service Uses:					
(a) Bus Stations and Bus Turnaround Areas	S	S	S	S	S
(b) Electric Substations and Distribution Centers	S	S	S	S	S
(c) Fire Stations	S	S	S	S	S
(d) Gas Regulator Stations	S	S	S	S	S
(e) Passenger Railroad Stations	S	S	S	S	S
(f) Police Stations	S	S	S	S	S
(g) Post Offices	S	S	S	S	S
(h) Railroad Right-of-Way	S	S	S	S	S
(i) Taxi Stands	S	S	S	S	S
(j) Telephone Transmission Equipment Buildings and Microwave Relay Towers	S	S	S	S	S
(k) Water Filtration Plants, Pumping Stations, Reservoirs and Sewage Lift Stations - Municipal	S	S	S	S	S
Radio and Television Broadcasting Studios	S	P		P	S
Radio and Television Stations and Towers, Transmitting and Receiving – Less Than 35’.	S	S		S	S
Recording Studios	S	P		P	P
Restaurants – No Live Entertainment	P	P		P	P
Restaurants – May Include Live Entertainment	S	P		P	P
Restaurants – Outdoor Seating & Serving Areas	S	S		S	S
Restricted Production/Repair Operations		S		P	P

Permitted and Special Use List	B1	B2	B3	B4	B5
School – Music, Dance, Business or Trade	S	P		P	P
Second Hand Stores and Rummage Shops	P	P		P	P
Self-service Stores, Coin-Operated Vending Machines	S	P		P	P
Sewing Machine Sales and Service Stores – Household Machines Only	S	P		P	
Shoe and Hat Repair Stores	P	P		P	P
Shoe Stores	P	P		P	P
Shopping Centers	S	S		S	
Sporting Goods Stores	P	P		P	
Tailor Shops	P	P		P	
Tattoo Parlors and Body Piercing Establishments					S
Tattoo Parlors in buildings that do not exceed 2,000 square feet	S				
Taverns	S	P		P	P
Taverns – Outdoor Seating & Serving Areas	S	S		S	S
Taxidermy	S	P		P	P
Temporary Buildings for Construction Purposes	P	P		P	P
Theaters, Indoor	S	P		P	P
Tobacco Shops – Retail Sales	S	P		P	
Toy Shops	P	P		P	
Travel Bureaus and Transportation Ticket Offices	P	P		P	
Undertaking Establishments and Funeral Parlors	S	P		P	P
Variety Stores	P	P		P	P
Village uses, buildings, structures and facilities (see Section IV.M)	P	P	P	P	P

Video Tape and Video Game, Rentals and Sales	P	P		P	
Woodworking Shops, Cabinets and Other Building Materials – Including Milling, Planing, Jointing and Manufacturing of Millwork		S			S

(Ord. No. 11-11, Sec. 2, 5-19-11; Ord. No. 12-29-, Sec. 2, 11-15-12; Ord. No. 14-20, Sec. 2, 8-21-14; Ord. 15-11, Sec. 2, 7-2-15; Ord. 19-21, Sec. 3, 12-3-19)

B. B1 RETAIL/SERVICE DISTRICT

1. General Requirements

- a. Dwelling units and apartments are permitted in this district, but only as herein regulated as an accessory use.
- b. All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced.
- d. Except as otherwise allowed under this ordinance for specific uses and for off-street parking or loading all business, servicing, or processing, shall be conducted within completely enclosed buildings.
- e. Drive-in establishments, drive-in facilities, drive-up facilities, commercial recreation establishments and establishments customarily operating in open sales lots which are conducted as all or part of the operation of a permitted or special use in a B1 District shall be allowed only as a special use.
- e. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform at least with the performance standards established pursuant to Section VII(G) of this Zoning Ordinance.
- f. Parking of trucks in the open within 150 feet of a Residence District boundaries line shall be limited to vehicles of not over one and one-half tons capacity. Trucks in excess of one-half tons capacity used in conjunction with operation of any business permitted in this district shall not be parked in the open within 150 feet of a Residence District, except between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. This does not apply to trucks actively engaged in pick-up and delivery of goods and merchandise after normal business hours.

- g. Where a lot line of the B1 District coincides with a side or rear lot line within an adjacent Residence District screening by fences, hedges, or free-standing walls of at least seventy-five (75%) percent capacity shall be provided within such yard.

2. Permitted Uses

The uses designated as permitted uses in the category B1 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are permitted uses in the B1 Retail/Service District.

3. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category B1 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are special uses in the B1 Retail/Service District.

4. Floor Area Ratio

- a. For buildings on lots within this District - not more than 2.0.
- b. For buildings in a planned unit development - in accordance with Article XIII of this ordinance.
- c. Any principal use of a structure or building, or a part of a structure or building, which occupies more than 5,000 square feet of floor area, shall not be allowed except as a special use.
- d. That part of any lot taken or dedicated for public alley purposes shall be included as part of the area of such lot for the purpose of calculating the floor area ratio of such lot. (Ord. 2000-52)

5. Yards

Except as may be otherwise required for a planned unit development, yards shall be provided as follows:

- a. Front yard - No front yard shall be required, except a yard having a depth as herein required for the applicable Residence District shall be required when a B1 District occupies a part of the frontage along one side of a street within a block and the remainder of the block is in a Residence District or when a B1 District is across the street from a Residence District.

- b. Side Yards

1. No interior side yard shall be required, except if a side yard is provided on one or both sides of a building, each side yard shall be not less than five (5) feet in width.
2. A side yard - not less than five (5) feet in width shall be provided along a side lot line that adjoins or is across an alley from a lot in any Residence District.
3. On a corner lot regulations set forth above for a front yard shall apply for a side yard adjoining a street.

c. Rear Yard

Not less than twenty-five (25) feet in depth or twenty (20%) percent of the depth of the lot, whichever is lesser. That part of any lot taken or dedicated for public alley purposes shall be included as part of the lot for the purpose of calculating the minimum rear yard requirement for such lot, and the depth of such property taken or dedicated for public alley purposes shall be included as part of the required rear yard depth. (Ord. 2000-52)

6. Off-Street Parking and Off-Street Loading

In accordance with applicable regulations herein set forth in Article IX.

C. B2 GENERAL BUSINESS DISTRICT

1. General Requirements

- a. Dwelling units and apartments are permitted in this district, provided that such living quarters are situated above or to the rear, or both above and to the rear of the structure.
- b. All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced.
- c. Except as otherwise allowed under this Ordinance for specific uses and for off street parking or loading, all businesses, servicing or processing, shall be conducted within completely enclosed buildings. (Ord. No. 11-11, Sec. 3, 5-19-11)

- d. Where a lot line of the B2 District coincides with a side or rear lot line within an adjacent Residence District, or B1 District screening by fences, hedges, or free-standing walls of at least seventy-five (75%) percent capacity shall be provided within such yard.
- e. Drive-in establishments, drive-in facilities, drive-up facilities, commercial recreation establishments and establishments customarily operating in open sales lots which are conducted as all or part of the operation of a permitted or special use in a B2 District shall be allowed only as a special use.
- f. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform at least with the performance standards established pursuant to this Article.
- g. Trucks used in conjunction with any use permitted in this District may be parked in the open only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. This does not apply to trucks actively engaged in pick-up and delivery of goods and merchandise after normal business hours.

2. Permitted Uses

The uses designated as permitted uses in the category B2 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are permitted uses in the B2 General Business District.

3. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category B2 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are special uses in the B2 General Business District.

4. Floor Area Ratio

- a. For new construction on vacant lots within the District, not more than 2.0.

- b. For buildings in a planned unit development - in accordance with Article XIII of this ordinance.
- c. Any principal use of a structure or building, or a part of a structure or building, which occupies more than 5,000 square feet of floor area, shall not be allowed except as a special use.
- d. That part of any lot taken or dedicated for public alley purposes shall be included as part of the area of such lot for the purpose of calculating the floor area ratio of such lot. (Ord. 2000-52)

5. Yards

- a. Front yard - same requirement as in B1 District.
- b. Side yard - same requirement as in B1 District.
- c. Rear yard - all structures constructed in the B2 District shall have a rear yard of not less than five (5) feet in depth, except that the minimum rear yard depth of any lot with an existing structure or building located within five (5) feet of a new rear lot line established by the taking or dedication of a public alley shall be the minimum distance between such existing structure or building and the right-of-way line of such new public alley, but in not event greater than five (5) feet. (Ord. 2000-52)

6. Off-Street Parking and Off-Street Loading

For future construction on existing vacant lots, in accordance with applicable regulations herein set forth in Article IX. Where possible on building and lots presently existing in this District, the provisions of Article IX shall also be followed by such existing uses.

D. B3 COMMERCIAL RECREATION AREA DISTRICT

1. General Requirements

- a. This District shall provide for specialized uses, commercial and private, which require large open areas for recreational purposes and which may be permitted in other districts as special uses. The uses permitted hereunder shall be in an area containing not less than twenty acres.

- b. No outdoor lighting shall remain in operation, nor shall any machinery or equipment uses in connection with outdoor recreational facilities be in operation, before 8:00 a.m. or after 11:00 p.m. on any day.
- c. The floor area ration shall be .40 of any parcel under single ownership.

2. Permitted Uses

The uses designated as permitted uses in the category B3 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are permitted uses in the B3 Commercial Recreation Area District.

3. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category B3 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are special uses in the B3 Commercial Recreation Area District.

4. Floor Area Ratio

As provided in B2 General Business District.

5. Parking and Access

All parking and loading shall be on the premises utilized for the purposes permitted in this District and meet the requirements of Article IX.

6. Set Backs

No structure in this District shall be placed less than 150 from any lot zoned for residential use.

E. B4 COMMUNITY SHOPPING CENTER

1. General Requirements

- a. All uses shall be retail trade or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced, except where otherwise allowed as a special use.

- b. All business, servicing, or processing shall be conducted within completely enclosed buildings or within eight (8) feet of a building. Any use that occurs more than eight (8) feet from the principal building on a lot in the B4 District is a special use and is allowed only if the requirements for a special use are met.
- c. Drive-in establishments, drive-in facilities, drive-up facilities, commercial recreation establishments and establishments customarily operating in open sales lots which are conducted as all or part of the operation of a permitted or special use in a B4 District shall be allowed only as a special use.

2. Permitted Uses

The retail and service uses permitted in the B1 and B2 Districts shall be permitted uses in the B4 District as part of a shopping center which has an area of not less than ten (10) acres that is developed under an approved site plan. No residential uses shall be permitted in the B4 District.

3. Special Uses

- a. Planned Unit Developments approved in accordance with Article XIII of this Ordinance. No residential uses shall be part of any Planned Unit Development in the B4 District.
- b. Shopping centers with an area of less than ten (10) acres and uses established on outlots or subdivided lots which have an area of less than ten (10) acres that are contained within a shopping center.
- c. Retail trade or service establishments which are located on a tract of land under single ownership which has an area of less than ten (10) acres.

4. Lot Size

No shopping center shall be established on a lot which has an area of less than ten (10) acres except as a special use.

5. Floor Area Ratio

The maximum floor area ratio for all buildings and structures in the B4 District shall be 0.5.

6. Yards

The minimum yards required in the B4 District shall be as follows:

- a. Where a side lot line of the B4 District coincides with a side or rear lot line in an adjacent Residence District or Business District, the yard provided shall not be less than fifteen (15) feet in depth.

Screening by fences, hedges, or free-standing walls of at least seventy-five (75%) percent capacity shall be provided within such yard.
- b. Where a rear lot line of the B4 District coincides with a side or rear lot line in an adjacent Residence District or Business District, the yard provided shall be not less than thirty (30) feet in depth.
- c. Where the extension of a front or side lot line coincides with a front lot line of an abutting lot located in a Residence District or Business District, a yard equal in depth to the minimum front yard required by this ordinance on such abutting residential or business lot shall be provided along such front of side lot lines.
- d. Motor vehicle gasoline pumps shall be exempt from the established front yard or corner side yard requirements, but shall be set back from the front lot line and the corner side lot line a distance of not less than fifteen (15) feet.
- e. All required yards and screening shall be reviewed and approved as part of the shopping center site plan or special use.

6. Off-Street Parking and Loading

Off-street parking and loading shall be in accordance with the provisions of Article IX of this Ordinance, and shall be reviewed and approved as part of the shopping center site plan or special use.

F. B5 LIGHT ASSEMBLY - MARINAS

1. General Requirements

- a. Where a lot line in the B5 District coincides with a side or rear lot line within an adjacent Residence District or Business District other than a B5 District screening by fences, hedges, or free-standing walls of at least seventy-five (75%) percent opacity shall be provided within such yard.
- b. Drive-in establishments, drive-in facilities, drive-up facilities, which are conducted as all or part of the operation of a permitted or special use in a B5 District shall be allowed only as a special use.

- c. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform at least with the performance standards established pursuant to Section VII(G) of this Zoning Ordinance
- d. All adult uses are subject to the standards established pursuant to Section VII(F)(6) of this Zoning Ordinance.

2. Permitted Uses

The uses designated as permitted uses in the category B5 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are permitted uses in the B5 Light Assembly - Marina District.

3. Special Uses (as recommended after hearing and approval as provided in this ordinance).

The uses designated as special uses in the category B5 in the Permitted Use List contained in Table 2 “Permitted and Special Uses in Business Zoning Districts” are special uses in the B5 Light Assembly - Marina District.

4. Floor Area Ratio

The floor area ratio shall be 0.50.

5. Yards

- a. Front yard - same requirement as in B2 District.
- b. Side Yard - same requirement as in B2 District.
- c. Rear yard - all structures constructed in the B5 District shall have a rear yard of not less than five (5) feet in depth.

6. Standards Regulating Adult Uses

a. Purpose of Regulations

The purpose of this section is to provide reasonable and uniform regulations which allow for the establishment of adult uses while preventing the concentration of adult uses, as defined in Article III.

It is the intent of this section that these regulations be utilized to prevent problems of blight and deterioration which accompany and

may be brought about by the concentration of adult entertainment establishments.

b. Location Requirements

- i. Within the B5 District, no person shall cause or permit the establishment of any defined adult use within 1000 feet of any religious institution, community center, public or private elementary, junior high or high school, park or playground, licensed day care center, library, or within 1,320 feet of another adult use. Within the B5 District, no person shall cause or permit the establishment of any defined adult use on a lot which is contiguous to a lot that is zoned for residential use.
- ii. The establishment of an adult use shall include the opening of such businesses as a new business, the relocation of such business, the conversion of an existing business location to any adult use which would have the effect of the establishment of an adult use or the intensification of an existing adult use.
- iii. For the purpose of this Section (b), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult use is conducted, to the nearest property line of the other specified use.

c. Application Required

An application for a proposed adult use shall be filed with the Village Staff and shall contain the following information:

- i. The name, address and telephone number of the applicant.
- ii. A complete disclosure of investors in the proposed adult use.
- iii. A recent plat of survey (one year or less) and legal description prepared by a registered land surveyor of Illinois showing all the improvements thereon as exist as of the date of the application.
- iv. A typewritten list of all of the property owners within 1000 feet of the proposed adult use.

- v. The zoning districts of the property and all of the other properties within 1000 feet of the proposed adult use.
 - vi. Descriptions of the existing use of the property and of the specific nature of the proposed adult use.
 - vii. A site plan showing the location of all structures, parking and loading areas, open spaces, landscaping, yards, refuse and service areas, utilities, signs, and traffic accesses and circulation ways.
 - viii. Architectural renderings or sketches illustrating the appearance of the proposed use.
 - ix. A plot plan, to an easily measurable scale, indicating the structure in which the adult use is to be conducted and identifying and locating all land uses and property lines within a radius of 1000 feet of the proposed adult use.
- d. Exterior Display
- i. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not utilized for an adult use. This provision shall apply to any display, decoration, sign, business window, or door.
 - ii. All entrances to an adult use shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
 - iii. No outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult use is allowed.
- e. No Sale or Serving of Alcoholic Beverages

No establishment classified as an adult use shall sell or serve alcoholic beverages either on the premises or for carry-out.

G. PERFORMANCE STANDARDS

- 1. Noise
 - a. Any use established in a B5 District after the effective date of this Ordinance, shall be so operated as to comply with

the performance standards governing noise set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing noise established hereinafter for the district in which such use is located.

- b. Sound level shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Ordinance, shall be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noise incapable of being measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- i. At no point on the boundary of a Residence or Business District shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.

<u>Octave Band Frequency</u> (Cycles per Second)	<u>Maximum Permitted Sound Level</u> <u>Along Residence District Boundaries</u> (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

<u>Octave Band Frequency</u> (Cycles per Second)	Maximum Permitted Sound Level <u>Along Business District Boundaries</u> (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59

<u>Octave Band Frequency</u> (Cycles per Second)	Maximum Permitted Sound Level <u>Along Business District Boundaries</u> (Decibels)
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
Above 4800	39

c. **Vibration**

Any use established in the B5 District after the effective date of this Ordinance, shall be so operated as to comply with the performance standards governing vibration set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing vibration established hereinafter for the district in which such use is located.

- i. Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earth borne vibrations, (other than background vibrations produced by some source not under control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Column I is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a Residence District boundary line, earth borne vibrations in excess of the limits set forth in Column II is prohibited. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Building Inspector.

<u>Frequency</u> (Cycles per second)	<u>I*</u> <u>Displacement</u> (Inches)	<u>II*</u> <u>Displacement</u> (Inches)
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

*Steady State - Vibrations, for the purpose of this Ordinance which are continuous or, if in discrete pulses which do not exceed 100 impulses per minute shall not exceed 100 impulses per minute and shall not exceed twice the displacements stipulated.

d. Smoke and Particulate Matter

- i. The emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
- ii. Dust and other types of air pollution borne by the wind from such source as storage areas, yards, roads, and so forth within lot boundaries shall be kept to a minimum so as not to create a public nuisance by appropriate landscaping, paving, oiling or other acceptable means.
- iii. All uses shall conform to the standards of the Clean Air Act and any other applicable regulations as may be in effect or established henceforth and enforced by the United States and Illinois Environmental Protection Agencies.

e. Toxic Matter

- i. Any use established in the B5 District after the effective date of this Ordinance, shall be so operated as to comply with all applicable laws, ordinances, rules and regulations governing or pertaining to the emission of toxic matter
- ii. No use lawfully established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing toxic matter established in this Zoning Ordinance.

iii. No activity or operation shall cause, at any time, the discharge of toxic matter across lot lines in such concentrations as to violate any applicable laws, ordinances, rules and regulations governing or pertaining to the emission of toxic matter.

f. Noxious and Odorous Matter

i. Any use established in the B5 District after the effective date of this Ordinance shall be so operated as to comply with the with all applicable laws, ordinances, rules and regulations governing or pertaining to noxious and odorous materials.

ii. No use lawfully established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing noxious and odorous materials established in this Zoning Ordinance.

iii. No activity or operation shall cause at any time the discharge of matter across lot lines is such concentration as to violate any applicable laws, ordinances, rules and regulations governing or pertaining to be noxious and odorous materials.

g. Fire and Explosive Hazards

Any use established in the B5 District shall be so operated as to comply with all applicable laws, ordinances, rules and regulations governing or pertaining to fire and explosive hazards.

h. Glare and Heat

Any use established in the B5 District shall be so operated as to comply with all applicable laws, ordinances, rules and regulations governing or pertaining to glare and heat.

i. Radiation Hazards

i. Airborne radioactive materials shall not exceed at any point on or beyond the lot line, the lowest concentration permitted for the general population by applicable Federal, state and local laws and regulations.

- ii. No activity involving radiation hazards shall be permitted which causes to any individual who may be continuously at any point on or beyond the lot line to be exposed to radiation in excess of the smallest amount permitted in the applicable Federal, state and local laws and regulations.

Radioactive materials shall not be manufactured, utilized, or stored unless there is compliance with all applicable laws, ordinances, rules and regulations governing or pertaining to the manufacture, utilization or storage of radioactive materials.

- j. Landscaping

All required yards for other open spaces which adjoin a street shall be appropriately landscaped and shall comply with all applicable landscaping requirements.

ARTICLE VIII OTHER ZONING STANDARDS AND REGULATIONS

A. PERSONAL WIRELESS SERVICE

- 1. The purpose of the Personal Wireless Service Overlay District is to provide specific regulations for placement, construction, and modification of personal wireless telecommunications facilities. The provisions of this Article pertaining to the Personal Wireless Service Overlay District are not intended and shall not be interpreted to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall the provision of this Article be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.
- 2. In the course of reviewing any request for approval required under this Article pertaining to the Personal Wireless Service Overlay District made by an applicant to provide personal wireless service or install personal wireless service facilities, the Planning and Zoning Commission or the Village Board, as the case may be, shall act within a reasonable time after the request is duly filed with the Village, taking into account the nature and scope of the request. Any decision to deny a request for approval made pursuant to this Article shall be in writing and supported by substantial evidence contained in a written record. The Chairperson of the Planning and Zoning Commission may require that hearing held on an application for approval pursuant to this Article be transcribed by a certified court reporter. The applicant shall reimburse the Village for costs incurred as a result of the attendance of the court reporter and the preparation of any transcripts.

3. Should the application of the provisions in this Article relating to the Personal Wireless Service Overlay District 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 Village Board for an amendment to this Personal Wireless Service Overlay District. The Village Board, upon receipt of such a petition, shall promptly refer the petition to the Planning and Zoning Commission which shall hold a public hearing on the petition and shall make a recommendation to the Village Board as to whether to amend this Article as requested. The Village Board shall then decide whether to make the amendment requested in the petition, to make the amendment with modifications, or to deny the petition and refuse to make the amendment. The Planning and Zoning Commission and the Village Board, as the case may be, shall take action on the petition within a reasonable time after the petition is duly filed, taking into account the nature and scope of the request. Any decision to deny a request for approval made pursuant to this Article shall be in writing and supported by substantial evidence contained in a written record. The Chairperson of the Planning and Zoning Commission may require that hearing held on a petition filed pursuant to this Section be transcribed by a certified court reporter. The petitioner shall reimburse the Village for costs incurred as a result of the attendance of the court reporter and the preparation of any transcripts.

4. A personal wireless service facility shall be a permitted use where each of the following conditions are met:
 - a. The personal wireless service facility consists only of a microcell radio enclosed within a container which is not more than fourteen (14) inches in length, eight (8) inches in width and five (5) inches in height and an antenna; and
 - b. If the personal wireless service facility includes an antenna, the antenna shall not extend more than twelve (12) inches from the container which encloses the microcell radio; and
 - c. The personal wireless service facility must be mounted on a streetlight pole or utility pole; and
 - d. The streetlight pole or utility pole on which the personal wireless service facility is mounted is located within a public right-of-way; and
 - e. The personal wireless service facility is at least fifteen (15) feet above the grade of the public right-of-way at the location of the

streetlight pole or utility pole on which the personal wireless service facility is mounted; and

- f. The container enclosing the microcell radio must be of the same or a similar color as the streetlight pole or utility pole on which the container is mounted or must be of a neutral color which is designed to blend in with the streetlight pole or utility pole on which the container is mounted.
- g. There is no other personal wireless service facility which is allowed as a permitted use located within two hundred (200) yard.
- h. The personal wireless service facility must be located in one of the areas depicted on the Personal Wireless Service Map as an approved site for the installation of facilities for personal wireless services, if it is reasonably possible to do so without interfering with ability of the personal wireless service provider utilizing the facility to provide service within the Village and adjacent areas.

5. A personal wireless service facility shall be a special use, but shall not require a height variation where:

- a. The personal wireless service facility is located in one of the areas depicted on the Personal Wireless Service Area Map as an approved site for the installation of facilities for personal wireless services; and
- b. The personal wireless service facility otherwise conforms to all minimum setback and yard requirements of this Ordinance and also conforms to all applicable federal laws and regulations concerning its use and operation; and
- c. The personal wireless service facility is directed affixed to an existing building; or the height of the personal wireless facility does not exceed fifteen (15) feet above the roof of an existing building if the personal wireless service facility uses a roof-mounted antenna pole; or if mounted on a free-standing antenna pole, the height above grade of the personal wireless service facility does not exceed one hundred (100) feet.

6. A personal wireless service facility shall be a special use, but shall require a height variation for that portion of the height of the personal wireless service facility in excess of the maximum height requirements for the Zoning District in which it is located provided that the facility satisfies the other requirements of the Zoning District.

7. A personal wireless service facility as defined herein shall be a special use, in those portions of the B1, B2, B3, B4 and B5 District areas not depicted on the Personal Wireless Service Area Map as being an approved site for the installation of facilities for personal wireless services, provided that the personal wireless service facility uses a roof-mounted antenna pole; and the personal wireless facility also complies with all Village regulations. No freestanding antenna poles shall be permitted and no variations from the maximum height restrictions applicable to personal wireless service facilities shall be granted for personal wireless service facilities located in those portions of the B1, B2, B3, B4 and B5 District areas not depicted on the Personal Wireless Service Area Map as being an approved site for the installation of facilities for personal wireless services.
8. In considering a request for approval of a special use or variations to permit the installation of personal wireless service facilities as described herein, the Planning and Zoning Commission or the Village Board, as the case may be, shall in addition to the Standards for Review set forth in Article XI(D)3, also shall give due consideration and weight to whether the plans submitted will provide for co-location of other personal wireless service equipment on the same structure, so as to minimize the proliferation of antenna-supporting structure.
9. In considering a request for approval of a special use or variations to permit the installation of personal wireless service facilities as described herein, the Planning and Zoning Commission or the Village Board, as the case may be, shall in addition to the Standards for Review set forth in Article XI(D)3, also shall give due consideration and weight to whether the applicant has sought and been denied the opportunity to co-locate its personal wireless service facility on an existing antenna-supporting structure; on another antenna-supporting structure such as a building, water tower, utility pole, etc.; and, if the proposed use is not to be located in one of the areas depicted on the Personal Wireless Service Area Map as an approved site for the installation of facilities for personal wireless services, whether the applicant has made adequate efforts to obtain a site for its facility within one of those areas.
10. In considering a request for approval of a special use permit or variations to permit the installation of personal wireless service facilities as described herein, the Planning and Zoning Commission or the Village Board, as the case may be, may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of personal wireless telecommunications services to co-locate additional personal wireless service facilities on a free-standing pole which is part of the applicant's proposed personal wireless service facility, where such co-location is technologically feasible.

11. Personal wireless service facilities are not allowed in the R-1, R-1A, R-2 and R-3 zoning district unless the personal wireless service facility is located in one of the areas depicted on the Personal Wireless Service Area Map as an approved site for the installation of facilities for personal wireless services. No variation or special use permit shall be granted with regard to the location or height of a personal wireless service facility in an R-1, R-1A, R-2 and R-3 zoning district.
12. No personal wireless service facility, as defined herein, shall be permitted in any zoning district in the Village unless the facility complies with all applicable federal laws and regulations concerning its use and operation. (Ord. 2001-26)
13. Any personal wireless service facility installed and operating prior to the enactment of this Section, which would be prohibited by the requirements of this Section, shall be considered a legal non-conforming use and/or a legal non-conforming structure, as the case may be and shall be subject to the requirements provided in Article X of the Village of Fox River Grove Zoning Ordinance.

B. ADULT-USE CANNABIS

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Fox River Grove. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
2. Special Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a special use in the respective districts in which they are requested shall be processed in accordance with Section 3 (Adult-Use Cannabis Facility Components) as provided herein.
3. Adult-Use Cannabis Facility Components: In determining compliance with the issuance of a special use permit, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - 3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 3.2 Proposed structure in which the facility will be located, including co-

tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

- 3.3 Hours of operation and anticipated number of customers/employees.
 - 3.4 Compliance with all requirements provided in Section 5 (Adult-Use Cannabis Dispensing Organization) as applicable.
 - 3.5 Other criteria determined to be necessary.
4. Adult-Use Cannabis Craft Growers, Adult-Use Cannabis Cultivation Centers, Adult-Use Cannabis Infuser Organizations, Adult-Use Cannabis Processing Organizations, and Adult-Use Cannabis Transporting Organizations are prohibited in all zoning districts.
 5. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
 - 5.1. Facility may not be located within 1,500 feet from the property line of another Adult-Use Cannabis Dispensing Organization.
 - 5.2 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act.
 - 5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - 5.4 On-site consumption is prohibited.
 - 5.5 For purposes of determining required parking, said facilities shall be classified as commercial establishments per Section IX. G of the Zoning Ordinance, provided, however, that the Village may require that additional parking be provided as a condition of a Special Use Permit.
 - 5.6 Facility may open no earlier than 6 a.m. and close no later than 10 p.m.
 - 5.7 Facility may not be operated in a building with a drive-through window.
 - 5.8 Facility must have at least two (2) people working at all times it is open.

- 5.9 Signage that shall be posted inside the premises.
- a. All dispensing organizations must display a placard that states the following: "Cannabis consumption can impair cognition and driving, is for adult use only, may be habit forming, and should not be used by pregnant or breastfeeding women."
 - b. Any dispensing organization that sells edible cannabis-infused products must display a placard that states the following:
 - (i) "Edible cannabis-infused products were produced in a kitchen that may also process common food allergens."; and
 - (ii) "The effects of cannabis products can vary from person to person, and it can take as long as two hours to feel the effects of some cannabis-infused products. Carefully review the portion size information and warnings contained on the product packaging before consuming."
 - c. All of the required signage in this subsection (5.9) shall be no smaller than 24 inches tall by 36 inches wide, with typed letters no smaller than 2 inches. The signage shall be clearly visible and readable by customers. The signage shall be placed in the area where cannabis and cannabis-infused products are sold and may be translated into additional languages as needed. The State may require a dispensary to display the required signage in a different language, other than English, if the State deems it necessary.
 - d. All restricted access areas must be identified by the posting of a sign that is a minimum of 12 inches by 12 inches and that states "Do Not Enter - Restricted Access Area - Authorized Personnel Only" in lettering no smaller than one inch in height.
- 5.10 A dispensing organization shall prominently post notices inside the dispensing organization that state activities that are strictly prohibited and punishable by law, including, but not limited to:
- a. No minors permitted on the premises unless the minor is a minor qualifying patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
 - b. Distribution to persons under the age of 21 is prohibited;
 - c. Transportation of cannabis or cannabis products across state lines is prohibited.

- 5.11 A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.
- 5.12 A dispensing organization shall not allow for the dispensing of cannabis or cannabis-infused products in vending machines.
- 5.13 A dispensing organization shall not be permitted to open if its video surveillance equipment is inoperative.
- 5.14 A dispensing organization shall not be permitted to open if its point-of-sale equipment is inoperative.
- 5.15 To monitor the dispensary, the dispensing organization shall incorporate continuous electronic video monitoring including the following:
 - a. All monitors must be 19 inches or greater;
 - b. Unobstructed video surveillance of all enclosed dispensary areas, unless prohibited by law, including all points of entry and exit that shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed so all areas are captured, including, but not limited to, safes, vaults, sales areas, and areas where cannabis is stored, handled, dispensed, or destroyed. Cameras shall be angled to allow for facial recognition, the capture of clear and certain identification of any person entering or exiting the dispensary area and in lighting sufficient during all times of night or day;
 - c. Unobstructed video surveillance of outside areas, the storefront, and the parking lot, that shall be appropriate for the normal lighting conditions of the area under surveillance. Cameras shall be angled so as to allow for the capture of facial recognition, clear and certain identification of any person entering or exiting the dispensary and the immediate surrounding area, and license plates of vehicles in the parking lot;
 - d. 24-hour recordings from all video cameras available for immediate viewing by the State upon request. Recordings shall not be destroyed or altered and shall be retained for at least 90 days. Recordings shall be retained as long as necessary if the dispensing organization is aware of the loss or theft of cannabis or a pending criminal, civil, or administrative investigation or legal proceeding for which the recording may contain relevant information;

- e. The ability to immediately produce a clear, color still photo from the surveillance video, either live or recorded;
 - f. A date and time stamp embedded on all video surveillance recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;
 - g. The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage;
 - h. All video surveillance equipment shall allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed before disposal;
 - i. The video surveillance system shall be operational during a power outage with a 4-hour minimum battery backup;
 - j. A video camera or cameras recording at each point-of-sale location allowing for the identification of the dispensing organization agent distributing the cannabis and any purchaser. The camera or cameras shall capture the sale, the individuals and the computer monitors used for the sale;
 - k. A failure notification system that provides an audible and visual notification of any failure in the electronic video monitoring system; and
 - l. All electronic video surveillance monitoring must record at least the equivalent of 8 frames per second and be available as recordings to the State 24 hours a day via a secure web-based portal with reverse functionality.
 - m. The requirements contained in this Act are minimum requirements for operating a dispensing organization. The State may establish additional requirements by rule.
6. Additional Requirements: Petitioner shall install building enhancements, such as additional security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the

adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act. (Ord. 19-21, Sec. 4, 12-3-19)

ARTICLE IX OFF-STREET PARKING, OFF-STREET LOADING, AND SIGNS

A. PURPOSE

The following regulations, applicable to all zones, are established to increase safety and lessen congestion in the public streets, to adequately provide for the parking needs associated with the development and use of land and associated motor vehicle usage, to set standards for the requirement of off-street parking and loading according to the amount of traffic generated by each use, and to eliminate or reduce the on-street storage of vehicles along public rights-of-way.

B. SCOPE OF REGULATIONS

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

1. Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this Article for all buildings and structures erected and all uses of land established in each district after the effective date of 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, additional parking and loading facilities shall be provided so that there is compliance with the provisions of this Ordinance.
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 so that there is compliance with the provisions of this Ordinance.

However, if the said building or structure was erected prior to the effective date of this 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 previous use, if the previous use were subject to the parking and loading provisions of this ordinance.

C. EXISTING PARKING FACILITIES

Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as a building or use served shall not herein

after be reduced below the requirements for a similar new building or use under the provisions of this Ordinance.

D. PERMISSIVE PARKING AND LOADING FACILITIES

Nothing in this 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 there is compliance with all regulations in this Ordinance governing the location, design, and operation of such facilities.

E. DAMAGE OR DESTRUCTION

For any conforming or non-conforming structure or use which is in existence on the effective date of this Ordinance, which subsequently is damaged or destroyed by fire, collapse, explosion, or other cause and is reconstructed, re-established, or repaired, off-street parking and loading facilities shall be provided as required by this Ordinance unless the damage or destruction to the conforming structure or use, or non-conforming structure cost less to repair and replace than 60% of the cost of reconstruction of the entire building or use. If the cost to repair and replace the damage and destruction is less than 60% of the cost of reconstruction of the entire building or use then parking or loading facilities equivalent to those maintained at the time of such damage or destruction 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.

F. CONTROL OF OFF-STREET PARKING FACILITIES

1. Location

a. Single family residence districts

All parking spaces required to serve buildings or uses erected or established in R-1, R-1A and R-2 Districts shall be located on the same lot as the building or use served.

b. Districts other than single family residence districts

i. New structures and uses and for structures and uses which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within 300 feet walking distance of said building, and located in a district where off-street parking

areas or storage garages are a permitted or special use, and where there is a compliance with requirements of Section IX(G) of this Ordinance.

- ii. 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 on a lot in possession of the same title holder of record, as the lot occupied by the building or use to which the parking facilities are accessory. A covenant running with the land must be recorded against the lot upon which the accessory off-street parking is located which prohibits any other use on that lot, unless the lot on which the off-street parking is located is owned by the Village or another governmental unit. The covenant must be recorded in the Office of the Recorder of Deeds in the county in which the lot is located, and a certified copy of the recorded covenant is deposited with the Village staff. The covenant shall not be released until such time as one of the following conditions occur:
 - a. the structure on the lot containing the principal use is removed and the principal use terminated; or
 - b. another lot of the required size within the required distance is properly developed and used for the required accessory off-street parking in place of, and in lieu of the initial lot used for accessory off-street parking with the same requirements, covenants, and conditions attaching to such substitute accessory use as approved by the same authority as required for approval of such initial use lot.

G. ADDITIONAL PARKING REGULATIONS

Off-street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter:

1. Use

Accessory off-street parking facilities required as accessory to uses listed herein, shall be solely for parking of motor vehicles of patrons, occupants, or employees.

2. Exemption

- a. When the application of the off-street parking regulations specified hereinafter results in a requirement of not more than three spaces on a single lot in the B1 and B2 Districts, such parking spaces need not be provided. However, where two or more uses are located on a single lot, only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.
- b. For uses located in the B1 and B2 districts where it is not feasible for the parking requirements of this section to be met, the use shall be considered to be a special use which allows the parking requirements otherwise applicable under this Ordinance to be reduced, provided:
 - i. It is established that it is not feasible for the required parking to be provided onsite; and
 - ii. It is not feasible to provide the required parking within 300 feet of the site.
- c. If a special use is granted allowing a reduction in the requirements of this ordinance then the parking requirements must be met through a joint use arrangement as provided in Section IX(G)(5), provided the parking is located in a B1 or B2 District or a contribution must be made to a Village parking fund in accordance with a schedule for the Village parking fund.

3. Computation

- a. When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- b. For purposes of computing the required number of parking spaces a seat is the space intended for one individual in places where patrons or spectators occupy benches, pews or other seating facilities, provided that in the case of a bench or pew, each twenty inches of the bench or pew shall be considered a seat.
- c. For purposes of computing the required number of parking spaces, the parking spaces required for employees shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

4. Collective Provision

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as required space for more than one use unless authorized as a special use pursuant to Section IX(G)(5).

5. Joint Use of Facilities

If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces required shall be the sum of the individual requirements for each use. However, where peak parking requirements occur at distinctly different times of the day or at different times of the week, the sharing of parking facilities by two or more uses may be allowed as a special use.

6. Size of Parking Spaces and Aisles within Parking Lots

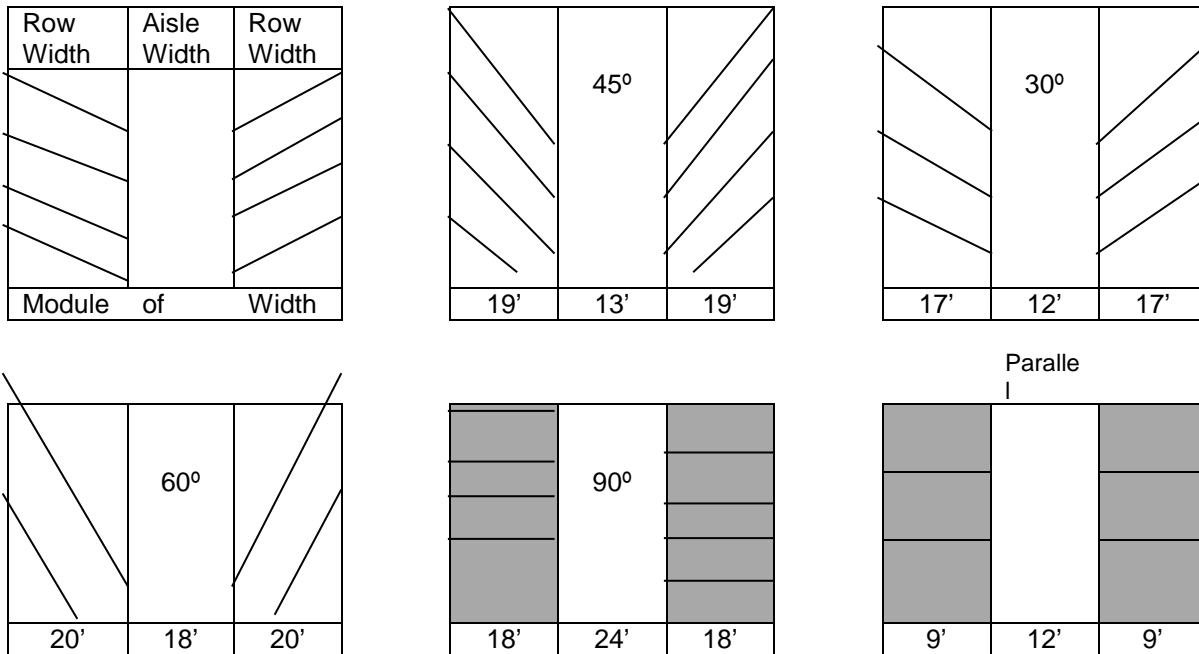
- a. The minimum width of required parking spaces, including horizontal width for parking rows, aisles and modules shall be as set forth in Table 3 “Size of Spaces, Aisles and Module Widths for Required Parking Spaces”.
- b. TABLE 3 - SIZE OF SPACES, AISLES AND MODULE WIDTHS FOR REQUIRED PARKING SPACES.

Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in the following table.

	Parallel	30 degree	One Way 45 degree	One Way 50 degree	Two Way 90 degree
Single Row Parking	9'	17'	19'	20'	18'
Driving Aisle	12'	12'	13'	18'	24'
Minimum Width of Module	21'	29'	32'	38'	42'
Two Row Parking	18'	34'	38'	40'	36'
Driving Aisle	12'	12'	13'	18'	24'
Minimum Width of Module	30'	46'	51'	58'	60'

The minimum width of an off-street parking space is nine (9) feet. Certain required off-street parking spaces mandated by this section may be satisfied by spaces eight and one-half (8 1/2) feet in width by eighteen (18) feet in length if determined and recommended by the Planning and Zoning Commission. The narrower spaces must be justified by an analysis provided at the petitioner’s expense.

Off-street parking spaces provided for uses which have a rapid turnover in parking do not qualify for the narrower width.



7. Vertical Access

Enclosed parking spaces shall have a vertical clearance of at least seven feet.

8. Access

Each required off-street parking space shall open directly upon an aisle or driveway of a width and design in accordance with Table 3 “Size of Spaces, Aisles and Module Widths for Required Parking Spaces”. All off-street parking facilities shall be provided with appropriate means of vehicular access to a street or alley.

9. In Yards

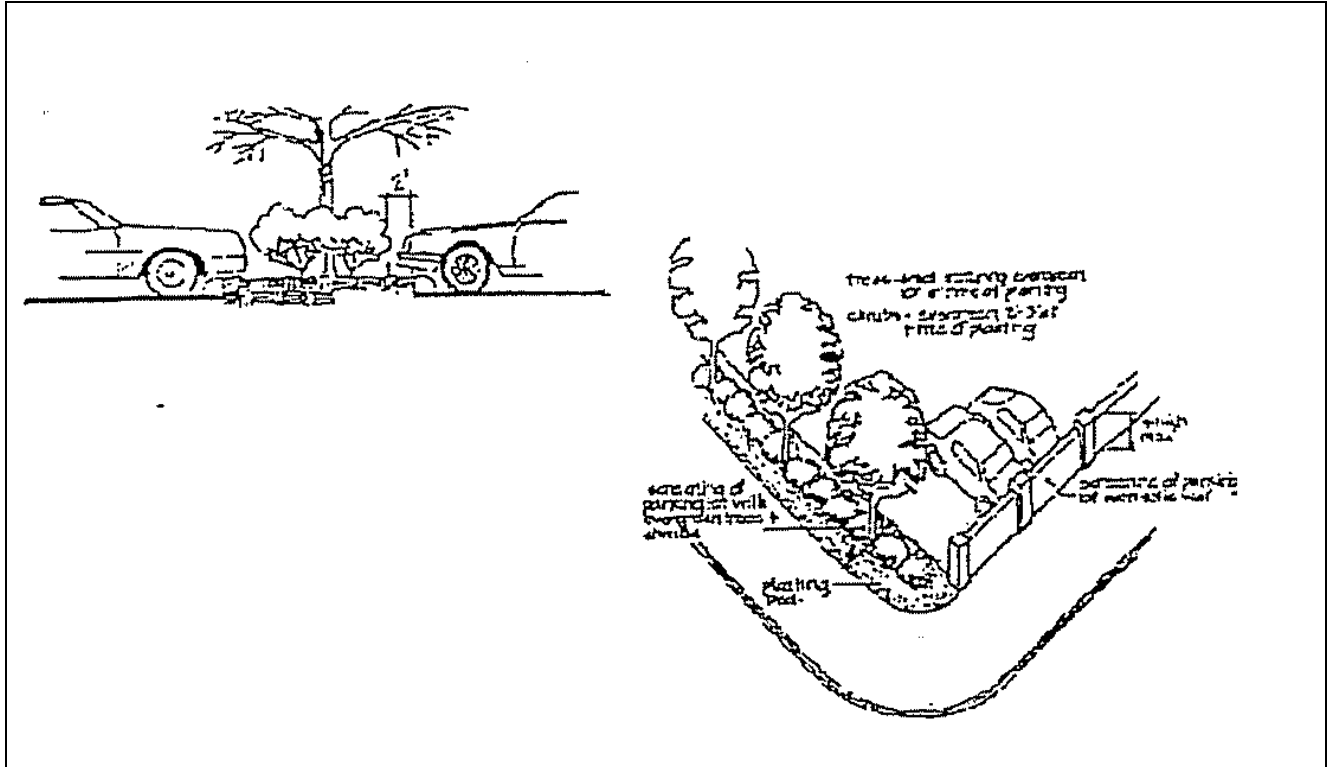
Off-street parking spaces, open to the sky, may be located in any yard except a required front yard and a required side yard adjoining a street. All parking in yards shall be subject to the condition that the parking area is separated from the lot line by a landscaped area which complies with the screening and landscaping requirements set forth in Section IX(G)(10)(c).

10. Design and Maintenance

- a. Open and Enclosed Parking Spacing: Accessory off-street parking spaces located on the same lot as occupied by the use served, may be open to the sky or enclosed in a building. Accessory off-street parking spaces located elsewhere than on the same lot occupied by the use shall be open to the sky.
- b. Design Requirements: The design of a parking lot and parking spaces must comply with the provisions of Article IV “Private Driveways and Parking Lots” of Chapter 17-1/2 and Article III “Parking Lots” of Chapter 18 of the Code of Ordinances of the Village of Fox River Grove.
- c. Screening and Landscaping: All open off-street parking areas containing more than four (4) parking spaces or the equivalent of more than four (4) parking spaces and all outside areas used for the display of motor vehicles that are being offered for sale or lease shall comply with the following:
 - i. The area shall be effectively screened on each side adjoining or fronting on any residential district or institutional use by a wall or a fence not less than five (5) feet high or more than six (6) feet high, or a densely-planted compact hedge not less than five (5) feet in height;
 - ii. Wheel stops of masonry or steel shall be placed not less than five (5) feet from side lot lines and in districts where a front yard and side yard adjoining a street are not required; - not less than five (5) feet from the adjoining street right-of-way line.
 - iii. The area shall be setback off any adjacent right-of-way by at least five (5) feet. The space between the area and the adjacent right-of-way shall be landscaped with plantings that provide intermittent screening of the area from the right-of-way.
 - iv. The area shall have interior parking islands and peninsulas or perimeter landscaping equal to eight (8%) percent of the total space used for parking and access drives. Islands and peninsulas shall be a minimum of 180 square feet in area and landscaped with one shade tree for each 180 square feet of island or peninsula area. There shall be a parking peninsula for each twenty-four (24) parking spaces in a row or along an aisle.

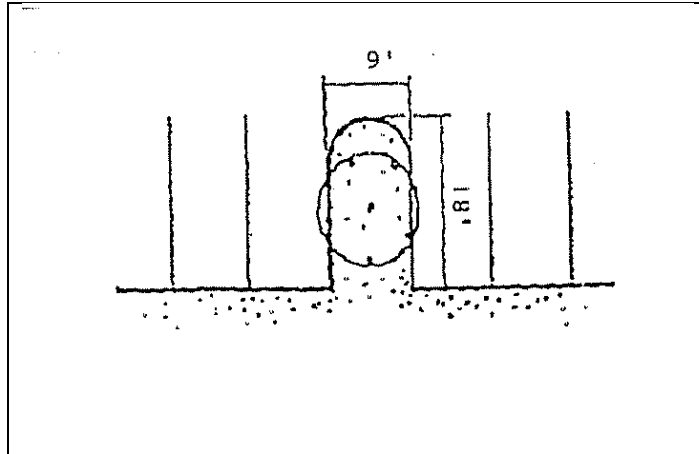
Figure __: Parking Lot Screening and Parking Lot Islands

(Below Left) It is necessary to accommodate the vehicle overhang when designing landscaped areas in parking lots. Plants are often damaged if a landscape strip is not wide enough to provide for both plants and the vehicle overhang.



(Above Right) When parking and loading areas are located adjacent to a street or sidewalk, additional design methods must be incorporated in order to provide an effective screen. The use of trees and evergreen shrubs is a suitable design solution in this situation. The use of a variety of plant materials can screen the parking lot from the adjacent street, sidewalk and buildings. The use of a solid wall or fence is also an acceptable solution.

(Below) Parking islands are utilized to break up large expanses of paving.



Parking Island

- d. Lighting: Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets. All lighting shall be extinguished no later than thirty minutes after the close of business of the use being served except as may otherwise be authorized by the Village Board.

11. Required Spaces

The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows:

- a. Dwelling and Hotel/Motel Uses:
 - i. Hotels and motels - one parking space for each room or suite or rooms comprising a lodging unit, plus one parking space for each 100 square feet of retail sales and dining area.
 - ii. Multiple-family dwellings - one and one-half (1 1/2) parking spaces for each efficiency and one bedroom dwelling unit and two (2) parking spaces for each dwelling unit that has two (2) or more bedrooms.
 - iii. Single-family dwelling - two (2) parking spaces per dwelling but not more than four (4) parking spaces for each dwelling.
 - iv. Two-family dwellings - two (2) parking spaces but not more than four (4) parking spaces.

- b. Schools, Institutions and Auditoriums and Other Places of Assembly:
- i. Auditoriums, and auditoriums as accessory to churches, private schools and other institutional establishments - one parking space for each five (5) seats, or for each ninety (90) lineal inches of seating space in the main auditorium or assembly hall.
 - ii. Gymnasiums, stadiums, grandstands, meeting halls, convention halls and exhibition halls - one (1) parking space for each five (5) seats or for each ninety (90) lineal inches of seating space, except when such facilities are accessory to a school and there is provided on the lot off-street parking spaces as required by this Ordinance for the applicable type of school or auditorium, the Village Board may allow such off-street parking spaces to be used to satisfy all or part of the required parking spaces for a gymnasium, stadium or grandstand.
 - iii. Hospitals - 1.0 parking spaces per bed for 100 beds or lesser size; 1.1 parking spaces per bed for 101 to 300 beds; 1.2 parking spaces per bed for 301 to 500 beds; and 1.3 parking spaces per bed for over 500 beds.
 - iv. Libraries, museums, and art galleries - one parking space for each 500 square feet of floor area.
 - v. Nursing homes and similar types of establishments - one parking space for each two (2) employees and one parking space for each three (3) patient beds.
 - vi. Private clubs and lodges - one parking space for each five (5) seats in accordance with design seating capacity of the main meeting room.
 - vii. Private schools - when the number of parking spaces required herein is provided for an auditorium or other places of public assembly accessory to a school, and when approved by the Village Board, additional parking spaces need not be provided when the number of parking spaces for such auditorium or other places of public assembly is equal to; or in excess of applicable requirements set forth in (a), (b) or (c) below.

- a. Commercial or trade, music, dance, or business - one parking space for each two (2) employees, plus one space for each seven (7) students, based on the maximum number of students that can be accommodated in accordance with such design capacity.
 - b. High School - private - one parking space for each two (2) employees and one parking space for each seven (7) students based on the maximum number of students that can be accommodated in accordance with such design capacity of the building.
 - c. Nursery, elementary or junior high - private - one parking space for each two (2) full-time employees and one parking space for each twenty-five (25) students based on the maximum number of students that can be accommodated in accordance with the design capacity of the building.
- c. Recreational Uses - Commercial or Non-Commercial
- i. Bowling alleys - seven (7) parking spaces for each lane, plus such additional spaces as may be required by this Ordinance for accessory uses such as restaurants and the like.
 - ii. Health salons, swimming pools, skating rinks, and dance halls, commercial - one parking space for each three (3) persons, based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, and one parking space for each two (2) employees.
 - iii. Parks, recreation areas, and community centers - one parking space for each two (2) employees, plus spaces in adequate number as determined by the Village Board to serve the visiting public.
- d. Business, Commercial and Industrial Uses.
- i. Automobile laundries (car washes) - one (1) parking space for each 1.5 employees, and in addition, reservoir standing spaces to accommodate motor vehicles awaiting entrance to the automobile laundry, equal in number to five (5) times the maximum capacity of the automobile laundry. Maximum capacity, in this instance, shall mean the greatest

possible number of motor vehicles undergoing some phase of laundering at the same time.

- ii. Banks - One parking space for each 400 square feet of floor area. Banks with drive-up facilities shall provide five (5) stacking spaces per drive-up teller or customer service area.
- iii. Beauty shops - one parking space for each 200 square feet of floor area.
- iv. Business, professional and public administration or service office buildings - four (4) parking spaces shall be provided for the first one thousand (1,000) square feet of floor area and one parking space for each additional three hundred (300) square feet of floor area or fraction thereof.
- v. Furniture and appliance stores, and establishments for repair of household equipment or furniture - one parking space for each 400 square feet of floor area.
- vi. Manufacturing, fabricating, storing, cleaning, testing, assembling, repairing, or servicing of establishments -one parking space for each two (2) employees based upon maximum number of employees that can be accommodated in accordance with Building Code regulations.
- vii. Medical and Dental Clinics - four (4) parking spaces for each examining and treatment room, plus one for each doctor in the clinic.
- viii. Motor vehicle service station - one parking space for each island of gasoline pumps, plus two (2) for each service stall.
- ix. Motor vehicle, motorcycle, and other outdoor recreational vehicle sales, rental and service: one (1) parking space shall be provided for each two hundred (200) square feet of floor area or part thereof used for the display of vehicles for sale plus one (1) parking space for each 3,000 square feet of gross land area or part thereof which is not used for the display of vehicles for sale.
- x. Public utility and public service uses - one parking space for each two (2) employees.

- xi. Restaurants which are not drive-in establishments - one parking space for each 100 square feet of floor area in the building. Restaurants which have drive-up facilities, but which are not drive-in establishments, shall also provide five (5) stacking spaces per drive-through window or customer service area.
- xii. Restaurants which are drive-in establishments - one parking space for each eighty (80) square feet of floor area or part thereof and, if the restaurant has drive-up facilities, five (5) stacking spaces per drive-up window or customer service area.
- xiii. Theaters - one parking space for each four (4) seats up to 400 seats, plus one parking space for each six (6) seats or part thereof over 400.
- xiv. Undertaking establishments and funeral homes-one parking space for each 100 square feet of floor area.
- xv. Warehouse, storage, wholesaler and mail order establishments - four (4) parking spaces plus one parking space for each 1,500 square feet of floor area space over 4,500 square feet or when the number of employees is specifically indicated, one parking space for each two (2) employees employed on the premises.
- xvi. All other business and commercial establishments - one parking space for each 200 square feet of floor area.
- xvii. Other uses - parking spaces for uses not listed above shall be established as a special use.

H. OFF-STREET LOADING

There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt of, or distribution of materials or merchandise by trucks or similar vehicles.

1. Location

All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty -five (25) feet of the nearest point of intersection of any two

streets, nor shall it be located in a required front yard, side yard, or side yard adjoining a street.

2. Size

Unless otherwise specified in this ordinance, a required off-street loading berth shall be at least ten (10) feet in width by at least thirty- five (35) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

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 berths shall be improved as described in the provisions of the Code of Ordinances of the Village of Fox River Grove applicable to commercial and industrial driveways.

5. Repair and Service

No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading berth.

6. Space Allowed

Space allowed to any off-street loading berth shall not while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

7. Off-Street Loading Space Requirements

The minimum number of off-street loading spaces accessory to non-residential uses in Residence Districts and uses in Business Districts shall be - one loading space for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading space for each additional 100,000 square feet of gross floor area or fraction thereof. The minimum required size of such loading spaces shall be ten (10) feet in width and thirty-five (35) feet in length, exclusive of aisle and maneuvering space, and having a vertical clearance not less than twelve (12) feet.

I. SIGN DEFINITION

Any surface, object, device, display, structure or fabric which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means; including, but not limited to, words, figures, designs, symbols, fixtures, colors, illumination, projected images, or forms shaped to resemble any human, animal, product or object.

1. Permit required

- a. No person shall erect or install any sign in the Village without having first obtained a sign permit. Interior window signs shall not require a permit, unless required by other sections of the Village Code or Zoning Ordinance. Permits for signs and sign structures (including awnings) may be issued only by the Village and shall designate the location of the proposed structure.
- b. Any sign for which a permit has been issued must be erected or installed within six (6) months from the date of issue. Otherwise, the permit shall lapse.

2. Bond or insurance required

If a permitted sign or sign structure (including awnings) extends over any sidewalk, street, alley or other public way, the permittee shall file with the Village a bond or certificate of insurance in the sum of fifty thousand dollars (\$50,000) to indemnify the Village for any loss, damage or liability that may result from the construction, use or maintenance of such sign. Such certificate of insurance shall name the Village as an additional insured party.

3. Construction, fastening generally

All signs and sign structures (including awnings) must be fastened and secured and constructed in such a manner as to assure that there will be no danger of falling or being dislodged by wind.

4. Inspection; removal for noncompliance; enforcement

The Village shall have the authority to inspect or cause to be inspected every sign and sign structure in the Village. If any such sign or sign structure is found to be insecurely fastened or otherwise in violation of Village regulations, it shall be deemed a nuisance and may be abated by the Village according to law. These regulations shall be enforceable against the sign permittee, the business that the sign advertises and the owner of the property on which the sign is located. Any violation of this sign code shall subject each of the above, jointly and severally to a fine of not less than two hundred fifty (\$250.00) dollars nor more than seven hundred fifty (\$750.00) dollars for each day of the violation. Any time that a regulation involves any use of judgment or subjectivity; such judgment shall be

exercised reasonably and the determination of the Village shall be final. If the sign is an immediate danger to persons or property, it may be torn down on order of the Village Board within ten (10) days after notice to repair.

5. Construction of signs within fire limits

Permanent signs in excess of fifteen square feet (15 sq. ft.) within the fire limits are prohibited. The fire limits shall include all property within the downtown area, any business district or manufacturing district and each business or manufacturing building located in a residential district. Any sign allowed in the fire limits must be constructed of noncombustible materials.

6. Construction of signs near buildings

It shall be unlawful to construct any permanent sign or sign structure within four (4) feet of any building unless such sign is constructed of noncombustible materials.

7. Sign maintenance

- a. Every sign and sign structure (including awnings) shall be kept and maintained in good repair (i.e. no fading, tears, peeling paint, visible dirt or mud, missing pieces, etc.) and in a safe condition as determined by the Village.
- b. A Sign Permit shall not be required for maintenance of a sign for which a permit has been issued. This shall include the repainting, cleaning and other normal maintenance or repair. In addition, no permit shall be required for the change of sign faces or letters within the legal changeable copy area of a sign or sign structure.
- c. Any size alteration (change in size, shape or use of the sign) shall require sign permit approval.
- d. Landscaping around ground signs shall be maintained so that the sign is visible at all times and from all visual angles.
- e. Each sign shall be subject to inspection by the Village.

8. Legal non-conforming signs

- a. The Village shall maintain a list of all non-conforming signs. This list of signs shall include: all pole / pylon signs, all signs with lettering or advertising that occupies more than seventy five percent (75%) of any sign face, non-compliant box / cabinet signs, non-compliant wall signs, non-compliant awnings, all shared signs without a variance, and non-compliant window

signs. If a sign does not conform to the Village Sign Code and is not on the list as of May 1, 2016, the sign shall be deemed illegal and shall be removed or brought into conformance with this Code within six (6) months of receiving notice from the Village of its non-conformity.

- b. A Legal Non-Conforming Sign shall immediately lose its Legal Non-Conforming status if:
 - i. The sign is not kept in good repair and in a safe condition and the state of disrepair or unsafe condition continues for six (6) months. The determination of the Village in this regard shall be final; or
 - ii. The sign is relocated; or
 - iii. The sign or sign structure is replaced; or
 - iv. The Sign Permit or Variance under which the sign was allowed expires; or
 - v. The property or business owner changes; or
 - vi. The sign requires reconstruction of its structural elements; or
 - vii. If the name of the advertised business on the sign changes.
- c. All pole / pylon signs and non-compliant awnings shall be removed or brought into conformance with the Village Sign Code within ten (10) years from the Effective Date of this Ordinance (4/7/2016). Once ten (10) years have elapsed, the business associated with the sign shall be fined not less than two hundred fifty (\$250) dollars nor more than seven hundred fifty (\$750) dollars for each month that the sign remains in a state of non-conformance. This removal requirement shall not apply to well-maintained existing pole sign on the property of a unit of local government and which is used and maintained by that unit of government.
- d. All other Legal Non-Conforming signs (limited to all signs with lettering or advertising that occupies more than seventy five percent (75%) of any sign face, non-compliant box / cabinet signs, non-compliant wall signs, and all shared signs without a variance) shall be allowed to remain in place as long as they do not violate the provisions of subsection 8b above.

9. Signs prohibited in all districts:

- a. Signs which advertise anything other than the name of the business or a product sold on the premises where the sign is located. This shall not apply to a legal non-conforming shared sign, or a shared sign permitted by variance or special use permit.

- b. Signs erected on a separate super-structure attached to the roof of a building.
- c. Signs attached to any part of a building located above the building's roof line (i.e. the fascia, soffits, bargeboards and/or cladding that form the frontage immediately below the roof and the eaves of most buildings).
- d. Signs constructed or placed as to constitute a hazard to vehicles or pedestrians by obstructing a safe view of a street or sidewalk. Such unattached signs shall permit clear visibility and not interfere with the ingress and egress of vehicles or pedestrians.
- e. Signs of the flashing, blinking, scrolling, animated, or audible type, except those giving public service information relating to road construction and weather advisories such as time, date, temperature, weather or similar information placed by the Village or another unit of government.
- f. Signs on trees, utility poles or fences.
- g. Pole or pylon signs, except those with a legal, non-conforming designation.
- h. A sign or any part of a sign which is in motion by any means, including fluttering or rotating, or set in motion by movement of the atmosphere. This includes all banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar devices. Exceptions to this prohibition shall include the following:
 - i. The flag of any governmental jurisdiction, and flags of nationally recognized societies or institutions mounted no higher than twenty five (25) feet and limited to one (1) such flag of each type per lot or parcel. Such flags shall not exceed forty (40) square feet and no dimension shall be greater than eight (8) feet.
- j. Electronic (e.g. LED) or neon window borders.
- k. Hand painted signs (any sign that is not professionally lettered or not professionally manufactured).
- l. Signs that obscure or interfere with a sign displayed by the Village or another unit of government.
- m. Signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping. (The purpose of this prohibition is to avoid confusion with any sign displayed by the Village or another unit of government.)

- n. Signs that obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.
- o. A sign attached to a standpipe.
- p. Signs or illuminations that cause direct glare or reflection into or upon any building other than the building to which the sign is related.
- q. Inflatable advertising devices or signs. Except that such devices / signs may be allowed on a case-by-case basis in connection with special events / grand openings with a temporary sign permit.
- r. Portable trailer signs, either fixed or movable.
- s. Signs that violate any County, State or Federal regulation.
- t. Signs located within a public right of way, except those expressly authorized by the Village. This prohibition includes all political signs, except as may be provided by state law.
- u. Billboards.
- v. Signs which are painted directly upon walls.
- w. Signs on any permanent or temporary structure or building located in any public street right of way, public park, or other public way or place within the Village.
- x. "For Sale" signs on any vehicles or any other type of personal property when located within any public right of way or within any nonresidential zoning lot when vehicles or property are not being sold by a licensed business located within the zoning lot.
- y. Statues used for advertising purposes.
- z. Temporary signs affixed to permanent signs.
- aa. Signs painted or mounted on rocks or other natural features.
- bb. Temporary signs attached to a motor vehicle or trailer parked on public or private property so as to be seen from the public right of way for more than three (3) consecutive hours for the purpose of advertising a product or directing people to a business activity.
- cc. Searchlights / spotlights, except that these devices may be allowed on a case-by-case basis in connection with special events / grand openings.

dd. Abandoned signs.

10. In 'R' Districts the following signs shall be permitted:

- a. For each dwelling unit, one (1) nameplate that is not internally lighted and does not exceed one square foot (1 sq. ft.) area, that indicates only the name of occupant.
- b. For a structure other than a dwelling unit, one (1) identification sign not exceeding ten square feet (10 sq. ft.). This permissive use shall not apply to non-conforming business structures which may be located in a residential area.
- c. For purpose of orientation, directional signs when established by the Village not exceeding six square feet (6 sq. ft.).
- d. No sign shall be located on any vacant lot prior to the commencement of construction of a residence; except that one sign, not exceeding a maximum of six square feet (6 sq. ft.), may be located on the vacant lot solely for the purpose of advertising the premises on which the sign is located for sale or rent.
- e. A sign not exceeding a maximum of six square feet (6 sq. ft.) may be located on any lot in an "R" District for the purpose of advertising the premises for sale.
- f. A sign not exceeding a maximum of six square feet (6 sq. ft.) may be located on any lot in an "R" District for the purpose of advertising a garage sale on the premises. Such sign shall not be erected more than seventy-two (72) hours prior to the start of the sale and shall be removed not more than twelve (12) hours after the end of the sale.
- g. It shall be unlawful to erect any pennant banner, flag pennant, ribbon, or similar device used as a sign in connection with a special event or a promotional advertisement. (Ord. 2001-19)

11. In Business Districts, signs shall be allowed in accordance with the following provisions:¹

- a. Lettering or other advertising may not occupy more than seventy five percent (75%) of any sign face.

1 (The Downtown Area may have additional restrictions as noted)

- b. Backlit/internally illuminated letters are allowed. **(In the Downtown Area letter height shall not exceed eighteen inches (18”).)**
- c. One box/cabinet sign (flat panel signs that enclose all electrical or dimensional elements) per business; provided that it is part of ground mounted monument sign with an opaque background. **(Box/cabinet signs are not allowed in the Downtown Area.)**
- d. Where two or more businesses are located in a single structure and the businesses have separate exterior entrances, then the premises occupied by each business shall be considered a separate “building” for purposes of calculating the maximum allowable size of wall signs under this Section. Wall signs for such separate entrance may be located only on the front of the premises that is occupied by the business. This subsection applies to shopping centers and to any other structure which contains exterior entrances to two (2) or more businesses.
- e. Wall signs must be erected parallel and/or perpendicular to the vertical wall surface and shall not project beyond the end or top of the wall to which it is attached. There may be no more than one (1) wall sign on a building wall. If all stories or levels in the building contain non-residential uses or contain a non-residential use and vacant areas that are designed for non-residential uses, the width of the wall sign on a building wall may not exceed seventy five percent (75%) of the total width and may not exceed fifteen percent (15%) of the total surface area of the wall to which the sign is attached or one hundred square feet (100 sq. ft.) whichever is less. If a building contains or is designed to contain both commercial and residential uses and one or more stories or levels of the building are used for residential purposes and/or are vacant and designed to be used only for residential purposes, then the total width of the wall sign on the building shall not exceed twenty five (25%) percent of the total width of the wall to which the sign is attached, or one hundred square feet (100 sq. ft.) whichever is less. No sign may be attached to a wall that encloses the residential portion of a building. The height of a wall sign may not exceed six (6) feet measured from the bottom of the sign or sign structure (whichever is lower) to the top of the sign or sign structure (whichever is higher). Regardless of use(s), maximum sign size shall be proportionate to the size of the façade to which it is attached. A wall sign may not project more than eighteen inches (18”) from the wall surface. Sign material/appearance/color must be consistent with the architectural characteristics of the principal building.
- f. Awnings
 - i. Vinyl awnings are prohibited.
 - ii. Bubble and round awnings are prohibited.

- iii. Backlighting of awnings is prohibited.
- iv. Lettering and graphics shall not be permitted on the awning, except that which presents the address or name of the business on the fringe / valance portion
- g. Directional signs
- h. One (1) monument sign on each business property. All monument signs must be of masonry construction. Any sign, clock or other advertising device shall be placed entirely within the property lines of the premises upon which the sign, clock or other advertising device is located. The maximum height for a monument sign shall be eight (8) feet, measured from grade to the top of the sign or sign structure (whichever is higher). No part of any monument sign or sign structure shall extend over the sidewalk or street. (Ord. 2009-09, Sec. 2, 3-19-09)
- i. The gross surface area of any sign not attached to a building shall be no greater than one and one half square feet (1.5 sq. ft.) for each linear foot of building frontage or two hundred square feet (200 sq. ft.) whichever is less. All sides of a multi-sided sign shall be counted when calculating gross surface area. No sign face shall exceed one hundred square feet (100 sq. ft.).
- j. Shared signs are not allowed.
- k. One electronic message display board (a sign with illuminated characters used to display advertising messages, or which may be changed periodically by electronic means) shall be allowed per lot (as the term "lot" is defined in Section III (B)(85)) in a business district (**In the Downtown Area, electronic message display boards are not allowed**), if each of the following conditions is met:
 - i. The electronic message display board displays only alpha-numeric characters on not more than three (3) lines. An electronic message display board shall not display, or give the appearance of displaying, any graphic, photographic or pictorial images;
 - ii. The message on electronic message display board shall not change more frequently than once every five (5) seconds;
 - iii. The electronic message display board may not have more than two (2) sign faces; neither which may have an area that is greater than twenty-five square feet (25 sq. ft.);
 - iv. The electronic message display board must be part of a ground mounted monument sign.

- v. The electronic message display board shall not be located in a manner so as to distract or cause confusion with regard to the operation or visibility of a traffic control signal or traffic control sign.

The provisions of this Subsection shall not increase the number of signs otherwise allowed under the provisions of this Sign Ordinance, nor do the provisions of this Subsection increase the overall size of signs allowed under the provisions of this Sign Ordinance. (Ord. 2003-01, Ord. 2005-03)

1. Illumination Standards

- i. Any sign illumination, including gooseneck reflectors, external illumination and internal illumination, must be designed, located, shielded and directed to prevent the casting of glare or direct light upon roadways and surrounding properties. Such signs may not present a distraction to drivers or pedestrians in the public right-of-way.
- ii. For non-LED illuminated signs, the maximum allowable illumination at the lot line is one footcandle. If a sign extends over the lot line, the maximum illumination shall be measured at the back of curb or edge of pavement.
- iii. For electronic message display boards, the maximum illumination shall be measured as follows:
 - 1. Foot candles are measured directly perpendicular to the face of the sign at a distance in feet, rounded to one decimal place, calculated as follows: the square root of the area of the LED sign face multiplied by one hundred (100).
 - a. Example: For a fifty (50) square foot electronic message display board, fifty (50) square feet multiplied by one hundred (100) is five thousand (5,000) feet and the square root of that, rounded to one decimal place, is seventy point seven (70.7) feet.
 - 2. One reading will be taken with the electronic message display board off, and a second taken displaying a white image for a full color-capable sign or a solid message for a single-color sign.
 - 3. The difference between the off and solid-message measurements cannot exceed 0.3 foot candles (3 lux).
 - 4. All permitted electronic message display boards must be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to

ambient light conditions or be adjusted to comply with the 0.3 foot candle maximum.

- iv. The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no bulbs are visible.
- v. All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.
- vi. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles.
- vii. Neon components used as a sign material or sign accent are permitted for permanent window signs in non-residential zoning districts. Flashing neon is prohibited.
- m. Unattached traffic or directional signs indicating entrances and exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained. Such signs must be located within the property lines of the premises upon which the business, or businesses, may be located.
- n. No sign shall be located on any vacant lot prior to the commencement of construction of a business except that one sign, of not more than sixteen square feet (16 sq. ft.) for a single face sign and a total of thirty-two square feet (32 sq. ft.) for a double sided sign, may be located on the vacant lot solely for the purpose of advertising the premises on which the sign is located as being for sale or rent.
- o. No canopies may be constructed with a clearance of less than eight (8) feet.
- p. Interior Window Signs in Business Districts, subject to the following:
 - i. No window may have more than two (2) signs.
 - ii. No more than ten (10) window signs are allowed per business.
 - iii. Window signs may not exceed thirty three percent (33%) of the square footage of all windows located on the wall in which the signs are placed.
 - iv. Window signs may not obstruct the view of the business operation conducted within.
 - v. All businesses shall be required to be in compliance with the interior window sign regulations in this section within twenty four (24) months of the effective date of this ordinance (4/7/2016). There shall be no

grandfathering of window signs beyond the twenty-four (24) months.

q. Window Displays

Window displays in business districts shall be arranged so that the business operation conducted within is visible from the sidewalk adjacent to the business's primary entrance.

r. Window Paintings/Etchings

Window painting/etching is allowed in business districts. Painting/etching must be done by a professional painter/etching professional. Painting/etching shall be designed so that the business operation conducted within is visible from the sidewalk adjacent to the business's primary entrance.

15. Temporary Exterior Signs.

- a. For the purpose of this Section, a temporary exterior sign shall be defined as any non-permanent sign located outside a structure which advertises or brings attention to the business located on the premises, products, programs or services sold by the business located on the premises, an activity transacted by the business on the premises, or the name of the person or firm conducting the business on the premises. The definition of a temporary sign shall not include: (i) the flying or display of the flag of any governmental jurisdiction; or (ii) a sandwich board sign that meets the requirements of this section.
- b. Except as set forth in this Section 15, it shall be unlawful for any person to erect, display or maintain a sign which is not fixed to a permanent base, embedded into the ground or which is not fixed to a building. This includes, but is not limited to, portable or mobile signs which are attached to a base which has wheels.
- c. Any person shall erect or maintain a temporary exterior sign or a temporary Human Sign must first obtain a temporary sign permit. The temporary sign permit shall describe the temporary sign and its location. Permits for temporary signs shall be valid for the time period stated in the permit. Under no circumstances shall this exceed fourteen (14) consecutive calendar days. A business premises may be issued no more than six (6) temporary sign permits in a calendar year. The fee for each temporary sign permit shall be ten dollars (\$10.00) for each permit. (Ord. No. 2010-15, Sec. 2, 4-15-10)
- d. No temporary exterior sign permit may be issued under this section unless the temporary exterior sign complies with the requirements of this section and also meets the following standards:

- i. The temporary exterior sign shall not be located, operated or maintained in a manner that creates a hazard by either: (1) impairing lines of sight that are necessary for the safe movement of vehicular or pedestrian traffic; or (2) otherwise increases the danger to motorized and non-motorized vehicle traffic or pedestrians.
 - ii. The temporary exterior sign shall be fastened to the pole or other structure on which it is mounted or anchored to the ground and secured so as to minimize the likelihood that the temporary exterior sign becomes loose or damaged as a result of wind, rain or other weather conditions.
 - iii. The temporary exterior sign must advertise or bring attention to: (1) a business that is located on the same premises on which the temporary exterior sign is located; or (2) a product, program or service that is offered for purchase or rent on the same premises on which the temporary exterior sign is located.
- e. Temporary exterior signs shall be maintained in accordance with the following standards:
- i. Temporary exterior signs must be maintained in a condition that is not materially different from the condition of the temporary exterior sign when it was first erected.
 - ii. A temporary exterior sign shall be removed when it becomes worn or if it is ripped or torn or otherwise damaged or defaced.
 - iii. A temporary exterior sign that has been issued a permit under this section which has become worn, or has been ripped or torn or otherwise damaged or defaced may, during the time allowed in the permit, be replaced with a temporary exterior sign which is not materially different as to size and design.
- f. A temporary exterior sign shall not exceed a total of twenty-four square feet (24 sq. ft.). Except, where the temporary exterior sign is attached to an exterior wall, the total width of the sign face shall not exceed the lesser of either: (1) thirty-three (33%) percent of the total width of the exterior wall or (2) twenty-four square feet (24 sq. ft.).
- g. One (1) exterior sign located on a premises which advertises the premises on which the sign is located as being for sale or which otherwise advertises a portion of the premises on which the sign is located as being for lease shall be allowed. The size of the exterior sign may not exceed sixteen square feet (16 sq. ft.) for a single face sign and thirty-two (32) total square feet for a double sided. If the premises is adjacent to more than one (1) public street, one (1) exterior sign meeting the requirements of this section shall be allowed on each

portion of the premises which is adjacent to a public street. Signs with a size greater than sixteen square feet (16 sq. ft.) may be allowed upon the approval of a Special Use permit so long as the permitted sign does not exceed eight (8) feet on any side. (Ord. No. 2010-19, Sec. 3, 5-20-10)

- h. A portable sign attached to a base which has wheels may be displayed on a lot or parcel within a Business District up to four (4) times during each calendar year for a period not to exceed fourteen (14) consecutive days each time. Provided that (i) the portable sign complies with all other applicable regulations, including, but not limited to, all provisions of the Zoning Ordinance; and (ii) the owner or occupant of the property obtains a permit for a temporary sign as set forth in Section 6-112 of this Code each time the portable sign is displayed; and (iii) no temporary sign has been displayed on the lot or parcel during the forty-five (45) day period preceding to the first date for which the applicant requests the permit to display a temporary sign.
 - i. Subject to the following provisions, a portable sign attached to a base which has wheels may be displayed on a lot or parcel within a residential zoning district, provided a house or apartment building is not located on the lot or parcel. Portable signs may be located on such property up to six (6) times during each calendar year for a period not to exceed seven (7) consecutive days each time. Provided that (i) the portable sign complies with all other applicable regulations including, but not limited to, all provisions of the Zoning Ordinance and (ii) the owner or occupant of the property obtains a permit for a temporary sign as set forth in Section 6-112 of this Code each time the portable sign is displayed. (Ord. 96-02, Sec. 1, 1-18-96).
 - j. Each business premises shall be allowed to use one (1) portable sandwich board sign provided the sandwich board sign meets all of the following criteria: (i) the sandwich board sign must advertise or bring attention to products, programs or services sold or offered at the premises where the sandwich board is placed; (ii) the sandwich board sign shall be removed when the business is not open; (iii) the sandwich board sign shall not have any electronic components; (iv) the sandwich board sign shall not have more than two (2) sign faces; (v) no sign face of the sandwich board sign may exceed six (6) square feet; (vi) the total area of the two sign faces may not exceed twelve square feet (12 sq. ft.); (vii) the sandwich board sign may be placed no more than fifteen (15) feet from the main entrance to the business premises; and (viii) the sandwich board sign shall not be used if it is damaged, torn, worn or defaced. (Ord. No. 09-32, Sec. 2, 11-19-09)
16. Human Signs. Each Business shall be allowed to use one (1) Human Sign to advertise the products, programs or services offered by the business provided the Human Sign meets each and every one of the following criteria:

- a. The Human Sign may only advertise or bring attention to products, programs or services sold or offered by the business receiving the permit;
- b. The Human Sign shall be removed when the business is not open;
- c. The Human Sign shall not have any electronic components;
- d. The total size of the Human Sign shall not exceed twenty-four (24) feet square;
- e. The Human Sign shall operate only on the private property of the business being advertised, any immediately adjacent private property with that owner's written permission, or on public sidewalks as long as pedestrian traffic is not impeded;
- f. The Human Sign shall not impair lines of sight that are necessary for the safe movement of vehicular or pedestrian traffic and shall not place any item on any public right of way;
- g. The Human Sign shall not be used if the costume worn is damaged, torn, worn or defaced;
- h. The Human Sign shall not hold any sign other than their costume, and;
- i. The costume or clothing worn by the Human Sign shall not contain any visible verbiage or symbols advertising the sale of any product, programs or services offered by the business the Human Sign is representing. (Ord. No. 2010-15, Sec. 3, 4-15-10; Ord. No. 2016-07, Sec. 2, 4-7-16)

J. COMMUNITY EVENT/INFORMATION SIGNS

- (a) The Village shall be allowed to operate up to four (4) permanent signs in the Village for the purpose of providing information relevant to the public health and welfare as well as information on community events that are being sponsored by governmental bodies, community organizations, and/or not-for-profit civic organizations. These signs shall not advertise any product or service not directly related to the advertised community event, shall not support any candidate for public office, and shall not request that any action be taken on any referendum question.
- (b) A governmental body, community organization or not-for-profit civic organization shall be limited in its use of any community event sign to no more than eight (8) times per calendar year. The use of a community event sign may be limited to no more than fourteen (14) consecutive calendar days for any single community event. No fee shall be charged for use of this sign. The Village may enter into an agreement with a community

organization that will allow the community organization to construct and/or operate a community event sign. The location of the sign, the details pertaining to its construction and the length of the agreement shall be set forth in the agreement. The agreement shall also require that the community organization must comply with this Section J in its operation of the sign.

- (c) Temporary directional signs related to a community event may, upon first obtaining the consent of the property owner, be placed on either private or public property for no more than three (3) days prior to the date of the community event and for no more than one (1) day after the community event.
- (d) Other than the signs allowed in this Section J, no other signs shall be placed on Village property or right-of-way pertaining to any community event unless prior authorization is first obtained from the Village's Corporate Authorities. (Ord. No. 09-32, Sec. 3, 11-19-09)

ARTICLE X NON-CONFORMING BUILDINGS AND STRUCTURES, AND NON-CONFORMING USES

A. STATEMENT OF PURPOSE

The purpose of this Article is to provide for the regulation of non-conforming uses and non-conforming buildings and structures, and to specify those circumstances and conditions under which non-conforming buildings and structures and non-conforming uses shall be gradually eliminated upon reaching the end of their respective normal useful life in accordance with the authority granted by Illinois Statutes.

B. AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES

Any building or structure which existed lawfully at the time of the adoption of this ordinance, and which remains or becomes non-conforming upon the adoption of this ordinance or of any subsequent thereto, may be continued only in accordance with the following regulations:

1. Repairs and Alterations

Ordinary repairs and alterations may be made to a conforming non-conforming building or structure. No structural alterations shall be made in or to a non-conforming building or structure, except those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located.

2. Additions and Enlargements

- a. A non-conforming building or structure shall not be added to, or enlarged in any manner unless such non-conforming building or structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district on which it is located.
- b. A non-conforming building or structure which is non-conforming only as to bulk, may be added to, or enlarged, provided such addition or enlargement conforms to all regulations of the district in which it is located.

3. Moving

No building or structure shall be moved in whole or in part to any other location unless every portion of such building or structure, and the use thereof is made to conform to all regulations of the district into which the building is moved.

4. Restoration of Damaged Non-conforming Buildings or Structures

A building, structure, or portion thereof, all or substantially all of which does not conform to the regulations applicable to the district in which it is located, and which is destroyed or damaged by any casualty to such an extent that the cost of restoration to the condition in which it was before the casualty will exceed sixty (60%) percent of the established total cost of complete reconstruction, shall not be restored unless said building or structure, and its subsequent use, shall conform to all regulations of the district in which it is located. If such damage by casualty is less than sixty (60%) percent of the total cost of reconstruction, no repairs shall be made unless begun within six (6) months from the date of the casualty, and such reconstruction must be diligently prosecuted. In such latter case, the non-conforming use building or structure may be continued.

5. Discontinuance of Use of Non-Conforming Building or Structure

A building, or structure which does not conform to the regulations of the district in which it is located, use and which has not been occupied or used for a continuous period of one (1) year, shall not thereafter be occupied or used, unless the building or structure is made to conform to the regulations of the district in which it is located.

C. AUTHORITY TO CONTINUE NON-CONFORMING USES

1. Non-Conforming Uses of Conforming Buildings and Structures

The existing non-conforming use of part or all of a conforming building or structure may be continued subject to the following provisions:

- a. The non-conforming use of a part of such building or structure shall not be expanded and shall not be extended into any other portion of such building or structure, nor changed to any other non-conforming use.
- b. If a non-conforming use of such a building or structure is discontinued, or abandoned for a period of six (6) months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the building or structure is located.
- c. If a building or structure or portion thereof which contains a non-conforming use is destroyed or damaged by any casualty to such an extent that the cost of restoration of the building or structure to the condition in which it was before the casualty will exceed sixty (60%) percent of the established total cost of complete reconstruction, then the subsequent use of such building or structure shall conform to all regulations of the district in which it is located. If the cost of restoration of such casualty damage is less than sixty (60%) of the total cost of complete reconstruction and restoration of the building or structure is not completed within one (1) year from the date of the casualty, then the subsequent use of such building or structure shall conform to all regulations of the district in which it is located.
- d. Any lawful non-conforming use in a conforming building or structure existing in a Residence District on the effective date of this ordinance or any amendments thereto that is allowed as a permitted or special use only in a Business District, shall be entirely discontinued within ten (10) years from the effective date of this ordinance or any amendments thereto.

2. Non-Conforming Use of Land

The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, can be continued subject to the following provisions:

- a. Such non-conforming use shall not be extended beyond the area it occupies.
- b. If such a non-conforming use of land is discontinued or abandoned for a period of six (6) consecutive months, it shall not thereafter be renewed, and subsequent use of land shall conform to the regulations of the district in which the land is located.
- c. No non-conforming use of land shall be changed to another non-conforming use.
- d. Elimination of non-conforming use of land - the non-conforming use of land shall be discontinued in accordance with the following, except that in R1, R1-A and R2 Districts the allowable term shall be reduced by fifty (50%) percent:
 - i. Where no buildings or structures are employed in connection with such use of land, - discontinued within 1 year from the effective date of this ordinance or any amendments thereto.
 - ii. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use of land and have an assessed valuation of not more than \$10,000 - discontinued within two (2) years from the effective date of this ordinance.
 - iii. Where the improvements, underground or substantially at ground level, which comprises all or substantially all of the improvements employed in such use of land and which have an assessed valuation of more than \$10,000, - discontinued within five (5) years from the effective date of this ordinance.
 - iv. Where the non-conforming use of land is accessory to the non-conforming use of a building or structure, it shall be discontinued on the same date

on which the non-conforming use of the building or structure is discontinued.

ARTICLE XI ADMINISTRATION

A. STATEMENT OF PURPOSE

The administration of this ordinance is hereby vested in four (4) official entities of the Village of Fox River Grove:

The Offices of the Village Staff
The Office of the Village Clerk
The Planning and Zoning Commission
The Village Board

B. DUTIES OF THE VILLAGE STAFF AS APPOINTED AND DELEGATED BY THE VILLAGE ADMINISTRATOR

The Village Staff and such persons as may be designated by the Village Administrator or the Village President, shall enforce this ordinance, and shall have the authority to:

1. Issue and maintain records of all Zoning Certificates.
2. Issue and maintain records of all Certificates of Occupancy.
3. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance.
4. Maintain permanent and current records of this ordinance and all maps, amendments and variations, and designate such amendments on the zoning map .

C. DUTIES OF THE VILLAGE CLERK

1. Receive, file and forward to the Village Board for action, all applications for amendments to this Ordinance, and other matters upon which the Village Board shall make the final decision under this Ordinance.
2. Receive, file and forward to the Planning and Zoning Commission all applications for appeal, variations, amendments and special uses or for other matters which the Planning and Zoning Commission is required to review under this Ordinance.
3. Receive, file and forward to the Planning and Zoning Commission all applications for planned unit developments as provided in Article XIII.

D. THE PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission shall have the powers and duties set forth in Section 2-224 of the Village Code and shall discharge those duties according to the following:

1. VARIATIONS

a. Authority

The Commission may, upon application of a property owner, recommend that the regulations of this ordinance be varied in harmony with its general purpose and intent. In order to grant any variation, the Commission must find, based upon the prescribed standards, that there are practical difficulties or particular hardships that should limit the strict application of the regulations of this Zoning Ordinance.

b. Standards for Variations

The Commission may recommend a variation in harmony with the general purposes and intent of this ordinance. No recommendation for a variation from a provision of this ordinance shall be made concerning the use of the land, the intensity of such use, or other requirements of this Ordinance, until after the required public hearing. No such variation may be granted unless the Commission finds, based upon evidence presented to it in each specific case, that:

- i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- ii. The plight of the owner is due to unique circumstances;
- iii. The variation, if granted, will not alter the essential character of the locality; and
- iv. For the purpose of implementing the above rules, the Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence.
 - a. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as

distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

- b. The conditions upon which the petition for a variation is based would not be applicable, generally to other property within the same zoning classification.
- c. The purpose of the variation is not primarily based upon a desire to make more money out of the property.
- d. The alleged difficulty or hardship has not been created by the owner of the property or by a previous owner.
- e. 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.
- f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public street or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Commission may recommend the imposition of such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set out in Section XI(D)(1)b to reduce or minimize the injurious effect of such variation upon other property in the neighborhood and better to carry out the general intent of this Ordinance.

2. MAP AND TEXT AMENDMENTS

The regulations imposed by and the zoning district map created under the authority of this Ordinance may be amended from time to time by ordinance. No such amendments shall be made without a public hearing before the Commission. Amendments to the text of this Ordinance may be proposed by the Village Board, the Commission, the Village President, the Village Staff, another governmental body or any owner seeking to change the use of or to develop property within the Village.

3. SPECIAL USES

Those uses which are established in the various zoning district classifications as set forth in this Ordinance as 'Special Uses' may be granted by the Village board only after a public hearing before the Commission.²

1. Standards

A special use may only be authorized only upon evidence that the use meets the following standards :

- a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety and welfare.
- b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall the special use substantially diminish or impair property values within the neighborhood.
- c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District where the special use is to be located.
- d. Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
- e. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
- f. Such special use shall in all conform to the applicable regulations of the district in which it is to be located except as such regulation may be specifically modified for the special use by the Village Board.

2. Conditions

The Commission may recommend and the Village Board may provide such conditions or restrictions upon the construction, location and operation of a special use, including but not limited to, provisions for off-street parking and loading, as shall be deemed necessary to secure the general objectives of this Ordinance and to reduce injury to the value of property in the neighborhood.

² It is recognized that Planned Unit Developments are, by definition, Special Uses. Nonetheless, all rules and regulations for Planned Unit Developments are found in Article XIII.

4. APPEALS FROM STAFF ZONING DECISIONS

a. Scope of Appeal

An appeal may be taken to the Planning and Zoning Commission by any person or legal entity aggrieved by a zoning decision rendered by the Village Staff. Such appeal shall be filed, in writing within 30 days of the Village Staff decision from which the appeal is to be taken.. Such appeal shall be filed with the Village Clerk, and shall specify, in detail, the nature of the decision from which the appeal was taken. The Village Clerk shall, within 5 business days of the receipt of the appeal and in cooperation with the Village Administrator, transmit to the Commission all documents constituting the record upon which the action appealed from was taken.

b. Finding on Appeals

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Village Administrator certifies to the Commission, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such an instance the proceedings shall not be stayed, except by a Court of competent jurisdiction.

The Commission or the Village Administrator shall select a reasonable time and place for the hearing of the appeal that is not less 30 days after being provided with the record by the Village Clerk. The Village Clerk shall then give due notice of such date to the parties. The Commission may affirm or reverse (wholly or in part) or issue a modification of the order, requirement, decision, or determination which is the subject of the appeal. The Commission shall render a written decision on the appeal within 30 days after its vote. The Commission's decision shall be a final administrative decision pursuant to the Illinois Administrative Review Act.

M. FEES

All applications for a variation, amendment, planned unit development approval, or authorization of a special use shall be accompanied by the applicable processing, hearing and other fees as may be established from time to time by the Village Board.

ARTICLE XII RESERVED.

ARTICLE XIII PLANNED UNIT DEVELOPMENTS

A. PURPOSE

The Planned Unit Development is a concept which encourages improved design in the development of land by providing relief from the established standards of a particular zoning district. Two forms of relief are permitted subject to the approval of a development plan. The concept provides for a mixture of uses otherwise permitted only in separate zones and for a more flexible use of development standards, including yards, height and bulk regulations based on design excellence and improved performance. It is the intent of the Village Board that this Article XIII shall control over all other provisions of this Zoning Ordinance with respect to review, public hearings and approvals of Planned Unit Developments.

In addition to the general intent and purpose of the Zoning Ordinance (Article II) the purpose of this Article XIII is to establish standards and procedures for planned unit developments in order that the following objectives may be attained:

1. Environmental design in the development of land that is better than that normally attainable through the strict application of the Zoning Ordinance and subdivision regulations.
2. Diversification of uses and variation in the relationship of uses, structures, open spaces, and height of structures in developments conceived as cohesive unified projects.
3. Provision for functional, aesthetic and beneficial use of open areas for both public and private use, including both active and passive forms of recreation.
4. Preservation of the natural environment and the conservation of significant natural areas.
5. Provision for a safe and desirable living environment for residential areas characterized by a unified building and site development program.
6. Rational, economic development on a scale consistent with the Village's ability to provide needed public services.
7. Creation of a variety of housing types within compatible neighborhood arrangements to provide a greater choice of types of environment and living units.

B. STANDARDS FOR THE DESIGN OF PLANNED UNIT DEVELOPMENTS

The following standards shall provide guidance for planned unit developments.

These may be substituted for the district regulations of the Zoning Ordinance, subject to the approval of a preliminary development plan and the authorization of a special use. Where the standards of this Article XIII conflict with the subdivision regulations, the standards of this Article XIII may be substituted subject to the approval of a special use. All minimum requirements pertaining to commercial, residential, institutional or other uses established in the planned unit development shall be subject to the requirements for the underlying zoning district except as may be specifically excepted or departed from in the Special Use Ordinance establishing the planned unit development. Planned Unit Developments are often built in phases. In such instances, a unified concept plan may be approved by the Village Board after a public hearing before the Planning and Zoning Commission.

1. Intensity of Development.

- a. Minimum areas are required for zoning districts in which planned developments are allowed. Area requirements may vary in accordance with the principal uses and residential density.
- b. Useable open space is required for all planned unit developments located in residential or the B3 zoning district. Poor soils and flood plain lands may account for not more than twenty-five (25%) percent of the open space land area.
- c. Density controls for residential planned unit developments are generally expressed in terms of the gross density which relates to the minimum lot size for the underlying zoning districts in which the planned unit development is located. Any reasonable mixture and location of housing units are allowed as long as the purpose and intent of this Article XII are attained.
- d. Maximum net area may be a combination of residential and the permitted percentage of non-residential uses. Open space is required and with the maximum net areas will total the gross site area. Streets shall be considered a part of the net area within which they are located.
- e. Floor area ratio (F.A.R.) is established to control the intensity of development. It expresses a factor which once multiplied by the lot area produces the total allowable floor area for all residential or non-residential uses.
- f. Lot coverage establishes the total site area which may be built upon. Maximum lot coverage is fifty (50%) percent. This percentage is gradually reduced in intensity in the residential districts, with the R-1 district having the lowest average lot

coverage.

- g. Yards are expressed in terms of minimum distances between buildings and lot lines. Where provisions for a Homeowners Association or similar exterior maintenance and management group are to be formed and, as a result, lot lines are not defined in commonly held open areas, the total side yard areas and combined rear yard areas shall be provided between structures. Where large multiple family structures are proposed in close proximity, greater side and rear yard areas may be required to meet fire protection standards and equipment limitations.

2. Permitted and Special Uses.

Permitted uses are the uses specified for the district in which the planned unit development is located. Because a planned unit development is a special use, a mixture of housing types and a mixture of residential and commercial uses may be allowed in a planned unit development.

3. Circulation.

Where practical, provisions shall be made to separate pedestrian and vehicular circulation. The following standards shall apply:

- a. Streets in a planned unit development shall be dedicated to the Village unless adequate provisions for common ownership and maintenance are established and made a part of protective covenants.
- b. All streets shall meet minimum design and construction standards required in the Fox River Grove Subdivision Regulations, as amended, or as specified in the ordinance establishing the planned unit development.
- c. Storm water drainage facilities commonly associated with streets are required and shall be provided in accordance with all applicable ordinances, statutes, rules and regulations.
- d. Sidewalks are required on all street frontages or may be located in common areas once adequate provisions for easements, maintenance and ownership are specified in protective covenants or homeowners association agreements on management. Sidewalks may also be required to be constructed outside the planned unit development in order to connect the planned unit development with other areas within the Village. Construction of sidewalks shall be in accordance with the standards specified in the Fox River

Grove Subdivision Ordinance, as amended.

- e. Walkway easements with sidewalks adjacent to or through dedicated public open space, which are provided in lieu of sidewalks along streets or courts shall be the maintenance responsibility of residents of the planned unit development and shall be provided for as a part of the management agreement.

4. Parking and Loading and Access.

- a. Parking and loading facilities shall be provided in accordance with regulations established in Article IX of the Zoning Ordinance for each use contained in a planned unit development. Where an unusual housing mix or opportunity for joint use of parking spaces requires special consideration, the number of parking spaces may be reduced provided that adequate parking for commercial and residential uses is provided.
- b. Additional parking spaces for guests, customers, the disabled, recreational vehicles, and other common storage and/or parking uses in a planned unit development shall be required if warranted by the particular characteristics of the proposed planned unit development.
- c. Access to all principal use areas of a planned unit development shall be from a public street designed and improved to serve the projected traffic to be generated. Where no such public street exists or where existing public streets will not accommodate the projected traffic from the proposed use or uses, it shall be the owner's (developer's) responsibility to make all improvements required by the Village or County to assure that traffic congestion and traffic safety problems will not result from the use or development.

5. Landscaping and Plantings.

To meet objectives of the planned unit development procedure, environmental concerns and design excellence are fundamental considerations. Specific standards for plant materials, design techniques and landscape treatments are not set forth. However, the following criteria shall be used to review proposed site improvements.

- a. Buffers such as: earth mounds, screen plantings, fences, or screens may be required.
- b. Refuse facilities for storage and pickup of refuse including: cover

and screening shall be required.

- c. Delineation of privacy areas with fences, plant materials or earth mounds shall be required.
- d. Recreation areas where unusual existing features or large trees may be used for a combination of active and passive recreation areas.
- e. Careful location of parking lots, their entrances and exits, and screening shall be required.
- f. Identification of areas to be sod and grass shall be required.
- g. The location of major existing and proposed plantings listing the type and number shall be required.

6. Utilities.

Standard provisions for utilities are required to be prepared in accordance with Illinois law by Registered Professional Engineers. This shall include water, sanitary sewer and storm water drainage facilities as well as underground electric and telephone utilities. At the pre-application conference, existing plans and areas of mutual cooperation may be discussed. All utility plans shall be reviewed and approved by the Village Engineer.

7. Fire and Police Protection.

It is essential that all planned unit developments be designed with a full understanding of requirements, policies and limitations of the Fox River Grove Fire Protection District and Police Department. As a part of the preliminary plan review, the Fire Protection District and Police Department shall review and comment upon the planned development. Such review shall take place prior to the public hearing. Absence of comment by either agency shall be considered as approval of the proposal.

8. Floodproofing.

Any structure proposed to be constructed in the flood plain tableland shall meet requirements set forth in the Flood Plain Ordinance.

9. Preservation of Natural Environment.

An essential element of any planned unit development is a complete understanding of the site and all problems and opportunities which are present. Those elements identified as assets in the property site plan shall

be taken into consideration and shall become a part of the final design solution. This eliminates the possibility that some modification of a stream or impoundment on a waterway will be needed, or that some trees may need to be removed or a slope altered. The natural site shall be a major influence upon the design of the final plan, its review and approval. The natural site should be preserved to the greatest extent possible.

10. Open Space Guarantees.

Design flexibility permitted in planned unit developments is intended to insure that open space areas are set aside to protect natural site features and preserve wooded areas for the residents of the Village. A variety of techniques may be used to guarantee that open space areas shall remain open. Lands may be held in common ownership as private open space through a homeowners association. Lands may be dedicated to the Village or other suitable public jurisdiction as park areas. Lands may also be leased with long-range open space guarantees.

11. Relationship to Existing Development.

Design excellence is a stated objective for each planned unit development so that each project enhances the community. This can be accomplished only after careful attention is given to all existing developed area surrounding the site. Blending similar uses with careful attention to setbacks, height of buildings and visual considerations are recommended design techniques. Abrupt breaks in the development pattern with dissimilar uses adjacent to each other are not allowed unless careful precautions are taken to utilize natural buffers or to create buffers between use areas. The planned unit development shall not endanger the public health, welfare, or safety, nor shall it materially diminish or impair property values in the neighborhood in which the planned unit development is located.

12. Need.

The planned unit development must contain uses which are needed in the area where the planned unit development is to be located.

13. Relationship to the Comprehensive Plan.

Unless special findings to the contrary are made by the Village Board, planned unit developments are required to conform to the Comprehensive Plan of the Village.

C. PROCEDURES FOR REVIEW AND APPROVAL

Application for a planned unit development shall be made in accordance with the following procedures and shall be accompanied by the required plans, reports and other documents.

1. Pre-Application Conference

Prior to filing an application for a planned unit development, a pre-application conference shall be held with either the Village Board or the Village Planning and Zoning Commission pursuant to the following procedures:

- a. The developer shall request in a letter addressed to the Village Board that a pre-application conference be scheduled with the Village Board or the Planning and Zoning Commission.
- b. The letter should contain a brief description of the proposed development including:
 - i. Description of the site.
 - a. Location: county, township, range.
 - b. Name of owner of record.
 - c. Location of streets on and adjoining the site.
 - d. Location of watercourses and drainage ways on or adjoining the site.
 - ii. General description of the proposed development.
 - a. Number and type of dwelling units
 - b. Number and type of other principal uses.
 - c. Number and type of accessory uses.
 - d. Park and recreational open space acreage.
 - e. Development schedule.
 - iii. Identification of the owner and developer and the principal members of their design team.
 - iv. General description of any departures from the provisions of the Zoning Ordinance and the Village's subdivision

requirements which may be requested in connection with the proposed planned unit development.

- c. The Village Board shall either schedule the pre-application conference with the Village Board or forward the request to the Planning and Zoning Commission with instructions to hold a pre-application conference with the developer.
- d. Prior to the filing of an application for approval of a planned unit development and prior to the pre-application conference, the prospective applicant shall review the Village's Comprehensive Plan, zoning map and this Zoning Ordinance.
- e. The purpose of the conference shall be two-fold. The developer shall present a brief description of his proposed planned unit development. The Village Board or the Planning and Zoning Commission shall review with the developer any plans, current planning programs, other proposed land developments with the Village or the area surrounding the proposed development, and the ordinances and policies of the Village relative to the regulation of land development. The conference shall be a public meeting and all members of the Village Board and other boards and districts are encouraged to attend.
- f. The pre-application conference may be held at either a regular or special meeting of the Planning and Zoning Commission or the Village Board.

2. Application

Within twelve (12) months after the pre-application conference, the developer may file a petition and application for preliminary plan approval which, when final approval is granted, will take the form of a special use permit for a planned unit development. The procedures and requirements herein shall govern the submission, review and approval of the application, notwithstanding the regulations of the Fox River Grove Zoning Ordinance as they pertain to special uses generally. As previously stated, a unified concept plan, to be built in phases, may receive approval from the Village Board. Such a concept plan must identify the phases in which it is to be developed and each phase shall be subject to the preliminary and final approval process. Any necessary rezoning may be accomplished on a phase by phase basis.

- a. Application for preliminary plan approval shall be made on forms provided by the Village, or in the manner prescribed by the Village, and shall be accompanied by copies, as specified by the

Village, of the following documents:

- i. Boundary survey of the property prepared by a Registered Illinois Land Surveyor.
- ii. Legal description of the property.
- iii. The owner's name, including the beneficiary of any trust as owner.
- iv. A site plan of the property drawn to scale showing:
 - a. Topographic contours at an interval of not more than two (2) feet.
 - b. The boundary and elevation of any flood plain extending onto the property.
 - c. The boundary of any flood tableland extending onto the property.
 - d. Soil mapping units based on surveys of the Soil Conservation Service with an interpretation of the suitability of the soils for the use or uses proposed in the planned unit development; special attention shall be given to problem soils interpretations which identify erosion tendencies, marshlands or bogs. Precautions against erosion shall be required.
 - e. The location of any streams, ponds, marshes, or wetlands extending onto the property.
 - f. The location and species of any stands of mature trees including single trees having a trunk diameter in excess of twelve (12) inches.
 - g. The current zoning classification of the property and all property located within two hundred fifty (250) feet of the property
- v. A preliminary plan of the proposed development drawn to scale and showing:
 - a. All multiple family structures, building areas, their use, and approximate dimensions, including height.

- b. All circulation improvements including parks, walks, streets, parking areas, loading areas, drives, collector streets and entrance streets.
 - c. Conservation areas, open spaces, parks, playgrounds, and similar Uses.
 - d. Recreation facilities.
 - e. Other site improvements (landscape and planting plan, and erosion control measures).
 - f. Phasing plan which identifies the sequence of development areas and a balanced number and type of dwelling units and open space in each phase.
- vi. A planning report, including maps and plans where necessary for a clear understanding of the proposed development covering the following:
- a. A development summary including:
 - 1. Number, size and type of housing units.
 - 2. Number, size and type of commercial uses.
 - 3. Number, size and type of industrial uses.
 - b. Estimates of the resident population by the following age categories: pre-school, kindergarten through eighth grade, high school and adult.
 - c. Estimates of the peak user population for all non-residential uses with an estimate of the date, time, frequency of peak use.
 - d. A brief summary of the environmental assessment as required by the Village.
 - e. An assessment of the economic impact that the proposed development will have on the community, municipal finances (tax impact) and on the school districts in which the development is located.
 - f. A brief explanation of the planning and design principles followed in the preparation of the

and hydrologists.

4. Public Hearing

Within sixty (60) days of the filing of a completed application, other required documents and the payment of any required fees, the Planning and Zoning Commission shall hold a public hearing on the proposed planned unit development, subject to the following:

- a. The developer shall provide for public distribution a minimum of one (1) hard copy, but up to thirty (30) hard copies (at the Village's discretion) and one (1) electronic copy of the summary of the planning report, including a facsimile of the plan of the proposed development as required in Section 2-a above.
- b. Notice shall be given as provided by law and as set forth in Section 2-225 of the Village Code.
- c. Any resident of the Village, and all other as provided by law, shall have standing at the hearing and present testimony in accordance with rules established by the Planning and Zoning Commission.
- d. All witnesses shall be sworn.
- e. Reports of any consultants shall be made a part of the record and shall be available for inspection.
- f. Both proponents and opponents of the petition, when represented by counsel, shall be entitled to examine witnesses.
- g. The hearing may be continued from time to time by the Planning and Zoning Commission and as provided by law.
- h. A record of the hearing shall be made.

5. Report to the Village Board

Within sixty (60) days of the completion of the hearing, the Planning and Zoning Commission shall report its findings to the Village Board as follows:

- a. The report shall be made in writing.
- b. The report shall contain a finding relative to the conformance of the proposed planned unit development to the Comprehensive Plan of the Village.

- c. It shall include findings relative to the purpose of the Zoning Ordinance generally and this Article XIII specifically.
- d. It shall include a recommendation to the Village Board for: (i) approval of the petition; or (ii) approval subject to conditions; or (iii) denial of the petition.
- e. Where the report recommends approval subject to conditions, the conditions of such recommendation shall be specified including any variations from the standards established by this Article, the Zoning Ordinance or the Subdivision Regulations.
- f. The report shall include, by reference, the reports of all outside consultants and the record made of the hearing.
- g. The report may be written and filed by the Village Administrator so long as the Commission's motion so designates and takes into consideration and makes reference to the Purpose and Design Standards set forth in Sections A and B of this Article XIII.

6. Action by the Village Board

The Village Board shall act upon the report of the Planning and Zoning Commission as follows:

- a. The report of the Planning and Zoning Commission, or a summary of same, shall be reviewed and discussed at either a Committee of the Whole meeting or a special or regular meeting of the Village Board. However, no final action may be taken until a meeting of the Village Board that follows the discussion of the Planning and Zoning Commission report.
- b. The Village Board shall act upon the report of the Planning and Zoning Commission within 60 days of its filing.
- c. The Board may act to; (i) approve the petition; or (ii) approve the petition with conditions; or (iii) deny the petition.
- d. Failure to act within sixty (60) days of the meeting at which the report is received shall constitute denial of the petition.
- e. Approval of the petition or conditional approval of the petition shall constitute approval of a special use pursuant to the Zoning Ordinance, but shall not constitute approval of the final plan and shall not entitle the developer to a building permit.

7. Final Plans

The developer shall file with the Village Administrator final plans according to the following schedule: (i) within one (1) year of the approval of the special use for the planned unit development; or (ii) within such other period of time as provided by the special use; or (iii) within such longer period as the Village Board may, upon majority vote, determine to accept such plans. The final plans shall be reviewed according to the following:

- a. Final plans including engineering plans, phasing plans, architecture plans, plats and surveys shall conform to the approved preliminary plan.
- b. Final plans may be submitted for portions of the development provided that each stage shall contain a proportionate amount of any open space, dedicated public lands or other amenities. The filing of a final plan for a stage of development in any year shall automatically renew the special use for another year.
- c. The Village staff and consultants shall review the final plans for conformance with the approved preliminary plan and the special use and must approve the final plan prior to the issuance of a building permit. The Village Administrator shall have the right, but not the obligation, to send any or all final plans back to the Village Board for final approval.

8. Amendments

Preliminary plans may be amended at any time by filing a petition to amend accompanied by only those documents which require changes due to the amendment.

A review and public hearing is required following procedures set forth in Section 3 and 4 above. Amended portions of the planned unit development shall become a part of the special use.

Due to fluctuations in the real estate market, the developer may desire to vary architectural treatment or make minor changes in site planning. The Village Board may require that the Planning and Zoning Commission review such changes prior to accepting a plan for final approval. However, if requested changes do not significantly alter the economic population or school impact data, and, if the changes are considered an improvement to the plan, or decrease the intensity of the development the final plan may be changed without requiring amendatory procedures cited above.

9. Fees

The developer shall pay such fees and reimburse the Village in such manner as may be established or provided by the Village Code and other applicable

regulations of the Village, including the expenses incurred in obtaining outside consultation in the review of plan documents. (Ord. 15-11, Sec. 1, 7-2-15)

ARTICLE XIV INTERPRETATION AND CONFLICT

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any kind, the regulations which are more restrictive, or which impose higher standards or requirement, shall govern.
- C. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- D. No building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

ARTICLE XV VALIDITY

Should any Article, paragraph or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XVI PENALTIES

A person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Zoning Ordinance shall be fined not less than \$250 nor more than \$1500 per violation. Each day that a violation continues shall be considered a separate and distinct offense.