



Zoning Ordinance
Village Of Hazel Crest

Zoning Ordinance

Village Of Hazel Crest Hazel Crest, Illinois

Adopted January 29, 1997
with amendments up to January 18, 2008

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ARTICLE I
TITLE
VILLAGE OF HAZEL CREST
ZONING ORDINANCE

ARTICLE II
PURPOSE AND INTENT

II. PURPOSE AND INTENT

This ordinance is adopted for the following purposes:

1. To promote and to protect the public health, safety, morals, comfort, convenience, and the general welfare of the people of the Village.
2. To zone all properties in such a manner to reflect the best use and to conserve and enhance the value of all property within the Village.
3. To check existing congestion and to prevent future congestion by limiting the development of land to a degree consistent with the capacity of the Village to furnish adequate public services.
4. To prevent overcrowding of land with buildings and hereby insure maximum living and working conditions and prevent blight and slums.
5. To protect residential, business, and manufacturing areas alike from harmful encroachment by incompatible uses and to insure no land shall be usurped by inappropriate uses.
6. To fix reasonable standards to which buildings or structures shall conform.
7. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter.
8. To insure high standards of light, air, and open space in areas where people live and work.
9. To relieve street congestion through adequate requirements for off-street parking and loading facilities.
10. To foster a more rational pattern of relationships between residential, business, and manufacturing for the mutual benefit of all.
11. To provide protection against fire, explosion, noxious fumes, and other hazards, in the interest of the public health, safety, comfort, and the general welfare.
12. To avoid or decrease the hazards to persons and property resulting from the accumulation and run-off of storm and flood water.
13. To define the powers and duties of the administrative officers and bodies, as provided hereinafter.

ARTICLE III

RULES AND DEFINITIONS

3.1 Rules

3.2 Definitions

3.1 RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular. For example, reference to a fence in a side yard would include all applicable fences. Also as an example, owner and owners, fence and fences, building and buildings would also apply to this rule.
- B. The present tense includes the past and the future tenses, and the future the present tense.
- C. The word "Shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of the Ordinance, its meaning shall be constructed as set forth in the definition thereof; and any word appearing in parenthesis, between a word and its definition herein, shall be construed in the same sense as that word. Words herein not defined shall be interpreted in accordance with the definitions contained in Webster's dictionary.
- F. All measured distances expressed in feet shall be to the nearest integral foot; if a fraction is one-half foot or more, the next integral foot next above shall be taken.
- G. The following words and terms which occur in this Ordinance, shall be constructed as here defined:

3.2 DEFINITIONS

ACCESSORY BUILDING OR USE:

An "accessory building or use" is one which:

- A. is subordinate to and serves a principal building or principal use; and
- B. is subordinate in area, extent, or purpose to the principal building or principal use served; and
- C. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- 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 then on the same zoning lot with the building or use served.

ADULT BOOKSTORE AND/OR VIDEO STORE: An establishment having as a significant or substantial portion its stock in trade books, magazines, or periodicals or other printed matter, and/or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio presentations which are distinguished or characterized by their emphasis on matter depicting, describing or related to Specified Sexual Activities or Specified Anatomical areas.

ADULT USE: Any use of property of which a significant portion involves an activity distinguished or characterized by its emphasis on matters depicting, describing or related to Specified Sexual Activities or Specified Anatomical Areas, including, but not limited to, the operation of an Adult Bookstore and/or Video Store, Adult Cabaret, Adult Mini-motion Picture Theater, Adult Motion Picture Arcade, Adult Motel, or Massage Parlor. For the purpose of this Ordinance, an Adult Use shall not be deemed a retail business, recreational or social facility, accessory use, or general use.

ADULT CABARET: A nightclub, bar, restaurant, or similar establishment that regularly features: (i) topless dancers, strippers, or male or female impersonators; (ii) live performances that are characterized by the exposure of Specified Anatomical Areas or by the explicit performance or simulation of Specified Sexual Activities; or (iii) films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of Specified Sexual Activities of Specified Anatomical Areas.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building or any portion or portions thereof having a capacity of less than fifty (50) persons, where, for any form of consideration (including a coin or token-operated projector, video screen, or other image producing device, patrons may view films, motion pictures, video cassettes, slides, computer images or similar photographic or electronic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials that are distinguished by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other electronic or photographic reproductions which are characterized by the depiction of Specified Sexual Activities or Specified Anatomic Areas; and has a sign visible from the public right-of-way which advertises the availability of such transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than eight (8) hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight (8) hours.

ADULT ARCADE: An establishment in which electronic, electrical, or mechanical still or slide projectors, motion picture projectors, video screens, closed-circuit transmissions or other image producing devices operable by insertion of a coin or token or for other consideration are maintained for presentation of images to five (5) or fewer persons at a single time per such device and where images presented are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons where, for any form of consideration, patrons may view closed-circuit television transmissions, films, motion pictures, video cassettes, slides, computer images or other similar electronic or photographic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting or relating to Specific Sexual Activities or Specified Anatomical Areas.

ADULT MASSAGE PARLOR: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electronic or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incident or accessory service.

ADVERTISING DEVICE: An "advertising device" is any advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

ALLEY: An "alley" is a public right-of-way which normally affords a secondary means of access to abutting property.

ALTERATION: "Alteration" shall mean any change in size, shape, character, occupancy or use of a building or structure.

APARTMENT HOTEL: An "apartment hotel" is a hotel in which at least fifty percent (50%) of the hotel accommodations are occupied by permanent guests.

AUTO LAUNDRY: An "auto laundry" is a building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

AUTOMOBILE SERVICE STATION (Gas Station or Filling Station): An "automobile service station" (gas station or filling station) is any building or portion thereof, or premises used for dispensing or offering for sale at retail any automotive fuels or oils having pumps and storage tanks thereon; or where battery, tire and other similar services are rendered, but only if rendered wholly within lot lines. Automobile service stations do not include open sales lots as defined therein.

AWNINGS: An "awning" is a structure made of cloth, metal or other material affixed to a building in such a manner that it may be raised or retracted to a position against the building.

BASEMENT: A "basement" is a portion of a building located partly underground, but having more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BLOCK: A "block" is a tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, corporate boundary lines or other topographical features.

BUILDING: A "building" is any structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind, and which is permanently affixed to the land.

BUILDING, COMPLETELY ENCLOSED: A "completely enclosed building" is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, having only windows and normal entrance or exit doors or by party walls.

BUILDING, DETACHED: A "detached building" is a building surrounded by an open space on the same lot.

BUILDING HEIGHT: "Building height" is the vertical distance measured from the average elevation of the finished grade or proposed finished grade at the front of the building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks and similar projections other than signs shall not be included in calculating the height.

BUILDING, PRINCIPAL: A "principal building" is a non-accessory building in which a principal use of lot, on which it is located, is conducted.

BUILDING, RESIDENTIAL: A "residential building" is a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- A. Single-family detached dwellings
- B. Two-family dwellings
- C. Multiple-family dwellings
- D. A row of single- or two-family attached dwellings developed initially under single-family ownership or control.

BUILDING, TEMPORARY: A "temporary building" Any building not designed to be permanently located, placed or affixed in the place where it is or where it is intended to be placed.

BULK: "Bulk" is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- A. Size and height of building;
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- C. Gross floor area of buildings in relation to lot area (floor area ratio);
- D. All open spaces allocated to buildings;
- E. Amount of lot area provided per dwelling unit.

BUSINESS: A "business" is an occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

CAPACITY IN PERSONS: The "capacity in persons" of an establishment or use in the maximum number of persons who can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable comfort.

CARPORT: A "carport" is an open-sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

CLOSED CUP FLASHPOINT: The "closed cup flashpoint" is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

CLUB OR LODGE, PRIVATE (Non-Profit): A "private club or lodge" is a non-profit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

CONFORMING BUILDING OR STRUCTURE: A "conforming building or structure" is any building or structure which:

- A. complies with all the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
- B. is designed or intended for a conforming use.
- C. Example:
 - 1) an office building in a Business District; or
 - 2) a factory building in a Manufacturing District

CURB LEVEL: The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street, surface in front of a building or structure, measured at the center line of such front.

DAY CARE CENTER: Any **non-residential** child care facility which regularly provides day care for less than 24 hours a day for more than three (3) children in any place or facility. This term does not include programs operated by public or private elementary school systems or programs recognized by the Illinois State Board of Education.

DAY CARE, HOME: A family home which receives more than three (3) or the maximum of twelve (12) children for less than 24 (twenty-four) hours per day. The maximum of twelve (12) children includes the family's natural, foster or adopted children and all other persons under the age of twelve. The term does not include facilities which receive only children from a single household.

DECIBEL: A "decibel" is 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 "district" is a portion of the Village within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT: An establishment of the "drive-in" type is one which accommodates the patrons' automobiles, from which the occupants may watch, purchase, etc.

DRIVEWAY: a "driveway" is an open off-street parking area located on private property accessory to a building.

DWELLING: A "dwelling" is a building, or portion thereof, but not an automobile house trailer, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

DWELLING, ATTACHED (Group, Row and Townhouses): An "attached dwelling" is one which is **not** entirely surrounded by open space on the same lot.

DWELLING, DETACHED: A "detached dwelling" is one which is entirely surrounded by open space on the same lot.

DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit either detached, semi-detached, or attached.

DWELLING, SEMI-DETACHED: A dwelling joined to one other dwelling by a party wall.

DWELLING, TWO-FAMILY: A "two-family dwelling" is a building containing two (2) dwelling units only.

DWELLING, MULTIPLE-FAMILY: A "multiple-family dwelling" is a building, or portion thereof, containing three (3) or more dwelling units.

DWELLING UNIT: A "dwelling unit" consists of a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family and which includes permanently installed bathroom and kitchen facilities.

EFFICIENCY UNIT: An "efficiency unit" is a dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets and/or dining alcove directly off the principal room, provided such dining alcove does not exceed one hundred twenty-five (125) square feet in area.

ESTABLISHMENT, BUSINESS: A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot, and where direct access to such "business establishment" is separate and distinct from direct access to any other place of business.

FAMILY: A "family" consists of one or more persons each related to the other by blood (or adoption), together with such blood relatives' respective spouses, who are living together in a single dwelling and maintaining a common household. A "family" may include any domestic servants and not more than one roomer, boarder, or permanent guest, not a part of the common household - whether or not gratuitous.

FLOOR AREA (For determining floor area ratio): For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include any floor area when more than one-half of the area height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment-except equipment, open or enclosed, located on the roof-penthouses, attic space having headroom of seven feet, ten inches (7'10") or more, interior balconies and mezzanines, and enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor area."

The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks-shall be determined on the basis of height in feet; i.e. ten (10) feet in height shall equal one (1) floor.

FLOOR AREA (For determining off-street parking and loading requirements): "Floor area" when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO: "Floor area ratio" is the numerical value obtained through dividing the gross floor area of a building or buildings by the lot area of which such building or buildings are located.

FREE BURNING: "Free burning" implies a rate of combustion described by a material which burns actively, and easily supports combustion.

FREQUENCY: The term "frequency" signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONTAGE: "Frontage" is that dimension of property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then that dimension of property abutting on one side between an intersecting street and the dead-end of the street.

FRONTAGE, ZONING LOT: The "frontage of a zoning lot" is that dimension of property of such zoning lot fronting on a street, and measured between side lot lines.

GARAGE, PRIVATE: A "private garage" is an accessory building or an accessory portion of the principal building, including a carport which is intended for and used for storing the private

passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on, provided not more than one-half of the space may be rented for the private vehicles or persons not resident on the premises, except all the space in a garage of one (1)- or two (2)-car capacity may be so rented.

GARAGE, PUBLIC: A "public garage" is any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored, or otherwise serviced for compensation.

GRADE: "Grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GUEST HOUSE: A "guest house" is a detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary, non-paying guests.

GUESTS, PERMANENT: A "permanent guest" is a person who occupies or has the right to occupy a hotel, motel or apartment hotel accommodation as his domicile and place of permanent residence.

HOME OCCUPATION: A "home occupation" is any occupation or profession carried on by a member of the immediate family and only one employee residing on the premises in connection with which there is used no sign other than a nameplate not more than 48 (forty-eight) square inches in area, or any display that will indicate from the exterior, the building is being utilized in whole or in part for any purpose other than for dwelling, that no commodity shall be sold upon the premises and that no mechanical equipment is used except for purely domestic and household purposes and which does not constitute a public nuisance. Such use will not otherwise interfere with the quiet and enjoyment of adjoining or nearby properties.

HOTEL: A "hotel" is an establishment which is open to transient guests, in contra-distinction to a boarding house or lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

HOTEL, APARTMENT: A "apartment hotel" is a hotel in which at least fifty percent (50%) of the hotel accommodations are occupied by permanent guests.

INCOMPATIBLE USE: An "incompatible use (or service)" is a use which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

INTENSE BURNING: "Intense burning" implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

JUNK YARD: A "junk yard" is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

KENNEL: A "kennel" is any premises on which dogs or cats are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LIMITED ACCESS HIGHWAY: A "limited access highway" is a traffic way, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LODGING HOUSE: A "lodging house" is a residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms which accommodate persons who are not members of the keepers family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

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

LOT: A "lot" is a zoning lot, except as the context shall indicate a lot of record, in which case a "lot" is a lot of record.

LOT OF RECORD: A "lot of record" is a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Deeds of Cook County; or a parcel of land, the deed to which was recorded in the Office of said Recorder prior to the adoption of this Ordinance.

LOT, ZONING: A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135° (one hundred thirty-five) degrees.

LOT, REVERSED CORNER: A "reversed corner lot" is 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 AREA (For determining floor area ratio): For the purpose of determining floor area ratio is the gross lot area, but not including street(s) and outdoor parking areas. The street(s) and outdoor parking areas shall not be construed to mean greenery.

LOT, THROUGH: A "through lot" is a lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

LOT AREA, GROSS: The "gross lot area" is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

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

LOT WIDTH: The "lot width" is the horizontal distance between the side lot lines of a lot.

LOT LINE, FRONT: The "front lot line" shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way; where such public way is not a dedicated street, the right-of-way of such public way shall be deemed to be sixty-six (66) feet, unless otherwise provided. The owner of a corner lot may select either street lot line as the front lot line.

LOT LINE, REAR: The "rear lot line" shall be that boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE: The "side lot line" shall be any boundary of a lot which is not a front lot line or a rear lot line.

MARQUEE OR CANOPY: A "marquee or canopy" is a roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way.

MEZZANINE: A "mezzanine" is an intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground or main floor and extending over only part of the main floor.

MOBILE HOME: A "mobile home" is any vehicle, recreational vehicle, motor and mobile homes on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential living, sleeping, or commercial purposes and herein referred to as a trailer or mobile home.

MOBILE HOME PARK: A "mobile home park" is any premises on which are parked two (2) or more trailers or mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more such trailers or mobile homes. This does not include sales lots on which automobiles or unoccupied trailers-new or used-are parked for purposes of inspection or sale.

MODERATE BURNING: "Moderate burning" implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MOTEL: A "motel" is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A "motel" furnished customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel" less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

MOTOR FREIGHT TERMINAL: A "motor freight terminal" is a building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

MOTOR VEHICLE: A “motor vehicle” is any passenger vehicle, truck, truck/trailer, trailer or semi-trailer propelled or drawn by mechanical power.

MULTI-FAMILY: “Multi-Family” is medium density ten (10) units per buildable area (*Ord. 6-1988 - 02/09/88*).

NAMEPLATE: A “nameplate” is 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: A "non-conforming building or structure" is any building or structure which:

- A. does not comply with all of the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
- B. is designed or intended for a non-conforming use.

NON-CONFORMING USE: A "non-confirming use" is any use of land, buildings or structures which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

NOXIOUS MATTER: “Noxious matter” is material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effects upon the health or the psychological, social or economic well-being of human beings.

NURSING CARE FACILITY: A “nursing care facility” is a private or publicly owned establishment for the care of children, the aged or others with physical or mental impairments. Such home may contain equipment for non-invasive surgical procedures or for the treatment of disease or injury.

OCTAVE BAND: An “octave band” is a term denoting all the frequencies between any given frequency and double that frequency.

OCTAVE BAND FILTER: An “octave band filter” is 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.

ODOROUS MATTER: “Odorous matter” is any matter or material that yields an odor which is offensive in any way.

PARTICULATE MATTER: "Particulate matter" is dust, smoke or any other form of air-borne pollution in the form of minute separate particles.

PARTY WALL: A “party wall” is a wall which is common to but divides contiguous buildings; such a wall contains no openings and extends from its footing below finished ground grade to the height of the exterior surface of the roof.

PERFORMANCE STANDARDS: “Performance standards” is a criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings.

PLANNED DEVELOPMENT: “Planned development” is a unified development in single ownership or control and which includes two or more principal buildings where the specific requirements of a given district may be modified.

PROPERTY LINES: “Property lines” are the lines bounding a zoning lot, as defined herein.

PUBLIC (as in the public sewage system): The term "public" shall imply the provision of a service to ten (10) or more zoning lots.

PUBLIC WAY: “Public way” is any sidewalk, street, alley, highway or other public thoroughfare.

RAILROAD RIGHT-OF-WAY: A “railroad right-of-way” is a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REFUSE: “Refuse” is all waste products resulting from human habitation or the conduct of business or industry, except sewage.

RESERVOIR PARKING: “Reservoir parking” is off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

Transfer to “Nursing Care Facility”

ROADSIDE STAND: A “roadside stand” is a structure for the display and sale of agricultural products, with no space for customers within the structure itself (*ORD. 13-1987 - 07/28/87*).

SELF-SERVICE STORAGE FACILITY (SSSF): A “self-service storage facility (SSSF)” is any real property with permanent structure of structures designed and used for the purpose of renting or leasing individual and separate storage spaces of varying sizes to occupants or tenants who are to have access to such for the purpose of storing and removing personal property.

SETBACK: A “setback” is the minimum horizontal distance between the front line of the building or structure and the front property line.

SIGN: A “sign” is a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group: A "sign" shall not include a sign located completely within an enclosed building unless the context shall be primarily visible from the exterior of the building.

SIGN, ADVERTISING: An “advertising sign” is a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

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

SIGN, FLASHING: A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a "flashing sign".

SIGN, GROSS AREA OF: The "gross area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SLOW BURNING OR INCOMBUSTIBLE: "Slow burning" or "incombustible" implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of twelve hundred degrees (1200°) Fahrenheit shall be designated "incombustible."

SOUND LEVEL: The "sound level" of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

SOUND LEVEL METER: A "sound level meter" is an instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIFIED ANATOMICAL AREAS: (1) Less than completely or opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; and (2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of actual or simulated masturbation, sexual intercourse, fellatio or sodomy; (3) Fondling, kissing or other touching of human genitals, pubic region, buttock, anus, or female breast.

STREET: A "street" is a public or private right-of-way which affords a primary means of access to abutting property, but excepting driveways to buildings.

STRUCTURAL ALTERATION: A "structural alteration" is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

TAVERNS (Cocktail Lounges): A "tavern" is an establishment where alcoholic beverages are sold for consumption on the premises.

TENT: A "tent" is any structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvas, fabric or a similar light material.

TOURIST HOME: A "tourist home" is a dwelling in which sleeping rooms are provided or offered to transient guests for compensation, but shall not be interpreted to mean a hotel, apartment, hotel or motel.

TOXIC MATTER OR MATERIALS: “Toxic matter or materials” are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAILER: See “Mobile Home”.

USE: The "use" of property is the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity.

USE, PRINCIPAL: Is the main use of land or buildings as distinguished from an subordinate or accessory use. A "principal use" may be either "permitted" or "special."

USE, PERMITTED: A “permitted use” is a use which may be lawfully established in a particular District or Districts, provided it conforms with all requirements, regulations and performance standards (if any) of such District.

USE, SPECIAL: A “special use” is a use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in any particular District or Districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special use" may or may not be granted.

WHOLESALE ESTABLISHMENT: A “wholesale establishment” is an establishment that engages in selling exclusively to retailers or jobbers rather than consumers.

YARD: A “yard” is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance. A "Yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, FRONT: A "front yard" is a yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR: A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines (*Ord. 20-1976 - 05/25/76*).

Townhouse: a dwelling which is a part of a group of two or more attached homes that are joined at one or more sides by a party wall or walls, or a dwelling which is a part of a group or two or more attached homes and are joined at one or more sides by a decorative masonry wall or walls.

Zero Lot Line: the practice of placing the building on one of the side lot lines.

YARD, SIDE: A yard extending along a side lot line from the front yard to the rear yard.

YARD, CORNER SIDE: A "corner side yard" is a side yard which faces a public street.

YARD, INTERIOR SIDE: An "interior side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot (*Ord. 5-1984 - 2/14/84*).

YARD, TRANSITIONAL: A "transitional yard" is a yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature, in accordance with specific Ordinance provisions. A transitional yard is provided in lieu of the minimum required front, rear or side yard specified for the district in which it is located. Its intent is to act as a buffer zone, enabling the adjacent uses to be developed so they are compatible with one another.

ARTICLE IV
GENERAL PROVISIONS

- 4.1 Interpretation
- 4.2 Separability
- 4.3 Scope of Regulations
- 4.4 Regulations for Specific Uses
- 4.5 Annexed Territory
- 4.6 Number of Buildings on a Zoning Lot
- 4.7 Accessory Building
- 4.8 Bulk Regulations
- 4.9 Existing Special Uses

4.1 INTERPRETATION

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, morals and welfare.
- B. Where the conditions imposed by any provision of this Ordinance, upon the (1) use of land or building; (2) the bulk of buildings; (3) floor area requirements; (4) lot area requirements; and (5) yard requirements, are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- C. This Ordinance is not intended to abrogate any easement, covenant or 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 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.
- E. The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Maps:
 - 1) District boundary lines are the centerlines of highways, streets, alleys and easements; or right-of-way lines of railroads, toll roads and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.
 - 2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets, highways, or railroad rights-of-way, unless otherwise indicated.
 - 3) Where a district boundary line divides a lot in single ownership at the effective date of this Ordinance, the less restricted use may extend to the entire lot, but not more than twenty-five feet (25') beyond the boundary line of the district.
 - 4) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Planning & Zoning Commission.

- F. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct or maintain any building, structure of facility or to carry on any trade, industry, occupation or activity.
- G. The provisions in this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

4.2 SEPARABILITY

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

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

4.3 SCOPE OF REGULATIONS

- A. All buildings erected hereafter, all uses of land/buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- B. However, where a building permit for a building/structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided construction is begun within six months of such effective date and diligently prosecuted to completion, said building/structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a Certificate of Occupancy by the use for which originally designated, subject thereafter to the provisions of this Ordinance pertaining to Non-Conforming Buildings, Structures and Uses.
- C. A Special Use Permit shall be deemed to authorize only one (1) specific special use and shall expire if the specific special use shall cease for more than six (6) months for any reason.
- D. Where a lot is to be occupied for a permitted use without buildings, the side and front yards required for such lot shall be provided and maintained unless otherwise stipulated in this Ordinance, except side yards shall not be required on lots used for garden purposes without buildings or structures.

- E. No land which is located in a Residence District shall be used for driveway, walkway or access purposes to any land which is located in a Business or Manufacturing District, or used for any purpose not permitted in a Residence District.

4.4 REGULATIONS FOR SPECIFIC USES

A. Exemptions

The following uses are permitted in any district: poles, towers, wires, cables, conduits, vaults, pipelines, laterals, or any other similar distributing equipment of a public utility.

B. Fences, Walls and Hedges

- 1) A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six feet (6') above the ground level, except no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of four feet. Where such lot line is adjacent to non-residentially zoned property, there shall be an eight foot (8') limit on the height of a fence, wall, hedge or shrubbery along such lot line.
- 2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight feet (8').
- 3) On any corner lots no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding two feet (2') above the street grade nearest thereto, within twenty feet of the intersection of any street right-of-way lines or of such lines projected.

C. Mobile Homes

The following regulations shall apply to mobile homes:

- 1) A mobile home shall not be considered to be permissible as an accessory building.
- 2) No person shall park, store or occupy a mobile home for living purposes, except:
 - (a) in an approved trailer or mobile home park, provided public or community sewer and water facilities are available for each trailer, and each existing trailer or mobile home lot contains 2500 square feet of lot area;
 - (b) in any Residence District as a guest of the resident of the property involved, for a period of not over twelve (12) hours in any thirty day period;
- 3) A mobile home may be used as a temporary office or shelter incidental to construction on or development of the premises on which the unit is located, only during the time construction or development is actively underway.

4.5 ANNEXED TERRITORY

The classification of all property annexed to the Village after the effective date of this Ordinance shall be initially classified in the R-1 Single-family Residence District, provided, however, the Planning & Zoning Commission may hold hearings pursuant to the amendment provisions of this Ordinance on any property prior to its annexation and may recommend the classification in which said property shall be placed immediately upon annexation, provided, further, that any property annexed to the Village which shall come with automatic R-1 Single-family Residence District classification, as above provided, shall be classified in such district or in any other district pursuant to hearing held within sixty (60) days following the date of such annexation.

4.6 NUMBER OF STRUCTURES ON A ZONING LOT

Except in the case of planned developments, not more than one (1) principal detached residential building plus one other structure be located on the same zoning lot.

4.7 ACCESSORY BUILDING

A. Time of Construction

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

B. Percentage of Required Yard Occupied

No accessory building or buildings and structures including paved areas, garages, patios, swimming pools, canopies, and decks shall occupy more than thirty percent (30%) of the area of a required yard.

C. Height of Accessory Buildings or Structure in Required Rear Yards

No detached accessory building or structure located in a required rear yard shall exceed the height of the principal building or structure. However, in no case, shall such accessory building or structure exceed seventeen feet in height.

D. On Reversed Corner Lots

On a reversed corner lot in a Residence District, and within fifteen feet (15') of any adjacent property to the rear in a Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds ($2/3$) the least depth which would be required under this Ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory buildings shall be located within five feet (5') of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any Residence District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reverse corner lot which is adjacent to the street.

4.8 BULK REGULATIONS

A. Continued Conformity with Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

B. Division of Zoning Lots

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations for the zoning district in which the property is located.

C. Location of Required Open Space

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

D. Required Yards - Existing Buildings

No yards now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for conforming new construction.

E. Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards specified:

- 1) **IN ALL YARDS:** open terraces not over four (4) feet above the average level of the adjoining ground but not including a permanently roof-over terrace or porch; awnings projecting three (3) feet or less into the yard; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen (18) inches or less into a yard; arbors or trellises not exceeding six (6) feet in height above natural grade level; flagpoles.
- 2) **IN FRONT YARDS:** one story bay windows projecting three feet (3') or less into the yard; and overhanging eaves and gutters projecting three feet (3') or less into the yard.
- 3) **IN REAR YARDS:** enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds; tool rooms; and similar buildings or structures for domestic or agricultural storage; balconies, breezeways and open porches; one story bay windows projecting three feet (3') or less into the yard; overhanging eaves and gutters projecting three feet (3') into the yard; recreational equipment; laundry drying equipment;

fences and walls not exceeding six feet (6') above natural grade; satellite television systems dish antenna and other type of antenna facilities. The antenna shall be enclosed by a substantial protective barrier which shall be adequate and sufficient, as determined by the Building Official, to prevent persons, children or animals from danger or harm from coming in contact with the antenna ~~(Ord. 10-1986-05/13/86)~~.

- 4) IN SIDE YARDS: overhanging eaves and gutters projecting eighteen inches (18") or less into the yard.

F. Floor Area Ratio Application in Particular Cases

In all cases where two (2) or more contiguous zoning lots are in common ownership and there was at the adoption date of this Ordinance an existing building on one (1) of such lots with less than the permitted maximum floor area ratio, the owner may elect to add the unused portion of the floor area ratio of the existing building to the maximum permitted floor area ratio of any addition to the existing building to be constructed on the adjoining zoning lot; and in the event such existing building was lawfully existing at the date of adoption of this Ordinance and exceeds the permitted maximum floor area ratio, any addition to the existing building to be constructed on an adjoining lot shall be entitled to the maximum floor area ratio permitted in the district in which it is located.

4.9 EXISTING SPECIAL USES

- A. Where a use is classified as a Special Use under this Ordinance, and exists as a special or permitted use at the date of the adoption of this Ordinance, it shall be considered to be a legal Special Use.
- B. Where a use is not allowed as a special or permitted use under this Ordinance, and exists as a Special Use at the date of the adoption of this Ordinance, it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions of this Ordinance.

ARTICLE V

NON-CONFORMING BUILDINGS, STRUCTURES AND USES

- 5.1 Statement of Purpose
- 5.2 Authority to Continue Non-Conforming Buildings, Structures and Uses
- 5.3 Non-Conforming Buildings and Structures and Use Thereof
- 5.4 Conformance with Other Ordinances

5.1 STATEMENT OF PURPOSE

It is the purpose of this Article to provide for the regulation of non-conforming buildings, structures and uses, and specify those circumstances and conditions under which those non-conforming buildings, structures and uses which adversely affect the maintenance, development or use, and taxable value of other property in the district in which they are located shall be permitted to continue.

This Ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those non-conforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

5.2 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES & USES

Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure or use which shall become non-conforming upon the adoption of this Ordinance or of any subsequent amendments thereto, may be continued, subject to the regulations which follow.

5.3 NON-CONFORMING BUILDINGS AND STRUCTURES AND USE THEREOF

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Section.

A. Repairs and Alterations

- 1) **Building or Structure Designed or Intended for a Non-Conforming Use:**
Repairs and alterations may be made to a non-conforming building or structure, provided no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, 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. For the purpose of this Section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure except as hereinabove provided.
- 2) **Building or Structure Designed or Intended for a Permitted Use:**
Repairs, alterations and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations or structural changes conform to the regulations of the district in which said building or structure is located.

B. Additions and Enlargements

A non-conforming building or structure which is non-conforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, or enlarged, in any manner unless such additions or enlargements thereto are made to conform to all the regulations of the district in which it is located, and unless such non-conforming building or structure, including all additions and enlargements thereto, shall conform to the following:

- 1) applicable regulations concerning the amount of lot area provided per dwelling unit, as provided in subsequent Articles of this Ordinance;
- 2) the allowable floor area ratio as provided in subsequent Articles of this Ordinance;

C. Relocation of Building or Structure

No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure which is moved and the use thereof is made to conform to all the regulations of the district in which it is located.

D. Restoration of Damaged Building or Structure

- 1) **Building or Structure Designed or Intended for a Non-Conforming Use:**
A building or structure, all or substantially all of which is designed or intended for use which is not permitted in the district in which it is located, and which is partially destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of the restoration of the entire building new shall not be restored unless said building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

In the event such partial damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building new, no repairs or construction shall be made unless such restoration is started within one (1) year from date of the partial destruction and is diligently prosecuted to completion.

- 2) **Building or Structure Designed or Intended for a Permitted Use.**
A building or structure, all or substantially all of which is designed or intended for a use which is permitted in the district in which it is located, and which is partially destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire building new, shall not be restored unless said building or structure shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from date of the partial destruction is diligently prosecuted to completion.

E. Discontinuance of Non-Conforming Use or Structure (Rev. 12/93)

- 1) In Building or Structure Designed or Intended for a Non-Conforming Use or Existing as a Non-Conforming Structure:

A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is, or hereafter becomes, vacant and remains unoccupied or is not used for a continuous period of 180 (one hundred eighty) days, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

- 2) In Building or Structure Designed or Intended for a Permitted Use:

If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of 180 (one hundred eighty) days, it shall not be renewed and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

- 3) 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 the land, if discontinued for a period of 180 days, shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which it is located.

5.4 CONFORMANCE WITH OTHER ORDINANCES

No non-conforming building shall be enlarged, expanded, remodeled or modified in any way, nor shall any non-conforming use be expanded or changed therein notwithstanding any allowance that may be available pursuant to the previous provisions of this Article unless the said building complies with all Village ordinances relative to fire, building and housing, and such other ordinances that are applicable to the premises.

F. Expansion of Non-Conforming Use

- 1) In Building or Structure Designed or Intended for a Non-Conforming Use:

The non-conforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

- 2) In Building or Structure Designed or Intended for a Permitted Use:

The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is

located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any non-conforming use.

3) 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 the land, shall not be expanded or extended beyond the area it occupies.

G. Change of Non-Conforming Use

1) In a Building or Structure Designed or Intended for a Non-Conforming Use:

The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the same district as the non-conforming use which presently occupies the building or structure or to a use permitted in a more restrictive district.

2) In a Building or Structure Designed or Intended for a Permitted Use:

The non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

3) 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 the land, shall not be changed to any other use except to a use permitted in the district in which the land is located.

ARTICLE VI

THIS CHAPTER RESERVED.

ARTICLE VII

RESIDENTIAL DISTRICTS

- 7.1 General Requirements - All Residential Districts
- 7.2 R-0 Single-Family Residential Districts
- 7.3 R-1 Single-Family Residential Districts
- 7.4 R-2 Single-Family Residential Districts
- 7.5 R-3 General Residential District

7.1 GENERAL REQUIREMENTS - ALL RESIDENTIAL DISTRICTS

A. Home Occupations shall be governed by the following regulations:

- 1) Permitted home occupations shall include only the following uses:
 - a. Art Studio
 - b. Dressmaking
 - c. Professional offices of a clergyman, lawyer, physician, dentist, architect, engineer or accountant
 - d. Teaching, including musical instruments or dancing, but provided that the occupation does not constitute a public nuisance or otherwise interfere with the quiet use and enjoyment of adjoining or nearby properties.
 - e. Day Care Homes which comply with the requirements of Chapter 13 of the Hazel Crest Village Code
- 2) Permitted home occupations may include the employment of one person in addition to the occupant of the home in the performance of such services. In connection with a permitted home occupation, a small non-illuminated sign will be permitted which shall not exceed two (2) square feet. There shall be no exterior storage of equipment or materials used in such home occupations.

B. Signs

Signs shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

C. Lot of Record - Permitted Variation of Area

- 1) Any "Lot of Record" which is located in any residential district and which does not comply as to lot area with the requirements of the District in which it is located, may be used for the use permitted in the District, (R-0, R-1 and R-2 Districts), other than a two-family or multiple-family structure provided the side yards, setbacks and other requirements of this Ordinance are complied with.
- 2) Lot of Record - Permitted Variation of Setback:
The minimum setback requirement of this Ordinance may be reduced to 75% of the required setback, providing the existing adjoining building lines and setbacks are not exceeded.

7.2 R-O SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Permitted Uses

Single-Family Detached Dwellings.

B. Special Uses

1. Golf Courses
2. Municipal or other governmentally owned recreational buildings and community centers
3. Parks and Playgrounds
4. Planned Developments, excluding multi-family apartment developments, on a tract of land not less than 20 (twenty) acres in area
5. Utility and public services, including electric substations, fire stations, police stations, water pumping stations.

C. Lot Area

Not less than 10,875 (ten thousand eight hundred seventy-five) square feet

D. Lot Width

Not less than seventy-five feet (75') at the building setback line

E. Lot Length

Minimum One Hundred Forty-five feet (145')

F. Building Height

Not to exceed two and one-half (2-1/2) stories or thirty-five feet (35'), whichever is lower

G. Floor Area Ratio

Not to exceed 0.4

H. Building Area (Usable Floor Area*)

2,400 (twenty-four hundred) square feet

(*Usable Floor Area shall mean the sum of the net horizontal area of all floors within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory structures, but including any area that is roughed-in but not completed which is designed and intended for human occupancy.

I. Front Yard

Not less than thirty-five feet (35') in depth

J. Side Yard

1. Two (2) side yards having a combined width of twenty feet (20') and neither side yard less than ten feet (10') in width
2. A side yard abutting a street not to be less than thirty-five feet (35') wide

K. Rear Yard

Not less than forty feet (40') in depth

L. Off-Street Parking

Parking spaces in accordance with provisions set forth in Article X of this Ordinance

M. Units per Acre

3.31

7.3 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Permitted Uses

- 1) Single-family detached dwellings
- 2) Home occupations, as regulated in this Article
- 3) Parks and playgrounds - publicly-owned and operated
- 4) Schools, non-boarding: elementary, junior high, high or community college
- 5) Temporary buildings for construction purposes, only during the time construction or development is actively underway
- 6) Accessory uses to the above permitted uses

B. Special Uses

- 1) Art galleries and museums
- 2) Churches and religious schools
- 3) Convents, monasteries and seminaries
- 4) Colleges and universities and uses accessory and incidental thereto, but not colleges or trade schools operated for profit
- 5) Golf courses

- 6) Libraries
- 7) Growing of farm crops in the open including truck gardens and nurseries, provided that no livestock, poultry or pigeons are kept and that no offensive odors or dusts are created; and further, that no retail sales are conducted on the premises
- 8) Municipally or non-profit privately-owned recreational buildings and community centers
- 9) Planned developments, including multi-family apartment developments, on a tract of land not less than twenty (20) acres in area.

A tract of land may be decreased to ten (10) acres where the applicant has shown an exceptional need therefore based on the unique characteristics of the proposed development (*Rev. 10/86*).

- 10) Planned Business Center: Any commercial development, consisting of one or more buildings containing two or more stores or offices with an aggregate gross floor space of more than twenty-thousand (20,000) square feet, which development may be planned or developed as a coordinated unit or which development may be characterized by an integrated arrangement of stores, offices, buildings, and facilities shall be considered a Planned Business Center. A Planned Business Center shall be considered as a single use for all purposes within the meaning and scope of this Ordinance and shall be permitted only by Special Permit as provided in Article XIII, Section 13.6 hereof.

A Planned Business Center shall be established on tracts of land of not less than two and one-half (2.5) acres.

- 11) Utility and Public Service Uses including:
 - (a) Electric Substations
 - (b) Fire Stations
 - (c) Police Stations
 - (d) Railroad rights-of-way and Passenger Stations
 - (e) Telephone: Exchanges and Transmission/equipment buildings
 - (f) Water Filtration Plants, Pumping Stations and Reservoirs
 - (g) Gas Regulators

C. Lot Area (Rev. 5/22/74)

- 1. Not less than 7,200 (seventy-two hundred) square feet
- 2. Corner lots not less than 8,400 (eighty-four hundred) square feet

D. Lot Width Rev. 5/22/74

1. Lot less than sixty feet (60') at the building setback line.
2. Corner lots not less than feet (70') at front building setback line.

E. Floor Area Ratio--Non Residential Permitted Uses and Special Uses

Not to exceed 0.6

F. Building Height--Single-family Dwelling Uses

Not to exceed two and one-half (2½) stories, or 30 feet (30'), whichever is lower.

G. Building Area, Excluding Garage, per Dwelling Unit

1. On unplatted parcels, the minimum required area for any residential dwelling is eighteen hundred (1,800) square feet, if not previously subdivided (*Rev. 7/12/94*).

2. <u>Building Height</u>	<u>Minimum Required Area</u> (<i>Rev. 5/22/74</i>)
One (1) Story	Not less than twelve-hundred (1,200) square feet
One and one-half (1½) Story or Raised Ranch	Not less than twelve-hundred (1,200) square feet or combined area not less than 900 square feet at the main living level.
Two (2) Story	Not less than one-thousand six hundred fifty (1,650) square feet combined area, and not less than nine hundred (900) square feet at the first floor.
Two and one-half 2½ Story	Not less than twelve-hundred (1,200) square feet combined area, and not less than nine hundred (900) square feet at the first floor.
Split Level	Not less than fourteen hundred (1400) square feet combined area, and not less than nine hundred fifty (950) square feet at the two (2) major living levels.

H. Front Yard--Single-family Dwelling Uses

Not less than twenty-five feet (25') in depth.

I. Side Yards--Single-family Dwelling Uses

1. Two side yards having a combined width of twelve feet (12') and neither side yard less than six feet (6') in width.
2. A side yard abutting a street not to be less than twenty-five feet (25') wide.

J. Rear Yard--Single-family Dwelling Uses

Not less than forty feet (40') in depth.

K. Yards--Non-Residential Permitted Uses and Special Uses

Front, side and rear yards, as required for single-family dwelling uses for buildings less than thirty-five feet (35') in height; but for a building thirty-five feet (35') or more in height, each yard--front, side and rear, as required for single-family dwellings--shall be increased in width or depth by two feet (2') for each additional one foot (1') of building height over thirty-five feet (35').

L. Off-Street Loading--Non Residential Permitted Uses and Special Uses

Loading berths in accordance with provisions set forth in Article XII of this Ordinance.

M. Off-Street Parking

Parking spaces in accordance with provisions set forth in Articles XII of this Ordinance.

7.4 R-2 SINGLE-FAMILY RESIDENCE DISTRICT

A. Permitted Uses

Uses permitted in the R-1 District.

B. Special Uses

Special Uses allowed in the R-1 District.

C. Lot Area

Not less than five thousand (5000')square feet.

D. Lot Width

Not less than forty feet (40') at the building setback line.

E. Floor Area Ratio--Non-Residential Permitted Uses and Special Uses

Not to exceed 0.6

F. Building Heights--Single-family Dwelling Uses

Not to exceed two and one-half (2½) stories, or thirty feet (30'), whichever is lower.

G. Building Height Minimum Required Area

One (1) Story	Not less than Nine hundred fifty (950) square feet.
One and one-half (1½) Story or Raised Ranch	Not less than one thousand fifty (1,050) square feet combined and not less than eight hundred (800) square feet at the main living level.
Two (2) Story	Not less than fourteen hundred (1,400) square feet combined area, and not less than eight hundred (800) square feet at the first floor.
Two and one-half (2½) Story	Not less than sixteen hundred (1,600) square feet combined area, and not less than eight hundred (800) square feet at the first floor.
Split Level	Not less than one thousand twenty hundred fifty (1,250) square feet combined area, and not less than eight hundred (800) square feet at the two (2) major living levels.

H. Front Yard--Single-family Dwelling Uses

Not less than twenty feet (20') in depth.

I. Side Yard--Single-family Dwelling Uses

1. Two (2) side yards having a combined width of twelve feet (12') and neither side yard less than six feet (6) in width.
2. A side yard abutting a street not to be less than twenty feet (20') wide.

J. Rear Yard

Not less than thirty feet (30') in depth.

K. Yards--Non-Residential Permitted Uses and Special Uses

Front, side and rear yards, as required for single-family dwelling uses for building less than thirty-five feet (35') in height; but for a building 35 feet (35') or more in height, each yard--front, side and rear, as required for single-family dwellings--shall be increased in width or depth by two feet (2') for each additional one foot (1') of building height over thirty-five feet 35'.

L. Off-Street Loading--Non-Residential Permitted Uses and Special Uses

Loading berths in accordance with provisions set forth in Article XII of this Ordinance.

M. Off-Street Parking

Parking spaces in accordance with provisions set forth in Article XII of this Ordinance.

7.5 R-3 GENERAL RESIDENCE DISTRICT (Ordinance 1-1978 - 2/14/78)

A. Permitted Uses

- (1) Two (2)-family detached dwellings
- (2) Multiple-family dwellings
- (3) Libraries

B. Special Uses

- (1) Special Uses allowed in the R-2 District, except libraries
- (2) Hospitals
- (3) Municipally-operated health centers
- (4) Nursing Care Facilities
- (5) Schools, boarding-nursery, elementary, junior high and high
- (6) Domestic Violence Shelter Facilities (Ord. 3-1984 - 2/7/84)
- (7) Non-residential walk-in counseling services for victims of domestic violence (Ord. 31-1984 - 9/24/84)

C. Lot Area

- (1) Each lot shall have a minimum area of ten-thousand, four-hundred (10,400) square feet and a minimum width of eighty (80') feet at the building line, and the minimum lot area per dwelling unit shall be not less than five-thousand, two-hundred (5,200) square feet.
- (2) For multi-family buildings, each lot shall have a minimum area of twenty-four thousand (24,000) square feet and a minimum width at the building line of one-hundred feet (100'), and the minimum lot area per dwelling unit and the allowable number of dwelling units per acre shall be in accordance with the following table (Ord. 6-1988):

Type of Dwelling Unit	Minimum Lot Area Per Dwelling Unit in Square Feet	Units/ Acre Before Deduction of Streets and Sidewalks
3 Bedrooms	7,000 square feet	6.2
2 Bedrooms	5,000 square feet	8.7
1 Bedrooms	4,000 square feet	10.9*
Studio or Efficiency (Not more than 20% total units/ building)	3,000 square feet	14.5*

*Total combined units per acre will not exceed ten (10) units

D. Lot Width

For single-family dwellings, as in the R-1 District

E. Floor Area Ratio

Not to exceed 0.6

F. Lot Coverage

The buildings, including accessory buildings, on any lot shall not cover, in the aggregate, more than thirty percent (30%) of the area of each lot.

G. Front Yard

Not less than twenty-five feet (25') in depth (Ord. 14-1979 - 3/27/79)

H. Side Yard (Ord. 14-1979 - 3/27/79)

(1) For buildings one-hundred feet (100') wide or less, the two side yards shall have a combined width of twenty-four feet (24'). For buildings over one-hundred feet (100') wide, each side-yard shall be not less than fifteen feet (15') in width.

(2) A side-yard abutting a street shall be not less than twenty-five feet (25') wide.

I. Rear Yard

Not less than fifty feet (50') in depth.

J. Yards--General (Ord. 14-1979 - 3/27/79)

(1) Each side and rear yard as required above shall be increased in depth or width by two feet (2') for each additional one foot (1') of building height over thirty-five feet (35') .

(2) Where R-3 development abuts an R-1 or R-2 residential area, the R-3 abutting yard shall be increased over base dimension by one foot (1') for each one foot (1') of building height.

K. Off-street Loading

Loading berths shall be provided in accordance with the provisions set forth in Article XII of this Zoning Ordinance.

L. Off-street Parking

Parking spaces shall be provided in accordance with the provisions set forth in Article XII of this Zoning Ordinance.

All open parking shall be located in the rear yard unless otherwise approved.

ARTICLE VIII

BUSINESS DISTRICTS

- 8.1 General Requirements - All Business Districts
- 8.2 B-1 Local Business District
- 8.3 B-2 Service Business District

8.1 GENERAL REQUIREMENTS--ALL BUSINESS DISTRICTS

- A. All business, service, storage, merchandise, display and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading, in districts where they are permitted.
- B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.
- C. No church services may be conducted in any building designed for a business use.
- D. All commercial development, when abutting residentially zoned property, shall:
 - (1) provide for minimum front yard and rear yard setbacks equal to the setbacks of adjoining residential districts;
 - (2) provide for minimum side yards of twenty percent (20%) of lot width but not less than ten feet (10') or more than twenty five feet (25'), on each side;
 - (3) no improvements, including buildings or pavement, could be included in the required front, side or rear yards;
 - (4) adhere to preliminary and final site plan requirements specified in the Administration Article.

8.2 B-1 LOCAL BUSINESS DISTRICT

- A. General Conditions
 - (1) Dwelling units are not permitted below the second story.
 - (2) Each business establishment is restricted to not more than five thousand (5,000) square feet of floor area.
- B. Permitted Uses
 - (1) All general commercial and retail uses
 - (2) Dry-cleaning and Laundry-receiving Establishments -- process to be done elsewhere.
 - (3) Laundromats -- automatic self-service type, employing not more than two (2) persons in addition to one (1) owner or manager, provided that no

more than two (2) laundry machines shall exceed twenty-five (25) pounds capacity each.

- (4) Liquor stores -- retail sales only.
- (5) Restaurants -- entertainment, dancing and serving of alcoholic beverages prohibited.
- (6) Resale or Secondhand Stores, excluding pawn shops
- (7) Accessory uses to the above permitted uses

C. Special Uses

- (1) Other Business Uses -- similar to permitted uses listed above
- (2) Grocery stores and other high-volume traffic generators
- (3) Electric Substations
- (4) Telephone Exchanges and Telephone Transmission Equipment Buildings
- (5) Gas Regulators
- (6) Planned Development on a tract of land not more than five (5) or less than three (3) acres in area
- (7) Commercial Parking Lot -- for motor vehicles under two (2) ton capacity (*Ord. No. 28-1984 - 9/11/84*)
- (8) The continued use of a dwelling unit in the rear of a B-1 classification business which has lost its non-conforming status by being vacant for a period of 180 days (*Ord. No. 12-1986 - 5/27/86*)
- (9) Day Care Centers (*July 8, 1997*)

D. Floor Area Ratio

Not to exceed 0.8

E. Yards

1. Side Yards: If a side yard is provided, it shall not be less than six feet (6') wide, except where a side lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.

2. Rear Yard: Not less than twenty feet (20') in depth.

F. Signs

Signs shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

G. Off-Street Loading

Loading berths shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

H. Off-Street Parking

Parking spaces shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

8.3 B-2 SERVICE BUSINESS DISTRICT

A. General Conditions

Dwelling units are not permitted below the second story.

B. Permitted Uses

- (1) All general commercial and retail uses.
- (2) Art Galleries -- but not including Auction Rooms.
- (3) Automobile Service Stations -- for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto; facilities for chassis and gear lubrication and the washing of not more than two (2) vehicles are permitted only if enclosed in a building.
- (4) Dry-cleaning Establishments and Laundries employing not more than four (4) persons in addition to one (1) owner or manager.
- (5) Funeral Parlors
- (6) Gymnasiums, Health Clubs, and Salons
- (7) Hotels and Motels -- including dining and meeting rooms, provided that business uses other than those which are commonly incidental to a hotel or motel business shall not occupy street frontage, but may, if of a nature permitted in these districts, occupy space fronting on a hotel or motel hall or lobby

- (8) Laboratories -- medical and dental; also research and testing
- (9) Medical and Dental Clinics
- (10) Meeting Halls
- (11) Newspaper Offices -- but not including printing facilities
- (12) Offices -- Business, Professional, and Public
- (13) Resale or Secondhand Stores, excluding pawn shops
- (14) Restaurants -- including the serving of alcoholic beverages if incidental to the serving of food as the principal activity but not including live entertainment and dancing
- (15) Signs -- Business
- (16) Taverns or Cocktail Lounges -- but not including live entertainment or dancing
- (17) Accessory uses to the above permitted uses

C. Special Uses

Any Special Use allowed in a B-1 District, and;

- (1) Art Galleries and Museums -- public
- (2) Day Care Centers
- (3) Schools, Public or Parochial -- Elementary, Junior High, High or Junior College
- (4) Schools, Commercial or Trade -- including those teaching music, dance, business, commercial or technical subjects, when not thereby involving increased danger of fire and explosion, nor of noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences.
- (5) Libraries, Public
- (6) Parking Lots and Storage Garages -- for motor vehicles under one and one-half (1 ½) ton capacity.
- (7) Planned Development on a tract of land not less than five (5) acres, or not more than twenty (20) acres in area
- (8) Public Utility and Public Service Uses, including:

- (a) Electric Substations
- (b) Fire Stations
- (c) Police Stations
- (d) Railroad rights-of-way and Passenger Stations
- (e) Telephone Exchanges, and Transmission/Equipment Buildings
- (f) Gas Regulators
- (g) Other similar uses
- (9) Recreational Buildings and Community Centers
- (10) Taverns and Cocktail Lounges where live entertainment is offered, provided that no such establishment employes a group of more than four (4) musicians, including vocalists. (Ord. No. 50-1979 -- 11/27/79)
- (11) Restaurants -- including the serving of alcoholic beverages if incidental to the serving of food as the principal activity, and including live entertainment and dancing (Ord. No.37-1995 -- 12/12/95).
- (12) Secondary Storage Facilities -- secondary storage facilities must comply with all of the following criteria:
 - (a) Storage must be directly related to the primary business in operation in Hazel Crest.
 - (b) The square footage devoted to storage must not exceed forty percent (40%) of the total square footage of the building.
 - (c) The building must be a stand-alone structure not composed of other tenants.
 - (d) The storage facility must be located in an area not visible from the street. The primary business use must front the major arterial street.
 - (e) Building abutting residential properties must limit the loading and unloading of trucks to between the hours of 7:00 a.m. and 7:00 p.m.

(f) Traffic flow of roadways and alleys must be capable of being maintained at all times; and

(g) All storage must be contained in the building.

D. Floor Area Ratio

Not to exceed 2.0

E. Yards

1. Side Yards: If a side yard is provided, not less than five feet (5') wide, except where a side lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on an adjacent residential lot.

2. Rear Yard: Where a rear lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such rear lot line. Such yard shall be not less than sixteen feet (16') in depth.

F. Signs

Signs shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

G. Off-Street Loading

Loading berths in accordance with provisions set forth in subsequent Articles of this Ordinance.

H. Off-Street Parking

Loading berths in accordance with provisions set forth in subsequent Articles of this Ordinance.

ARTICLE IX
M-OR OFFICE, RESEARCH
AND
COMPATIBLE USE DISTRICT

- 9.1 Definition
- 9.2 Purpose
- 9.3 General Restrictions
- 9.4 Use Regulations
- 9.5 Height Restrictions
- 9.6 Areas and Yards
- 9.7 Lighting, Exterior
- 9.8 Signs
- 9.9 Off-Street Parking
- 9.10 Off-Street Loading

9.1 DEFINITION

The regulations set forth in this Article are the district regulations in the “M-OR” Office, Research and Compatible Use District.

9.2 PURPOSE

The intent of this Section is to permit certain administrative research, light manufacturing and business organizations which do not in any way detract from residential desirability, to locate in an area which lies between a transportation network or manufacturing district of intense activity and certain residential districts of passive activity and thereby to act as a transitional district between said areas. The limitations as to uses, heights, ground cover, and offensive characteristics are imposed to protect and foster residential desirability of the community.

9.3 GENERAL RESTRICTIONS

Any use permitted in the “M-OR” Office, Research and Compatible Use District shall comply provisions contained in Sections 9A.3.1 to 9A.3.4.

- (1) No retail store, service establishment or establishment which makes sales on the premises to the ultimate consumer for personal use shall be located within this District, except such as is incidental to the principal use.
- (2) All operations and activities of all uses within this District including the storage of materials shall be conducted wholly inside a building or buildings.
- (3) No use permitted in this District shall omit odors, gas, dust, smoke, lighting effects or noise, to an extent greater than permitted by the State and Federal Environmental Protection Agencies and the following maximum allowable limits:
 - A. Sound level shall not exceed maximum levels as provided in Article IX, Section 9.2 of this Ordinance.
 - B. No vibration which is discernible to the human sense of feeling at any time at the property line shall be permitted.
- (4) No activities involving the storage, utilization or manufacturing of materials or products which decompose by detonation shall be permitted.
 - A. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning--as determined for liquids by a closed cup flashpoint of not less than one hundred eight seven degrees Fahrenheit (187°F)--is permitted subject to compliance with all other performance standards for the M District.

- B. The storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning--as determined for liquids by a closed cup flashpoint of less than one hundred eighty-seven degrees Fahrenheit (187°F), but not less than one hundred fifty degrees (150°F)--is permitted subject to compliance with all other performance standards for the M District and provided the following conditions are met:
- (1) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
 - (2) All such buildings or structures shall be set back at least forty feet (40') from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the national Fire Protection Association, or if the materials, goods or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.

9.4 USE REGULATIONS

A building or premises shall be used only for the following purposes and must comply with the restrictions given in Section 9A.3:

- (1) Offices
- (2) Research Laboratories
- (3) Personnel Training Centers
- (4) Storing, cleaning, testing, repairing, assembling, fabricating and servicing establishments as determined by operations conforming with performance standards set forth in this Ordinance, but not within a building nearer than one hundred feet (100') of any residential district.
- (5) Public Utility Electric Distribution Centers in buildings
- (6) Public Utility Telephone Transmission Equipment buildings
- (7) Radio, television and electronics assembly, but not within a building nearer than one hundred feet (100') of any residential district.
- (8) Printing establishments, blueprint and photocopying establishments, but not within a building nearer than three hundred feet (300') of any residential district. Where materials having a closed cup flashpoint of less than one hundred degrees Fahrenheit (105°F) are used, fire protection shall comply with the

recommendations of the National Fire Protection Association (*Rev. 1/64*).

- (9) Special Use: Planned Developments (which may be under more than single ownership) containing uses permitted in the M-OR District and including other similar facilities, including but not limited to processing plants, assembly plants, packing plants, fabricating plants, distribution centers, repair, overhaul or servicing facilities, book manufacturing facilities, research facilities or testing facilities, and compatible non-retail commercial uses (*rev. 7/88*).

9.5 HEIGHT

No building shall be erected or enlarged to exceed thirty feet (30') in height; provided that an exception may be made by the Board of Trustees for penthouses, enclosed water towers and decorative building projections (*Rev. 1/64*).

9.6 AREAS

No lot shall be less than one (1) acre in area. Only one (1) permitted use shall occupy one such lot exclusive of offices, training centers and laboratories permitted herein and incidental to the principal use (*Rev. 1/64*).

- (1) The maximum ground area occupied by all buildings shall not be more than forty percent (40%) of the area of the lot or tract on which a building permit has been issued, excluding all areas dedicated for public purposes as may be required by the Village of Hazel Crest or other governmental authority. All buildings on a lot shall observe the yard requirements of this Ordinance (*Rev. 1/64*).
- (2) Front Yard: There shall be a front yard having a depth of not less than fifty feet (50') wherein there shall be no structure of any kind. No part of the parking areas required by this Ordinance shall be located in the front yard (*Rev. 1/64*).
- (3) Side Yard: There shall be a side yard having a width of not less than twenty-five feet (25') on each side of the building or buildings, except on the side of a lot abutting a residential district, in which case there shall be a side yard of not less than one hundred feet (100'). The parking of automobiles may be permitted within the side yard areas, except that where the side yard abuts a residential district, no parking space or access driveway shall be closer than sixty feet (60') to any lot zoned for residential use and except that no part of a side yard between the front lot line and the front yard line extended may be used for required off-street parking or loading areas (*Rev. 1/64*).
- (4) Rear Yard: There shall be a rear yard having a depth of not less than forty feet (40'); provided that where any lot line abuts or is adjacent to an area zoned for residential use, the rear yard lines abutting such use shall be not less than one hundred feet (100'), and no parking shall be allowed within sixty feet (60') of such lot lines.

- (5) When, due to the shape of the site, alterations of the setback requirements is necessary to provide for the reasonable use of the site, these requirements may be reduced by twenty-five percent (25%) of the restrictive dimension by the Planning & Zoning Commission.

9.7 LIGHTING, EXTERIOR

Illumination of buildings, signs, grounds and parking areas shall be subject to the following:

- (1) No blinking lights shall be used for the illumination of signs. All primary light sources illuminating the buildings shall be erected and maintained in accordance with standards of the Illuminating Engineering Society and shall be so placed, designed and used that neither the direct nor reflected light therefrom will adversely affect surrounding property or create a traffic hazard. Building faces, if illuminated for advertising purposes, shall be only such faces a do not front upon a residential district.
- (2) Floodlighting of grounds or parking or loading areas shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way. General lighting of parking or loading area shall, except for emergency and security lighting, cease at or before the hour of midnight when these areas face a residential district where the distance from the nearest light to the nearest residence is less than one thousand feet (1,000').

9.8 SIGNS

Signs shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

9.9 OFF-STREET PARKING

Off-street parking facilities for motor vehicles shall be provided in accordance with the regulations set forth hereafter.

- (1) Requirement: One (1) off-street parking space for each two (2) employees, based upon the greatest number of employees in attendance at any time, shall be provided on the premises. In the event permitted sales or services are provided, there shall be provided one (1) off-street parking space for each one hundred (100) square feet of sales or service area. In no event shall required parking be permitted on any public street abutting any use permitted herein.
- (2) Computation: When determination of the number of off-street parking spaces required by this amendment results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded, while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one parking space.

- (3) 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 such a collective parking facility is located within five hundred feet (500') of the main building entrances. Further, no parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Planning & Zoning Commission.
- (4) Area: A required off-street parking space shall be at least nine feet (9') in width and at least twenty feet (20') in length, exclusive of access drives or aisles, ramps or columns. Such space shall have a vertical clearance of at least seven feet (7').
- (5) Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property or curb cut shall exceed a width of twenty-five feet (25').
- (6) Design and Maintenance:
- (a) Open and Enclosed Parking Spaces: Accessory parking spaces may be open to the sky or enclosed in a building.
- (b) Surfacing: All parking lots and perimeter roads and loading areas shall have a base course of stone, crushed gravel or slag, bladed and compacted over subgrade and shall be topped with suitable asphaltic concrete, bituminous topping or other permanent paving, as approved.
- (c) Screening and Landscaping: All property lines adjoining a residential district or public or institutional premises, shall be effectively screened by a planted area of sufficient density for screening, not less than five feet (5') in height. All lot areas not paved or built upon shall be planted and landscaped.
- (d) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any accessory parking or loading facilities, if such facilities are within five hundred feet (500') of a residence district.
- (7) Location: Subject to the provisions of Section 9A.9.3, all parking spaces required to serve buildings or uses erected or established after the effective date of this amendment shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this amendment which are subsequently altered or enlarged so as to require the provisions of parking spaces under this amendment may be served by parking facilities located on

land other than the lot on which the building or uses served is located, provided such facilities are within five hundred feet (500') walking distance of a main entrance to the use served.

9.10 OFF-STREET LOADING

Off-street loading facilities accessory to uses allowed shall be provided in accordance with the regulations set forth hereinafter:

- (1) Requirement: All required loading berths shall be located on the same zoning lot as the uses served and shall be completely enclosed within the building served or in yards adjacent to the building served, provided, however, that the yards are completely screened from adjacent residential areas by building walls of a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight feet (8') in height.
- (2) Standing Space: Standing space for trucks not being loaded or unloaded may be provided in the loading yard or another yard, provided that the standing yard shall be completely surrounded and effectively screened as provided in Section 9A10.1 above for loading berths. All zoning requirements of this district for a building shall be met.
- (3) Area: Unless otherwise specified, a required off-street loading berth or standing space shall be at least ten feet (10') in width by at least twenty-five feet (25') in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14') .
- (4) 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.
- (5) All parking lots, perimeter roads and loading areas shall have a base course of stone, crushed gravel or slag, bladed and compacted over subgrade and shall be topped with suitable asphalt, concrete, bituminous topping, or other permanent paving, as approved (*Rev. 1/64*).
- (6) Utilization: Area allocated to any off-street loading berth or standing space shall not be used to satisfy the space requirement for any off-street parking facilities or portions thereof (*Rev. 1/64*).
- (7) Standards: For buildings permitted under this Ordinance, at least one (1) loading berth shall be provided for buildings containing less than one hundred thousand (100,000) square feet of gross floor area; for each additional one hundred thousand (100,000) square feet of gross floor area or any fraction thereof, up to five hundred thousand (500,000) square feet, one (1) additional loading berth shall be provided (*Rev. 1/64*).

ARTICLE X

LIMITED MANUFACTURING DISTRICT

- 10.1 General Requirements
- 10.2 Performance Standards--Noise
- 10.3 Performance Standards--Smoke and Particulate Matter
- 10.4 Performance Standards --Toxic or Noxious Matter
- 10.5 Performance Standards--Odors
- 10.6 Performance Standards--Fire and Explosion Hazard
- 10.7 Performance Standards--Glare or Heat
- 10.8 M-1 Limited Manufacturing District

10.1 GENERAL REQUIREMENTS

- A. No lot, parcel or tract of land shall be used and no building or structure shall be erected, altered or remodeled for any of the following uses:
- abattoirs; acid manufacture; arsenals; crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture; fireworks or explosive manufacture or storage; dumping or reduction of garbage, dead animals offal or refuse; ore reduction; petroleum processing or refining; pyroxylin manufacture; gutta perchas manufacture or treatment; salt works; sauerkraut manufacture; soap manufacture; smelters; stockyard or slaughter of animals or fowls; tallow, grease or lard manufacture or treatment; tanning, curing or storage of rawhides or skins; or tar distillation or manufacture.
- B. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Village of Hazel Crest. Such materials shall include, but not be confined to: all primary explosives such as lead azide, lead styphnate and tetracene; all high explosives such as TNT, RDX, HMX, OETN and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35%; nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239; and radioactive materials having a whole body radiation of more than 7 N.R. per hour or more than a total of 5 R per year at the radiation source.
- C. All activities involving the manufacturing, fabricating, assembly, repairing, storing, cleaning, servicing, and testing of materials, products and goods shall be within completely enclosed buildings, or may be out of doors if completely screened by a solid wall or uniformly-painted solid fence at least eight (8) feet in height, and if there is no open storage at a greater height than that of the enclosing fence.
- D. No buildings, structures or parcels of land shall be used for the manufacturing, fabricating, assembly, repairing, storing, cleaning or servicing of materials, products or goods, within one hundred feet (100') of any lot line of a lot located in a Residence District.
- E. Any use established in said Manufacturing District which involves the manufacturing, fabricating, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious mater, odors, fire and explosive hazards or vibrations, glare or heat; and no use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with such applicable performance standards. Compliance with

the applicable performance standards shall be based upon a certification from a testing laboratory selected from a panel approved by the Village Board.

- F. All areas within the districts designated M-1 shall be construed to be within the fire limits.

10.2 PERFORMANCE STANDARDS--NOISE

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standard 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 rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

At no point on the boundary of a Residence or Business District shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown on the following table:

<u>OCTAVE BAND</u>	<u>MAXIMUM PERMITTED SOUND LEVEL (decibels)</u>	
Frequency (Cycles per second)	<u>Along Residence Dist. Boundaries</u>	<u>Along Business Dist. Boundaries</u>
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
Over 4,800	32	33

10.3 PERFORMANCE STANDARDS--SMOKE AND PARTICULATE MATTER

The emission of smoke or particulate matter in such manner or quantity as to endanger or be detrimental to the public health, safety, comfort or welfare, is hereby declared to be a public nuisance and shall henceforth be unlawful.

For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.

The emission from all sources within any lot area of particulate matter containing more than ten

percent (10%) by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited.

Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, ~~oiling~~, fencing or other acceptable means. Emission of particulate matter from such sources, in excess of the weight limitation hereinafter specified, is prohibited.

- A. Smoke: The emission of more than eight (8) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during one 1-hour period in each 24-hour day, each stack may emit up to sixteen (16) smoke units when blowing soot or cleaning fires. Only during fire-cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than three (3) minutes.

10.4 PERFORMANCE STANDARDS--TOXIC OR NOXIOUS MATTER

No activity or operation shall cause, at any time, the discharge across the boundaries of the lot wherein it is located toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

10.5 PERFORMANCE STANDARDS--ODORS

The emission of odorous matter in such a quantity as to be readily detectable at any point along lot lines, or as to produce a public nuisance or hazard beyond lot lines is prohibited.

10.6 PERFORMANCE STANDARDS--FIRE AND EXPLOSION HAZARD

- A. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning--as determine for liquids by a closed cup flashpoint of not less than one hundred eighty-seven degrees Fahrenheit (187°F)--is permitted subject to compliance with all other performance standards for the M District.
- B. The storage, utilization or manufacture of materials or products ranging from free or active burning to intense burning--as determine for liquids by a closed cup flashpoint of less than one hundred eighty-seven degrees Fahrenheit (187°F), but not less than one hundred five degrees Fahrenheit (105°F)--is permitted subject to compliance with all other performance standards for the M District, and provided the following conditions are met:
- (1) Said materials or products shall be stored, utilized or reduced within completely enclosed buildings or structures having incombustible exterior walls.
 - (2) All such buildings or structures shall be set back at least forty feet (40') from lot lines, or in lieu thereof, all such buildings or structures shall be

protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association, or if the materials, goods or products are liquids, the protection thereof shall be in conformity with standards prescribed by the National Fire Protection Association.

- C. The utilization is manufacturing processes of materials which produce flammable or explosive vapors or gases--as determined for liquids by a closed cup flashpoint of less than one hundred five degrees Fahrenheit (105°F)--shall be permitted in this district, provided:
- (1) That the final manufactured product does not itself have a closed cup flashpoint of less than one hundred eighty-seven degrees Fahrenheit (187°F);
 - (2) That the use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and the requirements of other Ordinances in the Village of Hazel Crest;
 - (3) That the storage of more than forty thousand (40,000) gallons of materials or products having a closed cup flashpoint of less than one hundred five degrees Fahrenheit (105°F) (exclusive of storage in underground tanks and exclusive of storage of finished products in original sealed containers) is prohibited; and
 - (4) That the storage of more than one hundred thousand (100,000) gallons of materials or products having a closed cup flashpoint of less than 187°F one hundred eighty-seven degrees Fahrenheit (exclusive of storage in underground tanks and exclusive of storage of finished products in original sealed containers) is prohibited.

10.7 PERFORMANCE STANDARDS--GLARE OR HEAT

Any operation producing intense glare of heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

10.8 M-1 LIMITED MANUFACTURING DISTRICT

A. Permitted Uses

The following uses are permitted and certification of operations conforming with performance standards set forth previously in this Article shall be required by the Building Commissioner (Rev. 1/64).

- (1) Animal Hospitals
- (2) Automobile Service Stations

- (3) Boat Showrooms
- (4) Bottling Plants
- (5) Building Material Sales
- (6) Cartage and Express Facilities
- (7) Contractors' Shops and Outdoor Storage
- (8) Dry-cleaning, Dyeing and Rug-cleaning Establishments
- (9) Dwelling units for watchmen and their families located on the premises where they are employed in such capacity
- (10) Frozen Food Lockers
- (11) Fuel and Ice Sales
- (12) Garages, Public
- (13) Greenhouses, without restriction as to gross floor area
- (14) Laundries, with no limitation on the number of employees
- (15) Light Manufacturing and Fabrication Plants
- (16) Linen, Towels, Diaper and other similar Supply Services
- (17) Machinery Sales Establishments
- (18) Mail Order Sales and Warehousing
- (19) Monument Sales Establishments
- (20) Motor Vehicle Sales
- (21) Open-sales Lots
- (22) Packaging and Crating
- (23) Parking Lots, Commercial
- (24) Printing and Publishing Establishments
- (25) Public Utility and Public Service Uses, including:

- (a) Electric Substations
 - (b) Railroad Rights-of-way
 - (c) Telephone Exchanges and Telephone Transmission/Equipment Buildings
 - (d) Transit and Public Transportation Facilities--including Shelters, Terminals, Parking Areas and Service Buildings.
 - (e) Gas Regulators
 - (f) Other similar uses
- (26) Signs, as regulated in subsequent sections of this Article
 - (27) Storage, Warehousing and Wholesale Establishments--except fuel oil, gasoline and other flammable materials
 - (28) Accessory Uses to the above permitted uses

Any use concerned with the operation of an establishment for the manufacturing, assembly, fabricating, repairing, storing, cleaning, servicing or testing of materials, goods or products, provided operation standards of such use conform with applicable regulations and performance standards heretofore set forth in General Requirements under this article.

B. Special Uses

- (1) Heliports
- (2) Planned developments, Manufacturing
- (3) Trailer or Mobile Home Parks
- (4) Amusement Areas limited to golf driving ranges, batting cages, and/or miniature golf courses (*Ord.6-1988 - 2/9/88*)
- (5) Self-Service Storage Facilities (*Ord.13-1988 - 4/12/88*)
- (6) Adult Uses.

C. Floor Area Ratio

Not to exceed 1.2

D. Building Height

Not to exceed fifty feet (50') above curb level.

E. Yards

- (1) Front Yard: Not less than thirty feet (30') in depth.
- (2) Side Yard: Not less than twenty-five feet (25') in width, except a side yard abutting a street shall not be less than thirty feet (30') in width.
- (3) Rear Yard: Not less than thirty feet (30') in depth, except a rear yard abutting an alley or railroad right-of-way may be reduced to twenty feet (20') in depth.

F. Signs

Signs shall be in accordance with provisions set forth in subsequent Articles of this Ordinance.

G. Off-Street Loading

Loading berths in accordance with provisions set forth in subsequent Articles in this Ordinance.

H. Off-Street Parking

Parking spaces in accordance with provisions set forth in subsequent Articles of this Ordinance.

ARTICLE XI

"SPECIAL PLANNED DEVELOPMENT" DISTRICT

- 11.1 Creation of a Special Planned Development District
- 11.2 Goals & Objectives
- 11.3 Types of Development

***Adopted 2/14/89
Ord. No. 7-1989***

11.1 CREATION OF A SPECIAL PLANNED DEVELOPMENT DISTRICT

There is hereby created in the Village of Hazel Crest a zoning district known as the "Special Planned Development" (SPD) District. The SPD District is established to accommodate small or unique tracts of land ten (10) acres or less in size that cannot reasonably be developed under existing zoning regulations. The regulations governing this district are in addition to regulations found elsewhere in the Zoning Ordinance dealing with planned developments and planned business centers.

11.2 GOALS AND OBJECTIVES

The Special Planned Development District is designed to encourage uses of land consistent with the following goals and objectives:

- (a) To permit a maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Chapter.
- (b) To promote a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities.
- (c) To combine and coordinate architectural styles, building forms and building relationships with a possible mixing of different urban uses in an innovative design.
- (d) To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally-appropriate features.
- (e) To provide for the prevention and control of soil erosion, surface flooding, and the preservation of subsurface water.
- (f) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development.
- (g) To provide for more usable and suitably located recreation facilities, schools and other public and private facilities.
- (h) To promote the more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.
- (l) To encourage a land use which promotes the public health, safety, comfort and welfare.

11.3 TYPES OF DEVELOPMENT

A SPD District shall be a tract of land ten (10) acres or less in size consisting of conventionally subdivided lots to be sold, undivided single ownership, separate condominium ownership of

structures or other ownership methods, and shall provide for development by means of a Special Planned Development Plat which establishes the location and extent of the features of the special Planned Development in keeping with the purpose of this Ordinance.

11.4 PRELIMINARY AND PLAT PROCEDURES

- A. As outlined in Chapter XIII.

ARTICLE XII

OFF-STREET LOADING & OFF-STREET PARKING

12.1 Off-Street Loading

12.2 Off-Street Parking

12.1 OFF-STREET LOADING

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

A. Location

All required 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. In the Manufacturing District, no loading berth for vehicles of more than two-ton capacity shall be located less than fifty feet (50') to any Residence District. No permitted or required loading berth shall be located within twenty-five feet (25') of the nearest point of intersection of any two (2) streets, nor shall it be located in a required front yard.

B. Size

A required off-street loading berth shall be at least ten feet (10') in width by at least thirty feet (30') in length, exclusive of aisles and maneuvering space, and shall have vertical clearance of at least fourteen feet (14') .

C. 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 movements.

D. Surfacing

All open off-street loading berths shall be improved with a compacted macadam base not less than seven inches (7") thick, or equal, surfaced with not less than two inches (2") of asphaltic-concrete or some comparable all-weather, dustless material.

E. 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.

F. 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.

G. Required Loading Berths

For the uses here listed, loading berths shall be provided as specified:

- (1) Auditoriums: For such a building containing up to one hundred thousand (100,000) square feet of floor area, one (1) loading berth. For each additional

one hundred thousand (100,000) square feet of floor area, or fraction thereof in such a building, one (1) additional loading berth.

- (2) Banks, Business & Professional Offices, or Public Administration Buildings: For such a building containing up to one hundred thousand (100,000) square feet of floor area, one (1) loading berth. For each additional one hundred thousand (100,000) square feet of floor area, or fraction thereof in such a building, one (1) additional loading berth.
- (3) Bowling Alleys: For such a building containing up to one hundred thousand (100,000) square feet of floor area, one (1) loading berth. For each additional one hundred thousand (100,000) square feet of floor area, or fraction thereof in such a building, one (1) additional loading berth.
- (4) Hospitals, Schools, Colleges, Sanitariums and other similar institutional uses: For such a building having up to one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one (1) additional loading berth.
- (5) Hotels or Private Clubs and Lodges: For such a building containing up (150,000) square feet of floor area, one (1) loading berth. For each additional to one hundred fifty-thousand (150,000) square feet of floor area, or fraction thereof in such a building, one (1) additional loading berth.
- (6) Manufacturing, Fabrication, Assembly, Disassembly, Warehousing, Storing, Cleaning, Servicing, Testing and Repairing Establishments: For such a building containing up to forty thousand (40,000) square feet of floor area, one (1) loading berth, plus one (1) additional loading berth for each additional forty thousand (40,000) square feet of floor area or fraction thereof.
- (7) Retail Stores, Furniture and Appliance Stores, Household Equipment and Furniture Stores, Repair Shops, Wholesale Stores and Establishments handling the sale and consumption of food on the premises: Loading berths in accordance with the following schedule:

<u>Square Feet of Floor Area</u>	<u>Minimum Number</u>
0 to 10,000	1
10,000 to 40,000	2
40,000 to 100,000	3

For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one (1) additional loading berth.

- (8) Theaters: For such a building containing up to one hundred thousand (100,000) square feet of floor area, one (1) loading berth. For each additional fifty-thousand (50,000) square feet of floor area or fraction thereof, one (1) additional loading berth.
- (9) Undertaking Establishments and Funeral Parlors: For such a building containing up to fifty-thousand (50,000) square feet of floor area, one (1) loading berth. In a building containing more than fifty-thousand (50,000) square feet, additional

loading berth or berths as determined by the Building Commissioner.

- (10) Other Uses: Off-street loading berths shall be provided in accordance with requirements determined by the Building Commissioner and approved by the Village Board of Trustees, based upon requirements heretofore set forth for the most similar use.

12.2 OFF-STREET PARKING

Any off-street parking space in connection with existing buildings or structures, on the effective date of this Ordinance, shall not be removed, enlarged, or altered, except in conformance with the requirements of this Ordinance.

In connection with any building or structure which is to be erected or substantially altered and which requires off-street parking spaces, there shall be provided such off-street parking space in accordance with regulations set forth hereinafter.

A. Use

Except as may be otherwise provided for the parking of trucks or for special uses required accessory off-street parking facilities, required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants or employees.

B. Location

All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same zoning lot as the building or use served. Buildings or uses existing on the effective date of this Ordinance 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 zoning lot on which the building or use served is located, provided such facilities are within four hundred feet (400') walking distance of a main entrance to the use served.

C. Computation

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 (1) parking space.

D. Collectible Provisions for Non-Residential Uses

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 of each such use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as the required space for more than one (1) use unless otherwise authorized in accordance with this Ordinance.

E. Repair and Service

No motor vehicle repair work of any kind shall be permitted in parking lots. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building, in which case gasoline and motor oil may be sold within such building to the uses of such facilities, provided that no advertising sign is visible from outside the building, and provided further that all gasoline pumps shall be effectively screened from view of the street.

F. Size

A required off-street parking space shall be at least nine feet (9') in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, columns and office or work area. Such space shall have vertical clearance of at least seven feet (7') .

G. Access

Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or driveway in a manner which will least interfere with traffic movements.

A parking area containing four (4) or more parking spaces shall have vehicular access to it over a street, alley or driveway, containing all-weather, hard-surfaced pavement and the location and route of access to such a parking area shall be identified. No driveway across public property shall have a width exceeding twenty-four feet (24'), exclusive of curb returns.

H. In Yards

Off-street parking spaces may be located in yards, except required front yards and side yards adjoining a street.

I. Design and Maintenance

- (1) Open and Enclosed Parking Spaces: Accessory 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 parking spaces, located elsewhere than on the same lot occupied by the use, shall be open to the sky.
- (2) Surfacing: All open off-street parking areas, including but not limited to driveways, shall be improved with a compacted macadam base, or equal, not less than four inches (4") thick surfaced with asphaltic concrete or comparable hard-surfaced, all-weather, dustless material. No motor vehicles may park in any yard or other area which is not surfaced in the manner described herein.
- (3) Screening and Landscaping: All open automobile parking areas containing

more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any residential or institutional property by a wall or fence not less than five feet (5') high or more than six feet (6') high, or a densely-planted compact hedge not less than five feet (5') in height; and wheelstops of masonry, steel or heavy timber, shall be placed not hearer than five feet (5) from the street line in districts where a front yard is not required or from side lot lines.

- (4) Lighting: Illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and streets. All lighting shall be extinguished no later than thirty (30) minutes after the close of business of the use being served, except as may be otherwise authorized by the Village Board of Trustees.

J. Required Spaces

Off-street parking spaces accessory to designated uses shall be provided as follows:

- (1) Single-family Dwellings: At least one (1) parking space for each dwelling, plus one (1) additional parking space for each two (2) roomers or lodgers accommodated, but no more than four (4) parking spaces for each single-family dwelling.
- (2) Two-family Dwellings: At least one (1) parking space for each dwelling unit.
- (3) Multiple-family Dwellings:
Efficiency and 1-bedroom dwelling units—At least one and one-half (1-1/2) parking spaces per each dwelling unit.
Two or more bedroom dwelling units—At least two (2) parking spaces per each dwelling unit (*Ord. No. 1-1978 - 1/10/78*).
- (4) Hotels and Apartment Hotels: At least one (1) space for each three (3) separate rooms and for each three (3) suites of more than one room, one (1) parking space.
- (5) Boarding or Lodging Houses: At least two (2) parking spaces plus one (1) parking space for each three (3) persons for whom living accommodations are provided.
- (6) Private Clubs and Lodges: One (1) parking space shall be provided for each lodging room, plus parking spaces equal in number to twenty-five percent (25%) of the capacity in persons of such club or lodge.
- (7) Motels, Tourist Homes or Tourist Courts: At least one (1) parking space for each dwelling unit or lodging room.
- (8) Schools, Elementary or Junior High--Private or Public: At least one (1) parking space for each three (3) faculty members and other full-time employees.
- (9) School, High--Public or Private: At least one (1) parking space of design capacity for each seven (7) students.

- (10) Churches: At least one (1) parking space for each seven (7) seats.
- (11) School and Institutional Auditoriums: At least one (1) parking space for each two (2) persons employed on the premises, and one (1) additional parking space for each five (5) seats.
- (12) Theaters: At least one (1) parking space for each five (5) seats in the theater.
- (13) Hospitals: At least one (1) parking space for each three (3) hospital beds, plus one (1) parking space for each four (4) employees other than doctors, plus one (1) parking space for each two (2) doctors assigned to the staff.
- (14) Libraries and Museums: At least one (1) parking space for each one thousand (1,000) square feet of floor area.
- (15) Recreational Buildings or community Centers: Parking spaces equal in number to thirty percent (30%) of the capacity in persons.
- (16) Restaurants and Taverns: Parking spaces equal in number to twenty-five percent (25%) of the capacity in persons.
- (17) Medical and Dental Clinics: At least one and one-half (1-1/2) spaces for each examining or treatment room, plus one (1) for each doctor and employee in the building.
- (18) Public Utility and Public Service Uses: At least one (1) parking space for each three (3) employees, plus spaces in adequate number as determined by the Village Board of Trustees to serve the visiting public.
- (19) Bowling Alleys: At least six (6) parking spaces for each alley, plus such additional spaces as may be required for affiliated uses such as restaurants and the like.
- (20) Banks: One (1) parking space for each two hundred (200) square feet of gross floor area in excess of two thousand (2,000) square feet.
- (21) Business and Professional Offices or Public Administration Buildings: At least one (1) parking space for each five hundred (500) square feet of floor area.
- (22) Automobile Service Stations: At least one (1) parking space for each employee, plus two (2) for each service stall.
- (23) Furniture and Appliance Stores, Motor Vehicle Sales, Wholesale Stores, Stores for Repair of Household Equipment or Furniture, Retail Stores: One (1) parking space for each 200 square feet of gross floor area in excess of two thousand (2,000) square feet.
- (24) Undertaking Establishments and Funeral Parlors: At least ten (10) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral

vehicle maintained on the premises.

- (25) Manufacturing, Fabricating and Processing Plants not engaged in Retail Trade: At least one (1) parking space for each three (3) employees.
- (26) Warehouse and Storage Establishments and Freight Terminals: At least one (1) parking space for each three (3) employees.
- (27) Other Uses: Parking spaces on the same basis

K. Required Spaces--Combined Parking

Where any structure or parcel contains two (2) or more separate and distinct uses, parking shall be provided in an amount equal to the total amount of parking required for all of the separate uses combined (*Rev. 1/64*).

ARTICLE XIII
ADMINISTRATION

- 13.1 Duties of the Zoning Administrator
- 13.2 Planning & Zoning Commission
- 13.3 Preliminary and Final Plan Requirements
- 13.4 Final Plat Procedures
- 13.5 Changes in the Planned Development
- 13.6 Failure to Develop or Implement Amendment
- 13.7 Variations
- 13.8 Special Uses
- 13.9 Text and Map Amendments
- 13.10 Fees
- 13.11 Violations and Penalties
- 13.12 Validity
- 13.13 Disclosure of Beneficiaries of a Trust

13.1 DUTIES OF THE OFFICE OF ZONING ADMINISTRATOR

- A. Designation of Position - The Zoning Administrator shall be designated by the Village Manager and charged with the responsibility of administering and enforcing this Ordinance.
- B. Duties - The Zoning Administrator shall:
1. Review all zoning, variation, and special use applications and other requests relating to zoning matters.
 2. Examine or approve an application pertaining to the use of land or structures when the application conforms with the provisions of this Ordinance.
 3. When requested, or when the interest of the Village so requires, make investigations and render written reports, and provide administrative interpretations of this Ordinance.
 4. Approve and ensure public notices or orders as may be necessary and maintain comprehensive records thereof.
 5. Make inspections of land uses to determine compliance with the terms of the Ordinance, and where there are violations, initiate action to secure compliance.
 6. Receive all notices for appeals, variations, amendments and special use permits which have been referred to the Planning & Zoning Commission or other appropriate reviewing body.
 7. Maintain all zoning records which are a part of the administration of this Ordinance and keep all such records open to public inspection, but not for removal from the office.
 8. Inform the Village Attorney of all violations and all other matters requiring prosecution or legal action.
 9. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports or recommendations to the Planning & Zoning Commission and the Village Board of Trustees.
 10. Provide staff support to the Planning & Zoning Commission.

13.2 PLANNING & ZONING COMMISSION

- A. Creation and Membership - There shall be a Planning & Zoning Commission consisting of nine (9) members appointed by the President and approved by the Board of Trustees President and Board of Trustees for staggered terms of five (5) years each as provided in the Illinois Compiled Statutes (65 ILCS 5/11-13-3). and until their respective successors are then appointed and qualified. The Chairperson of the Planning & Zoning Commission, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The President and the Board of Trustees shall have the power to remove any member of said Planning & Zoning Commission for cause. Vacancies shall be filled for the unexpired term of the member whose place has become vacant by appointment made by the President with the consensus of the Board of Trustees. The word "Commission", when used in this Section hereafter, shall be construed to mean the Planning & Zoning Commission.
- B. Meetings and Rules - Meetings of the Planning & Zoning Commission shall be held at the call of the Chairperson or three members and at such times determined by the Commission. All hearings conducted by the Commission shall be open to the public. The Commission shall keep minutes of its proceedings depicting the vote of each member upon each

question, or if absent or if failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of facts shall be included in the minutes of each case of a requested variation, amendment and/or special use and the reasons for recommending or denying such shall be specified. Every rule or regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Commission shall be filed immediately and shall be a public record. The Commission shall adopt its own rules of procedure not in conflict with this Ordinance or with the Illinois Statutes, and may select or appoint such officers as it deems necessary.

C. Appeals. An appeal to the Commission may be made by any person, firm or corporation, or by an office, department board or bureau aggrieved by a decision of the Zoning Administrator under this Ordinance in accordance with Illinois Statutes and the following:

1. An application for an appeal shall be filed with the Zoning Administrator within forty-five (45) days of the date of the action from which the appeal is being filed, and thereafter the Zoning Administrator shall forward such application to the Commission for processing and also shall forward a notice of appeal specifying the grounds thereof, and also shall forthwith transmit to the Commission all the papers constituting a record upon which the action appealed was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Commission or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due causes shown.
3. The Commission shall fix a reasonable time, not to exceed forty-five (45) days, for the hearing of the appeal, and give due notice thereof to the parties and decide the same within a reasonable time. The Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination that in its opinion ought to be made on the premises, and to that end shall have all the powers of the officer from whom the appeal was taken.

13.3 PRELIMINARY PLAN REQUIREMENTS

A. Purpose

The purpose of the Preliminary Plat submission is to obtain tentative approval or commitments from the Village that the plans, design and improvements that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into final detailed architecture, engineering, surveying and landscape architecture in anticipation of final plat approval and subsequent construction. This is a detailed submission intended to be the basis of preparation of a final plat which must conform to the preliminary plat and plans. It is at this stage that final modifications, adjustments and interpretations are made to the conceptual plan.

B. Procedure

1. An application for preliminary approval shall be submitted to the Zoning Administrator who shall refer the request to the Planning & Zoning Commission for report and recommendation in accordance with the procedures and requirements established in the case of applications.
2. Following the review and public hearing of the preliminary plat and supporting data by the Planning & Zoning Commission, said bodies shall recommend approval, modification or disapproval of the preliminary plat and the reasons therefor to the Village Board. Unless a request for extension is filed by the applicant or Village staff, such reports and recommendations shall be made within forty-five (45) days after the conclusion of all public hearings.
3. The Village Board, after receipt of the reports and recommendations described above, shall approve, modify or disapprove the preliminary plat within forty-five (45) days, unless an extension is requested by the applicant or the Village staff. In the case of approval or approval with modification, the Village Board shall pass an ordinance granting preliminary plat approval, subject to such conditions as the Village Board deems necessary to insure conformance with the intent of the planning objectives of the Village and the purpose of the proposed development.
4. Preliminary plat approval shall not constitute approval of the final plat of rezoning of the subject property.

C. PRE-APPLICATION AND CONCEPT PLAN REVIEW

For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the applicant is encouraged to request a joint staff pre-application conference in accordance with the following requirements:

1. PRE-APPLICATION CONFERENCE

- a) At the request of the applicant, a pre-application conference may be commenced by the Assistant Village Manager.
- b) The pre-application conference allows the applicant to meet with appropriate Village staff which may include the Planning and Zoning Administrator, the Fire Chief who oversees the Building and Code Enforcement division, the Police Chief and the Public Works Director.
- c) Applicants seeking a pre-application conference shall submit five (5) copies of the following information ten (10) days prior to the pre-application conference:
 - d) Plat of Survey;
 - e) Brief description of proposal; and
 - f) Proposed land use sketch to include:
 - 1) Proposed lots and placements;
 - 2) Proposed access to subdivision; and
 - a) Proposed streets and other improvements.

- g) The applicant may be charged reasonable fees for a pre-application conference.
- h) If requested and paid for by the applicant, a brief written summary of the pre-application conference shall be provided within ten (10) working days of the final meeting.
- i) The applicant shall not be bound by the determination of the pre-application conference, nor shall the Village be bound by any such review.

2. CONTENTS OF PRELIMINARY PLAN

Upon completion of a complete preliminary plan, the Planning and Zoning Administrator schedules the preliminary plan, and, if necessary, to the Board of Trustees for approval. A preliminary plan shall include:

- a) Proposed name of business or development.
- b) Location by township, section, town and range or by other legal description.
- c) A vicinity map, in sufficient detail to enable easy location in the field of the site for which plat approval is sought, and including the boundary line and approximate acreage of the site, existing zoning and a legend and scale.
- d) Names, addresses and phone number of the owner, the developer and the designer who prepared the plat.
- e) Scale of plat, one inch to one-hundred feet (1":100'), or larger.
- f) Date
- g) North point
- h) Layout and lot and building dimensions of areas to be developed for buildings including setbacks, the anticipated total gross floor space, the areas to be developed for parking, the points of ingress and egress, including access streets where required, and the adjustments to be made in relations to abutting land uses and zoning districts.
- i) Parcels of land to be dedicated or reserved for public use.
- j) Boundary line of the total area proposed to be subdivided (if necessary) indicated by solid heavy line and the total approximate acreage encompassed thereby.
- k) A contour map - a one (1) ft. minimum interval contour map of the land to be subdivided or improved and such adjoining land whose topography may affect the layout or drainage of the proposed parcel or improvement shall accompany

the preliminary layout. These requirements are detailed in the engineering plans section later in this document.

- l) A traffic survey prepared by qualified experts setting forth and analyzing the effects of the proposed development upon traffic in and outside of the Village. Such survey shall not be limited to the effect on adjacent streets, but shall extend to all of the surrounding areas affected and shall indicate the anticipated points of origin, the direction, amount and density of traffic flow to and from the proposed development or business.
- m) Architect's preliminary sketches of the proposed buildings and landscaping, defining the type of quality of construction, consistent with BOCA Codes and Village of Hazel Crest supplements.
- n) A statement of the types of business and uses proposed and the market area proposed to be served, prepared by qualified experts in such matters, when appropriate.
- o) Any adjustments which must be made in relation to abutting land uses and zoning districts (a minimum of five feet high screening and berming are required within 100 ft. of the lot line abutting residential areas).

13.4 FINAL PLAT PROCEDURES

Within six (6) months from the date of approval of the preliminary plat, the applicant shall submit a FINAL Development Plat to the Village which shall conform substantially to the preliminary plat as approved, and if desired by the applicant, may be submitted in phases, with each phase reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion shall conform to all requirements of this Ordinance.

A. SPECIFICATIONS FOR THE FINAL PLAT

No Final Plat of Subdivision of land subject to municipal regulations located within the corporate limits or within the contiguous unincorporated territories shall be entitled to record or be valid unless the following conditions are adhered to:

1. FINAL PLAT

- a) All of the items required for the Preliminary Plat and engineering plans are completed and approved.
- b) Building Setback Lines are accurately shown.
- c) Soil erosion and sedimentation requirements are fulfilled.
- d) Notarized certification, by owner or owners, or by any mortgage holder on record, of the adoption of the plat and the dedication of streets and other public areas.
- e) Exact width, name and location of all streets within and adjoining the plat.

- f) All lot numbers and lines with accurate dimensions in feet and hundredths.
- g) True angles and distances to the nearest established street lines of official monuments (not less than two (2) which shall be accurately described in the plat).
- h) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.
- i) Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- j) Accurate location of all iron pipe and monuments, which shall be concrete 6" X 6" X 30" with an iron rod cast in the center. Permanent stone or concrete monuments shall be set at two (2) corner or angle points on the outside boundary. Pipes or other physical markers shall be placed at all lot corners and survey control points as shown on the plat of subdivision. All U.S., State, County or other official bench-marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.
- k) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.
- l) Certification by a registered surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensions and geodetic details are correct.
- m) Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
- n) Proper signature form for the approval by the Village President and Board.
- o) A statement by a competent Illinois Registered Professional Engineer giving an estimate of the total cost of the construction or installation of all public improvements including sanitary and storm sewers, water mains, street improvements, street lights and appurtenances. Such estimate shall be based on prevailing construction costs and shall be subject to the approval of the Village Board.
- p) No final plat shall be recorded until all applicable permits or requirements from other agencies are received.
- q) Authorization on the Plat of Subdivision by the surveyor authorizing the Village Clerk, or a duly authorized designee, to record the plat.

B. LANDSCAPE PLANS

1. Landscape must be submitted and recommended for approval by the Beautification Commission or the Village's landscape consultant, including trees, plants and shrubs, in accordance with the Village of Hazel Crest tree ordinances, as part of the final site or development approval process.
2. Landscape area shall be constructed between all residential and commercial property to provide for an effective screening of noise, odor, glare and other negative environmental impacts between the residential and commercial property. The landscape areas shall be a minimum of four feet (4') in width and shall consist of appropriate materials to provide adequate screening.
3. The landscape planting plan shall include all of the following:
 - a) list of plant materials by name (botanic and common);
 - b) number/(quantity of each type of plant material to be installed;
 - c) key numbers on the plan to identify where each type of plant material is to be installed;
 - d) size of material to be installed;
 - e) a complete cost estimate for landscape construction and installation from a recognized landscape contractor.
4. The final plat and supporting data shall be submitted to the Planning & Zoning Commission for review and public hearing in accordance with the procedure prescribed for amendments to the Zoning Ordinance.
5. Following review and recommendation by the Planning & Zoning Commission, the Village Board shall, within forty-five (45) days thereafter, approve or disapprove the final plat, unless an extension is requested by the applicant or the Village. The Village Board shall thereupon pass an ordinance rezoning the property, if appropriate, and approving the final plat, and allowing the applicant to submit applications for building permits.
6. The final plat shall be recorded with the County Recorder of Deeds.

13.5 CHANGES IN THE PLANNED DEVELOPMENT

A. The Development project shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data, together with all recorded amendments, shall be binding on the applicants, their successor, grantees and assigns, and shall limit and control the use of premises and location of structures in the Development project as set forth therein.

B. Changes to the recorded Development may be made as follows:

Changes which alter the concept or intent of the Development, including increases in density, increases in the height of buildings, reductions of proposed open space, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, covenants, or other changes, may be approved only by submission of a new final Development plat and supporting data following the final plat procedure, including a public hearing thereon. Any other changes, minor in nature and or involving any

of the above features, may be submitted directly to the Village Board for approval. The Village Board may, if it so chooses, refer the proposed change to the Planning & Zoning Commission for report and recommendation. Any amendments to the final plat shall be recorded or registered.

13.6 FAILURE TO DEVELOP OR IMPLEMENT AMENDMENT

In the event no building permit has been issued within one (1) year of the date of the filing of the final plat, and construction is not substantially completed within one (1) year thereafter, the Development may be considered null and void and the Village may, at its option, initiate such zoning amendments as it deems necessary for the public interest.

13.7 VARIATIONS

A. Authority

The Planning & Zoning Commission shall not approve where it has final decision making power, nor shall it recommend where it does not, any variation unless the Planning & Zoning Commission has made findings of fact specified the reason or reasons for recommending or approving the variation. Such findings shall be based upon the standards hereinafter prescribed. Also, where the Village Board decides whether to grant a variation hereunder, no variation shall be granted by the Village Board without such findings of fact.

B. Initiation

An Application for a variation may be made by any person, firm, or corporation, or by an office, department, board, bureau or commission requesting or intending to request application for a building permit, zoning certificate or occupancy certificate.

C. Application for Variation and Notice of Hearing.

An application for a variation shall be filed with the Zoning Administrator, who shall forward a copy of same without delay to the Planning & Zoning Commission. The application shall contain such information as the Planning & Zoning Commission may require. No more than (45) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper published within the Village and if there is none then in a newspaper of general circulation within the Village. The published notice may be supplemented by such additional form of notice as the Planning & Zoning Commission may require.

D. Standards for Variations

Accordingly the Planning & Zoning Commission shall hear and make a final determination on a variation, except for sign variances which requires the approval of the Board of Trustees. The Planning & Zoning Commission shall issue findings of fact based upon the evidence presented to it in each specific case which requires that all three of the following be met:

1. 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.
2. The plight of the owner is due to unique circumstances.
3. The variation if granted, will not alter the essential character of the locality.
4. For the purpose of implementing the above rule, the Planning & Zoning 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) Conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification.
 - c) The purpose of the variation is not based exclusively 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 the 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 streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
5. The Planning & Zoning Commission may recommend, and the Village Board of Trustees may require, such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in the Section 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 Zoning Ordinance.

E. Authorized Variations

Authorized variations from the regulations of this Zoning Ordinance shall be approved (where it has final decision making power) or recommended (when it does not) by the Planning & Zoning Commission, or the Board of Trustees, if applicable, only in accordance with the standards set out in this Section, and may be granted only in the following instances, and in no others:

1. To permit without the necessity of a public hearing up to a twenty (25%) percent reduction in the front, side or rear yard required by this Ordinance. A greater variation may be recommended but only after a public hearing as required by law.
2. To permit the use of a lot or lots for use otherwise prohibited solely because of insufficient area or width of the lot or lots.
3. To increase the gross area of any sign.

4. To extend the period of time a non-conforming use may continue or remain.
5. Permit the construction of a non-conforming building which has been damaged by explosion, fire, act of God, or public enemy, to the extent of more than fifty (50) percent of its assessed value, where the Commission finds some compelling necessity requiring a continuance of the non-conforming use, and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

F. Required Vote

The concurring vote of four (4) members of the Village Board or shall be necessary to reverse the recommendation of the Planning & Zoning Commission on any requested variation.

13.8 SPECIAL USES

A. Purpose

The development and execution of the zoning ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Authority

Special Use Permits may be authorized or denied by the Village Board of Trustees, but only after a public hearing has been held, in the manner prescribed herein for amendments to this Ordinance, and a written report outlining the findings and recommendations of the Planning & Zoning Commission have been prepared and submitted to the Village Board. All special use requests shall be heard by the Planning & Zoning Commission including requests for planned developments.

C. Initiation

An application for special use may be made by any person, firm, or corporation having an ownership interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for a special use.

D. Application for a Special Use

An application for a special use or for a change to or expansion of a special use shall be filed with the Zoning Administrator on the form provided and shall be accompanied by such plans and data as specified by the Planning & Zoning Commission.

E. Standards

No special use shall be recommended by the Planning & Zoning Commission, unless said Commission shall find:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That 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 substantially diminish and impair property values within the neighborhood.
3. That 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.
4. That adequate utilities, access roads, drainage and/or other necessary utilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendations of the Planning & Zoning Commission.
7. Each Adult Use shall be a minimum of one thousand feet (1,000') from the property line of another Adult Use.
8. Each Adult Use shall be a minimum of one thousand feet (1,000') from any previously existing church, school, library, park or other publicly operated recreational facility.
9. All distances specified shall be measured by following a straight line, without regard to intervening structures, from the nearest point on the property line or zoning district boundary line from which the proposed use is to be separated to the nearest point of the property on which the proposed use is to be located.
10. No alcoholic beverages shall be sold, served or consumed within the premises of an Adult use.

The Village Board shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance.

F. Expiration

Within 18 months from the date the Special Use Permit was first issued, the petitioner shall submit a Final Plan to the Board of Trustees which shall conform to the Preliminary Plan as finally approved herein and the Special Permit issued herein. When a special use has been issued for the purpose of use only, construction must be substantially complete within 18

months. The Board of Trustees may extend any time limit provided or required herein or in any Special Permit issued herein; provided, that such extensions may not exceed a total of 36 months.

13.9 TEXT AND MAP AMENDMENTS

A. **Authority and Purpose.** The Board of Trustees is hereby authorized to amend the text of these regulations or the Zoning District Map in light of changing conditions and in light of changes to the Comprehensive Plan. The provisions of this Section are not intended to relieve particular hardship nor to confer special privileges.

B. Initiation of Amendment

Amendments to the text of these regulations or the Zoning District Map may be initiated by the Board of Trustees, the Planning & Zoning Commission, Village Manager, any resident of the Village of Hazel Crest or any developer of any property located within the Village of Hazel Crest or its planning jurisdiction.

C. Review

After receipt of a complete application for amendment, the Zoning Administrator shall complete the review of the application and send a written report to the Planning & Zoning Commission, with a copy to the applicant.

D. Action by the Planning & Zoning Commission.

1. The Planning & Zoning Commission shall consider any amendment to the text of these regulations or the Zoning District Map.
2. The Planning & Zoning Commission shall review the proposed amendment. The Planning & Zoning Commission will hold a public hearing and then forward its recommendation to the Board of Trustees for formal action.

E. **Action by the Board of Trustees.** The Board of Trustees shall review the proposed amendment, the recommendations of the Planning & Zoning Commission, and shall grant or deny the amendment within thirty (30) days of receipt of the recommendations of the Planning & Zoning Commission.

13.10 FEES

The Village Board shall establish a schedule of fees, charges and expenses required for building permit, zoning certificates, certificates of occupancy, variations, special use permits, amendments, planned unit development, approvals and other matters pertaining to this Ordinance. Unless otherwise stated, the application fee for any zoning process is \$400.

Until all such required fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application. All fees shall be paid to the Village Clerk and none shall in any event be refunded.

13.11 VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to a fine of not less than fifty (50) dollars nor more than seven hundred and fifty (750) dollars or the established rate permitted by Statute for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

The owner or tenant of any building, structure, or land, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

13.12 VALIDITY

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

13.13 DISCLOSURE OF BENEFICIARIES OF A TRUST

The liabilities hereunder imposed on an owner shall attach to a trustee under a land trust, holding title to such building, structure, or premises without the right of possession, management, or control, unless said trustee in a proceeding under said provisions of this Ordinance discloses in a verified pleading or in an affidavit filed with the court, the name and last known address for each person who was a beneficiary of the trust at the time of the alleged violation and of each person, if any, who was then acting as agent for the purpose of managing, controlling, or collecting rents, as the same may appear on the records of the trust.

ARTICLE XIV
SIGN CONTROLS

Section I Intent and Purpose
Section II Separability
Section III Definitions
Section IV General Provisions
Section V Construction and Permits
Section VI Sign Maintenance
Section VII Exempted Signs
Section VIII Prohibited Signs
Section IX Temporary Signs
Section X Legal, Non-Conforming Signs
Section XI Residential Uses
Section XII Uniformed Shopping Center Signage
Section XIII Commercial Uses
Section XIV "M-OR" Uses
Section XV Limited Manufacturing Uses
Section XVI Sign Variances
Section XVII Criteria for Bonus Sign Area

Ordinance 23-2000
Dated 10/10/2000

14.1 INTENT AND PURPOSE

The purpose of this ordinance is to establish a framework for a comprehensive system of sign controls governing the display of signs which will:

- A. Promote and protect the public health, safety, comfort, morals, convenience and welfare of the residents of Hazel Crest;
- B. Enhance the economy and the business and industry of the Village by promoting the reasonable, orderly and effective display of signs thereby encouraging increased communication with the public;
- C. Restrict signs and lights which overload the public's capacity to receive information or which conflict with the safe and orderly flow of traffic in the village;
- D. Promote signs which are compatible with their surroundings, are not misleading and are expressive of the identify of the proprietors and other persons displaying signs;
- E. Help establish and/or maintain a strong, positive Village image and identity to strengthen the cohesiveness of the community and contribute to the overall quality of life for the residents of Hazel Crest.

14.2 SEPARABILITY

In accordance with the following, it is hereby declared that the several provisions of this ordinance are separable.

- A. If any court of competent jurisdiction determines any provision of this ordinance to be invalid, such determination shall not affect any other provision of this ordinance, not specifically included in the courts' judgment order.
- B. If any court of competent jurisdiction determines any provision of this ordinance to be invalid as applied to any particular sign, such determination shall not affect the application of such provision to any other sign not specifically included in the courts' judgment order.

14.3 DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

Advertising Sign: An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment exclusively related to the premises where such sign is located, or to which it is affixed. Any sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located, or to which it affixed is strictly prohibited.

AWNING: An "awning" is a structure made of cloth, metal or other material affixed to a building in such a manner that it may be raised or retracted to a position against the building.

BANNER: A “banner” is any sign printed or displayed upon cloth or other flexible material with or without frames.

BEACON: A “beacon” is a stationary or revolving light which flashes or projects illumination, single or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or other similar agencies.

BULLETIN SIGN: A “bulletin sign” is any sign erected by a charitable, educational or religious institution or public body which is erected upon the same property as said institution, and is used exclusively for non-commercial announcements relating specifically to the activities of said institution.

CANOPY: A “canopy” is any structure, other than an awning, made of cloth or metal with metal frames attached to a building, projecting from a building and possibly also carried by a frame supported by the ground or sidewalk.

DIRECTIONAL SIGN: A “directional sign” is a sign of a non-commercial nature which directs the reader to the location of public or educational institutions or to the location of historical structures or areas or to the location of public parks or buildings.

DIRECTORY SIGN: A “directory sign” is a sign which serves as common or collective classification for a group of persons or businesses operating on the same zone lot (e.g. shopping center, office complex, etc.). Such sign may name the persons or businesses included, but carry no other advertising matter.

DISPLAY SURFACE AREA: The “display surface area” is the net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, “display surface area” shall not include the structural supports for free standing signs; that both faces of a double-faced sign as defined shall be considered in determining the display surface area.

ERECT: To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

FLAG: A “flag” is any sign printed or displayed upon cloth or other flexible material with or without frames.

FLASHING SIGN: A “flashing sign” is an illuminated sign on which artificial or reflected light is not maintained stationary and not constant or intensity and color at all times when in use.

FREE STANDING SIGN: A “free standing sign” is a sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

GARAGE SALE SIGN: A “garage sale sign” is a sign which indicates the location of a temporary sale of personal items from a private residence.

GROUND SIGN: A “ground sign” is a sign which is supported by a pole or other form of ground support which is independent of a building. A pole or other similar structure may itself be a ground sign.

HOME OCCUPATION SIGN: A “home occupation sign” is a sign indicating the occupation or profession performed at a residence by a member of that residence.

IDENTIFICATION SIGN: An “identification sign” is a sign of an identification nature which shall be located on the premises to which such sign applies, and be exclusively related to the premises where such sign is located.

INFORMATION SIGNS: An “information sign” is a sign of an informational nature bearing no advertising.

ILLUMINATED, DIRECT: A “direct illuminated” sign is an illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

ILLUMINATED, INDIRECT: An “indirect illuminated” sign is an illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

ILLUMINATED SIGN: An “illuminated sign” is any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

ILLUMINATED, SPOT LIGHT: “Spot light illumination” shall mean illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays on the source.

LEASE: A “lease” is an agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his/her property.

LOT: A “lot” is a parcel of land under one ownership whether described by metes and bounds or as a platted lot.

MALL: A “mall” is any concentration of retail stores and/or service establishments which share customer parking areas and area located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

MANSARD ROOF: A “mansard roof” is a double-sloped pitched roof rising steeply from the eaves, and having a summit of flatter slope on both sides of the ridge.

MARQUEE: A “marquee” is a permanent roof-like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material such as metal or glass.

MEMORIAL SIGN: A “memorial sign” is a sign, tablet or plaque memorializing a person, event, structure or site.

MUNICIPAL SIGN: A “municipal sign” is a sign erected and maintained pursuant to and in discharge of any municipal functions or required by law, ordinance or other governmental regulation.

NAMEPLATE: A “nameplate” is a sign indicating the name, address or the profession of the person or persons occupying the lot or a part of the building.

NON-CONFORMING SIGN: A “non-conforming sign” is a sign existing at the effective date of the adoption of this ordinance which could not be built under the terms of this ordinance.

OFF-SITE SIGN: An “off-site sign” is a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-site shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.

ON-SITE SIGN: An “on-site sign” is a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided, an on-site sign may also display a non-commercial message.

PERMANENT RESIDENTIAL DEVELOPMENT SIGNS: A “permanent residential development sign” is an identification sign used to indicate the entrance to a subdivision or unified residential area.

PERSON: "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

POLE SIGN: A “pole sign” is a free standing sign which is supported by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder.

POLITICAL SIGN: A “political sign” is a sign advocating action on a public issue or recommending a candidate for public office.

PORTABLE SWINGER SIGN AND "A" FRAME OR SANDWICH: A “portable swinger sign and an “A” frame or sandwich” sign is an advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily moveable, not permanently attached thereto and which is usually two-sided.

PORTABLE TEMPORARY ATTRACTION SIGN BOARD: A “portable temporary attraction sign board” is a single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable and not permanently attached thereto.

PROJECTING SIGN: A “projecting sign” is any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

REAL ESTATE SIGN: A “real estate sign” is a temporary sign placed upon property for the purpose of advertising to the public and sale or lease of said property.

ROOF SIGN: A “roof sign” is any sign wholly erected, constructed or maintained on the roof structure of parapet of any building.

SIGN: The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, reading matter and supporting structure, which is used or intended to be used to attract attention or convey information when the same is placed out-of-doors in view of the general public. In addition, any of the above which is not placed out-of-doors shall be considered a sign within the meaning of this ordinance, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where a sign is a double-faced sign, both faces together will constitute one (1) sign. Where matter is displayed in a random matter, without organized relationship to elements or where there is a reasonable doubt as to the relationships of elements, each element shall be considered to be a single sign.

SHOPPING CENTER: "Shopping Center" is two (2) or more retail stores and/or service establishments or one (1) retail store and one (1) service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

WALL SIGN: A "wall sign" is any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of a building. For the purposes of this ordinance, any sign display that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning or a building canopy shall be considered a wall sign.

WALL SIGN: A "wall sign" is any sign composed of two or more banners, flags, or other objects, mounted serially and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

WINDOW SIGN: A "window sign" is a sign attached to, placed upon, or printed on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

14.4 GENERAL PROVISIONS

- A. Conflicting Codes and Ordinances. All signs established in the Village of Hazel Crest shall be in compliance with the provisions set in this ordinance. If any provision or requirement of this ordinance is found to be in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance resolution, rule, or other governmental law of any kind, the regulation which establishes the more restrictive rule or higher standard shall govern.
- B. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements necessary for the promotion and protection of the public health, safety, comfort, morals, convenience and welfare.
- C. Abandoned Signs. Except as otherwise provided in this ordinance, any sign that is located on property which becomes vacant and is unoccupied for a period of one (1) month or more or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three (3) months.
- D. Removal of Certain Signs. In the event a business ceases operation and/or conforms to the criteria established in Section IV C, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this ordinance an existing conforming sign may be altered to advertise a new business or product sold thereby, and there is evidence that a new business will be in operation on the premises within ninety (90) days. Upon failure of the sign owner or lessee, or property owner to comply with this section, the Building Official shall issue a written notice to the sign owner and any lessee and to the property owner, which shall state that upon receipt of such notice, said sign shall be removed within ten (10) days. If the sign owner or lessee, or property owner fails to comply with such written notice to remove sign. the building official hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien on the property. For the purpose of this section, the word "remove" shall mean:
1. The sign face, along with posts, columns, or supports of "free standing" or "ground" signs shall be taken down and removed from the property.
 2. The sign face and supporting structures of "projecting" or "wall" signs shall be taken down and removed from the property.
- E. Removed Signs to be Stored. In the event the Village causes removal of a sign, the Village will hold said sign for not less than ten (10) days, during which it may be recovered by the owner upon paying the Village for costs of removal and storage. If such signs are not claimed and the removal and storage costs not paid within the ten (10) day period, the Village is hereby authorized to dispose of them. Payment of removal and storage costs will remain the responsibility of the property owner.

- F. Signs Not to Constitute Traffic Hazard. No sign or other advertising structure as regulated by this ordinance shall be erected or continued to be displayed at the intersection of any street in such a manner as to obstruct free and clear vision; or any location where by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or which makes use of the words, "DANGER", "STOP" or "LOOK" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- G. Placing Signs on Public or Private Property.
1. Placing Signs on Public Property. No signs other than those placed by agencies of government shall be erected on any public property; provided, directional signs may be erected upon city street name signposts, or upon traffic signposts under the following conditions:
 - a. the signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a non-profit entity or to a facility relating to the public health, safety, or welfare or to scenic or historic trails or districts;
 - b. the signs are fabricated, erected and maintained by the entity requesting the erection of such signs and are subject to design approval by the Village;
 - c. the entire cost of the signs is borne by the entity or taxing body requesting the signs;
 - d. the signs are installed at locations where they would not constitute a traffic hazard;
 - e. the signs conform to the manual or uniform traffic control devices;
 - f. the maximum number of directional signs permitted under this section shall be four (4) for each entity or taxing body; provided, the limitation provided hereby shall not apply to signs directing the reader to scenic or historic trails or districts.
 2. Placing Signs on Private Property. No signs shall be placed on any private property without prior consent of the owner thereof.
- H. Sign Illumination. The illumination of a sign permitted by this ordinance shall be from a steady, non-flashing source of artificial light, not to exceed seventy-five foot (75') candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of the sign. Illuminated signs or the source of light for such signs shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent publicly dedicated roadways and surrounding properties.
- I. Illumination of Buildings, Structures, and Areas. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires or any other type of

support, to illuminate buildings, structures, outdoor sales areas or outdoor storage areas is prohibited except:

1. During the month of December;
2. In areas in which carnivals, fairs or other similar activities are held; provided this temporary lighting is removed after no more than ten (10) consecutive days.
3. On a temporary basis as otherwise determined by the Village.

A building or other structure may be illuminated, but all lighting used for this purpose must be designed, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway or surrounding properties.

J. Landscape Requirements. For free standing business identification, directional signs, and ground signs, the following provisions are required:

1. A landscape strip at least five feet (5') in width and the same length as the greatest dimension of the sign shall be provided. The sign shall not extend beyond the landscaped area. Curbing or other types of vehicular barriers acceptable to the Building Official shall be placed around the landscaped strip for protection and comply with the overall landscape plan.

K. Special Event Displays. Wind signs may be erected on the premises of an establishment having a grand opening or special event, provided that such signs shall be displayed for a period not to exceed fourteen (14) consecutive calendar days within any six (6) month period. Enforcement shall be tied to date of issuance of permit.

L. Sign Limitations.

1. The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the display surface area. Where a sign is so designated as to permit advertising copy on each side, back-to-back, both faces shall be counted in determining area.
2. The gross surface area in square feet of permitted signs on a lot shall not exceed the lineal feet of the frontage of the lot and each side of a lot which abuts upon a street shall be considered as a separate frontage. The gross surface area of all signs located on each side of a lot, dwelling or street shall not exceed the lineal feet in the separate frontage.
3. Any sign located within three feet (3') of a driveway, or parking area or within fifty feet (50') of the intersection of two or more streets shall have the lowest elevation of at least twelve feet (12') above the curb level.
4. It shall be unlawful to erect any ground or free standing sign whose total height is greater than twenty feet (20') above the level of the street upon which the sign faces or above the adjoining ground level, if such ground level is above street level; free standing signs shall not exceed a gross surface area of fifty (50) square

feet for each exposed face nor exceed an aggregate gross surface area of one-hundred (100) square feet. Such signs shall also carry a minimum set-back requirement of no less than three feet (3') from any adjacent right-of-way; provided that the allowable height may be increased one foot (1') for each one (1) foot the sign is set-back from street right-of-way beyond three feet (3'). There shall be only one (1) free standing sign per lot, except that on a corner lot two (2) signs, one facing each street, shall be permitted, provided that such signs are located at a distance apart of no less than two-hundred feet (200').

5. No wall sign shall extend above the height of the building, or more than twenty-four inches (24") into any public right-of-way, and any sign extending more than six inches (6") from the wall of a building shall be located at a height of not less than ten feet (10') above grade. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of five-hundred (500) square feet or twenty percent (20%) of the wall to which it is applied, whichever is smaller.
6. Ground signs shall have an open space not less than two feet (2') between the base line of said sign and ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half ($\frac{1}{2}$) of any square foot of such open space. There shall be only one (1) ground sign per lot, except that on a corner lot two (2) signs, one facing each street, shall be permitted. No ground sign shall be nearer than six feet (6') to any other sign, building or structure. The gross surface area of any ground sign shall not exceed one-hundred (100) square feet for each exposed face nor exceed an aggregate gross surface area of two-hundred (200) square feet.
7. Signs attached to or hung from a marquee shall be completely within the borderline of the marquee outer edge and shall be in no instance lower than ten feet (10') above the sidewalk or public thoroughfare.
8. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding sixteen inches (16") in height on the front and side portions thereof.
9. No sign or other advertising device shall display any obscene, indecent or immoral materials, words or emblems, as determined by the Building Official.

14.5 CONSTRUCTION AND PERMITS

- A. Construction. All signs constructed, erected, modified or altered shall comply with the provisions of this article and the requirements of Chapter 6 of the Village Municipal Code.
- B. Permit required. No sign shall be constructed, erected, modified or altered without the issuance of a sign permit in accordance with Chapter 6 of the Village Municipal Code. Permit and inspections fees will be established therein.

- C. Permit Exceptions. The following operations shall not require issuance of a permit for existing conforming signs:
1. Changing of the advertising copy or message on an existing changeable copy sign or a similar approved sign whether illuminated or non-illuminated.
 2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes or replacement of the face will be included as an exempt operation, provided that it is due to a change caused by breakage and/or deterioration of the face, but not for the substitution of a new or different advertisement.

14.6 SIGN MAINTENANCE

- A. Sign Identification. Every sign or other advertising structure hereafter registered shall show in a conspicuous place thereon which is visible to the inspector and is readable by the inspector from the ground the following: the permit number, the date of erection, the permit expiration date, and the voltage of any electrical apparatus used in connection with the sign.
- B. Sign and Premises Maintenance. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds. If the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure, abandoned or maintained in a dilapidated condition or has been constructed, erected or is being maintained in violation of the provisions of this chapter, written notice shall be presented to the property owner instructing him to remove or alter the sign or advertising structure so as to comply with the standards herein set forth within a reasonable time set forth in such notice.

14.7 EXEMPTED SIGNS

The following signs are permitted in any zoning district subject to all provisions of this ordinance:

- A. Bulletin boards not over twelve (12) square feet in area for public or religious institutions when the same are located on the premises of said institution.
- B. Signs denoting the architect, engineer or contractor when placed upon work under initial construction and not exceeding thirty-two (32) square feet in residential, business or manufacturing districts, to be removed upon completion of project. Each project is limited to one (1) sign, except that on a corner lot two (2) signs, one facing each street, shall be permitted.
- C. Memorial signs or names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other similar material.
- D. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or non-advertising signs as may be recommended by the Planning & Zoning Commission and approved by the Village Board.

- E. Political signs, provided:
 - 1. Signs shall be no more than six (6) square feet in area;
 - 2. Signs shall not be posted more than fourteen (14) days prior to the election to which the sign relates and shall be removed within three (3) days after the election to which the sign relates.
- F. The flag, pennant or insignia of any nation, state, or city or charitable organization.
- G. Street numbers are exempt from this ordinance.
- H. Permanent residential development signs at major entrances designed to identify a residential subdivision or planned unit development and containing no commercial advertising, constructed or material which is the same or of a more permanent nature than the material used in the development as recommended by the Zoning Board and as approved by the Village Board.
- I. Each public recreation or community facility use shall be permitted one (1) identification sign located on the premises of said facility. Such sign shall not exceed twenty-four (24) square feet.
- J. Multiple family residences and residential projects of all types may display identification signs indicating nothing other than the name and/or address of the premises and/or the name of the management. Such sign shall not exceed nine (9) square feet in area. Only one (1) sign per street frontage shall be permitted.
- K. Holiday decorations and interior building signs located away from windows and not affecting views from the outside.

14.8 PROHIBITED SIGNS

It shall be unlawful to erect or maintain the following signs:

- A. Any sign which is not included under the types of signs permitted in district regulations.
- B. Any sign which advertises or publicizes an activity not conducted on the premises upon which such sign is maintained.
- C. Any mobile or portable trailer sign.
- D. Any sign painted or pasted on the exterior surface of a building or structure.
- E. Any sign which has moving parts or creates the illusion of movement in any manner, including flashing lights, other than time and temperature.
- F. Any sign which overhangs public property by more than twenty-four inches (24").
- G. Any roof sign.

- H. Any sign which is painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street, bus shelter, bench or trash receptacle.
- I. Any sign which contains moveable letters, except those as permitted on a changeable copy or other similar approved sign.
- J. Any street clocks, except those indicating time and temperature.
- K. Any abandoned sign.
- L. ~~Search lights or beacons.~~ **No inflatable devices or signs are permitted in any district.**
- M. Signs on public property without prior approval.
- N. Signs on parked vehicles where the sign is the primary use of the vehicle.

14.9 **TEMPORARY SIGNS**

Temporary signs may be established in all districts provided they conform to all provisions maintained in this ordinance and Chapter 6 of the Village Municipal Code and the following:

- A. The establishment wishing to display such sign shall contact the Building Official for a temporary permit application which will provide the Village with the exact area, size, structure, design, location and time period proposed for the sign.
- B. Upon receipt of a properly completed permit application, and its accordance with Chapter 6 of the Village Municipal Code, temporary sign requests shall be reviewed by the Village on an individual basis who shall also hold final approval for such sign.
- C. Temporary signs in the form of "For Sale" or "For Rent" signs may be established only in accordance with Section XI of this ordinance.
- D. All temporary signs shall be limited to a time period of no more than fourteen (14) days except where noted, excluding temporary construction signs. After completion of this time period, any temporary signs remaining will be considered abandoned and be subject to removal procedures as indicated in Sections 4D and 4E of this ordinance. Temporary construction signs shall be permitted in accordance with regulations set in Section 68 of this ordinance.
- E. Garage Sale signs shall be no larger than three (3) square feet. Such signs may remain for four (4) days on private property where sale is being conducted and must be removed upon close of the event.
- F. Search lights and beacons are permitted in commercial and industrial districts in conjunction with grand openings or special events, not to exceed five consecutive days, and may only occur four times a year, for any specific area. Area refers to

entire shopping centers, not individual stores; therefore two stores sponsoring search lights or beacons shall would equate to two of the four occurrences in one year. Search lights must be attended during operation.

14.10 LEGAL, NON-CONFORMING SIGNS

Any signs lawfully existing prior to the enactment of this ordinance, but which could not be erected in accordance with the provisions of this ordinance shall be deemed to be a non-conforming sign and may continue in accordance with the following conditions:

- A. The sign must be properly maintained in a safe condition. No non-conforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for changeable copy. Any other changes made will be to bring the non-conforming sign into conformance with the provisions established in this ordinance.
- B. No non-confirming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued.
- C. If a non-confirming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign shall not be allowed to remain and must be removed.
- D. Legal, non-confirming signs shall be removed or modified to conform with this ordinance within three (3) years from the effective date of this ordinance or the Building Official shall cause the removal of said signs and assess the owners and/or lessees of such signs the costs of removal and storage.
- E. Illegal, non-conforming signs shall be removed forthwith by the owner or lessee or the Building Official shall cause the removal of said signs and assess the owners and/or lessees of such signs and cost of removal and storage.

14.11 RESIDENTIAL USERS

For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:

- A. Nameplates are permitted subject to the following regulations:
 - 1. R-1 and R-2 Districts: A nameplate shall not exceed forty-eight (48) square inches in area and shall indicate only the name or name and address of the occupant. There shall be not more than one (1) such nameplate for each dwelling, provided that it is affixed to the dwelling flat against the door or on the wall adjacent thereto, or may be located elsewhere on an accessory building or structure or piece of land within the boundaries of the lot. A nameplate may be illuminated from the rear with a light source not to exceed 25 watts. The light source must be completely enclosed by the structure of the nameplate, depth not to exceed 5 inches.

2. R-3 District: Only a nameplate as described above shall be permitted for a single-family or two-family dwelling. For a multiple-family dwelling, a nameplate may not exceed nine (9) square feet in area, provided it indicates only the name or name and address of the building. Such a nameplate may be affixed flat against the building, but not located higher than one (1) story, or twenty feet (20") above curb level, whichever is lower. Such a nameplate may also be in the form of a ground sign, provided it is not nearer to the street line than one-half ($\frac{1}{2}$) the depth of the required front yard and does not exceed four feet (4") in height.
- B. Unilluminated "For Sale", "For Rent" and "Garage Sale" signs are permitted subject to the following:
1. All residence districts: There shall not be more than one (1) sign per lot. No sign shall exceed six (6) square feet in area nor be closer than eight feet (8') to any side and rear lot line or more than ten feet (10') from the front foundation wall or front building line. Real estate signs shall be erected parallel to the front side of any building or front lot line. Such a sign, when affixed flat against the building, shall not project higher than one (1) story or twenty feet (20') above curb level, which is lower. Such sign in the form of a ground sign shall not project higher than three feet above (3') ground grade.
 2. Garage Sale signs shall be no larger than three (3) square feet. Such signs may remain for four (4) days on private property where sale is being conducted, with permission, and must be removed upon close of the event.
- C. Unilluminated, non-flashing church bulletin signs are permitted subject to the following regulations:
1. All residence districts: There shall be not more than one (1) sign per lot, except on a corner lot two (2) signs, one facing each street, shall be permitted, provided that such signs shall be located on the same lot as the principal church use. No sign shall be within twenty feet (20') of the intersection of street right-of-way lines, exceed six (6) square feet in area and be closer than eight feet (8') to any side and rear lot line, nor closer to the front lot line than one-half ($\frac{1}{2}$) the depth of the required front yard. Such a sign, when affixed against the building, shall not project higher than one (1) story, or twenty feet (20') above curb level, whichever is lower. Such sign in the form of a ground sign shall not project higher than eight feet (8') above ground grade.
- D. Unilluminated home occupation signs are permitted subject to the following regulations:
1. All residence districts: Home occupation signs are permitted in conjunction with a permitted home occupation. Such signs shall be limited to a maximum of two (2) square feet and shall include the name and occupation or the name and address and occupation of the person(s) and activity(s) performed therein.

14.12 UNIFORM SHOPPING CENTER SIGNAGE (REV. 10/10/2007. ORDINANCE 23-2000)

The following sign regulations have been established with respect to shopping centers, as described in Section 3 of this Article.

- A. Sign Required. Each tenant shall erect an illuminated sign on the canopy fascia in front of its premises to identify the tenant doing business on the premises.
- B. Permit and Approval. All signs shall be approved in writing by the Department of Fire, Rescue and Inspectional Services before fabrication. The tenant shall cause its sign company to submit a permit application and detailed drawings to the Department of Fire, Rescue and Inspectional Services. No sign shall be erected except in accordance with the drawing bearing the Village's final approval.
- C. Content Limitation. Signs shall not be used for advertising other than that which is implicit in "identifying the tenant". No "brand names" shall be used except when a brand name coincides with the name of the tenant's store. Subject to the discretionary written approval of the Village Planning and Zoning Director, advertising symbols or logotypes may be used in the identification of the name of the Tenant's store.
- D. Width. The horizontal centerline of the proposed single or two-line sign shall be located at the midpoint distance between the top and bottom of the fascia. Maximum sign frontage shall be 60% of leased frontage with sign centered on that leased frontage. The primary fascia height, meaning that which is dominant for the length of the existing shopping centers are:
 1. Grenoble Shopping Center on 183rd (6 ft. fascia on main tenant area);
 2. Fountainbleau, the farthest west center on 183rd (5 ft. 0 in. fascia);
 3. French Village at Kedzie & 183rd (6 ft. 10 in. fascia);
 4. Hazel Crest Center, southeast corner of 175th and Kedzie (6 ft. 9 in. fascia);
 5. Crossings located, northeast corner of Kedzie and 175th (5 ft. fascia);
 6. West side of Kedzie and 174th (5 ft. 4 in.); and
 7. Higgins Plaza at 17000 block of Dixie Highway (5 ft. fascia).
 8. Crossroads Pointe on 171st Dixie Highway (5 ft. 0 for larger units; 4 ft 0 for smaller units).
- E. Height. Maximum height of lettering for the existing shopping centers shall not exceed 60% of the listed height. Any fascia larger than the stated height requires the recommendation by the Planning and Zoning Commission, and approval by the Village Board of Trustees. Minimum height of individual letters shall not be less than 1'-0". No more than two lines vertically shall be employed. Should the two-line style be utilized, all lettering styles shall be the same. All letters must be the same color within each tenant's sign. Tenant may use upper and lowercase letters.

- F. Mounting. Signs shall be surface-mounted with individual, translucent, plastic-faced, illuminated letters. Sides of letters are to be opaque. There shall be no neon or fluorescent tubes or incandescent bulbs exposed to view. Flashing signs employing exposed raceways will not be permitted.
- G. Projection. The projection of sign letters from the fascia surface to the outside face of the letter shall not exceed seven inches.
- H. Illumination. Each sign or individual letter shall be illuminated and powered only by remote transformers located behind the building fascia panel. The tenant's electrical work shall include a power wiring, final hook-up and a seven-day timing device to control the fascia signage so that hours of illumination can be determined in accordance with the overall Shopping Center's policy.
- I. Sign Removal. Upon vacating its premises, each tenant is responsible for removing its sign or sign letters and repairing the building fascia to its condition prior to that tenant's sign installation. The shopping center owner incurs this responsibility when removal or repair is not performed by the tenant.
- J. Door Signs.
1. Door sign content shall be limited to the business name only.
 2. Door signs shall be composed of one uniform height, color, and font, as established by the shopping center owner.
 3. Door signs shall be in uppercase in one style as established by the shopping center owner.
 4. Door lettering shall consist of a maximum of two horizontal lines.
- K. Miscellaneous.
1. Window signs of paper or similar materials shall be allowed, provided that such signs are to be used to notify the public of special sales or current prices and further provided that such signs do not take up more than fifty percent (50%) of the total window area.
 2. Under-canopy signs will be permitted not to exceed six to eight inches in height, with uniformity of height, font and color established by the property owner.
 3. The shopping center owner shall establish a store-hour display format for use by all tenants.
 4. In a unified shopping center, in single ownership or control, one additional sign may be erected. The sign shall not exceed one-hundred twenty (120) sq. ft. in area, nor display more than the name and location of the shopping center; such sign shall be set back at least one-half (1/2) the

required yard depth distance from each abutting street and its bottom edge shall be at least eight feet (8') above the level of the ground, and its overall height shall not exceed sixteen feet (16') above the curb level.

14.13 COMMERCIAL USES

For all commercial uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use and are in compliance with the provisions set forth elsewhere in this and other ordinances of the Village of Hazel Crest.

- A. B-1 -- Local Business District.
 - 1. All signs permitted in the residential districts.
 - 2. Wall signs as regulated in Article IV, Section L.5 of this ordinance.
 - 3. Ground signs as regulated in Article IV, Section L.6 of this ordinance.
 - 4. Free standing signs as regulated in Article IV, Section L.4 of this ordinance.
 - 5. In a unified shopping center in single ownership or control one additional sign may be erected for it; the sign shall not exceed sixty (60) sq. ft. in area, nor display more than the name and location of the shopping center; such sign shall be set back at least one-half ($\frac{1}{2}$) the required yard depth distance from each abutting street and its bottom edge shall be at least eight feet (8') above the level of the ground; its overall height shall not exceed sixteen feet (16') above the curb level.
 - 6. Marquees and/or awnings are permitted provided they shall have headroom of not less than ten feet (10').
 - 7. Signs shall be affixed flat against building walls and not project therefrom more than twenty-four inches (24").
 - 8. Window signs of paper or similar materials shall be allowed, provided that such signs are to be used to notify the public of special sales or current prices and further provided that such signs do not take up more than fifty percent (50%) of the total window area.
 - 9. Directory signs indicating the names of the occupants of a complex, provided no advertising material is included.
 - 10. Real estate signs provided that not more than one (1) such sign be allowed per five (5) acre parcel or more, up to a maximum of sixty-four (64) square feet.
- B. B-2 -- Service Business District.
 - 1. All signs permitted in the residential districts.
 - 2. Wall signs as regulated in Article IV, Section L.5 of this ordinance.

3. Ground signs as regulated in Article IV, Section L.6 of this ordinance.
4. Free standing signs as regulated in Article IV, Section L.4 of this ordinance.
5. In a unified shopping center in single ownership or control, one additional sign may be erected for it; the sign shall not exceed one-hundred twenty (120) sq. ft. in area, nor display more than the name and location of the shopping center; such sign shall be set back at least one-half ($\frac{1}{2}$) the required yard depth distance from each abutting street and its bottom edge shall be at least eight feet (8') above the level of the ground, and its overall height shall not exceed sixteen feet (16') above the curb level.
6. Marquees and/or awnings are permitted provided they shall have headroom of not less than ten feet (10').
7. Signs shall be affixed flat against building walls and not project therefrom more than twenty-four inches (24").
8. Window signs of paper or similar materials shall be allowed, provided that such signs are to be used to notify the public of special sales or current prices and further provided that such signs do not take up more than fifty percent (50%) of the total window area.
9. Directory signs indicating the names of the occupants of a complex, provided no advertising material is included.
10. Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed eight (8) square feet in area. Any such sign shall be affixed to a permitted free standing identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.
11. Real estate signs provided that not more than one (1) such sign be allowed per five (5) acre parcel or more, up to a maximum of sixty-four (64) sq. ft.

14.14 MANUFACTURING-OFFICE AND RESEARCH USES (M-OR)

For all limited manufacturing uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:

- A. All signs permitted in the residence districts.
- B. Wall signs may be attached to one or more facades but not to or on the roof of any building, provided that the total area of such signs shall not exceed eight percent (8%) of the building wall area to which they are attached and the top edge of such signs shall not project over the roof line of the building to which they are attached. No sign need be less than fifty (50) square feet in size. Signs, other than directional signs shall be limited to identifying the name of the enterprise, its merchandise or service.

- C. Free standing signs as regulated in Article IV, Section L.4 of this ordinance.
- D. Ground signs be regulated in Article IV, Section L.6 of this ordinance.
- E. Directory signs indicating the names of the occupants of a complex, provided that no advertising material is included.
- F. Real estate signs provided that not more than one (1) such sign be allowed per five (5) acre parcel or more, up to a maximum of sixty-four (64) sq. ft.

The provisions of this ordinance shall not restrict the application upon the glass surface of a door or window of lettering or decals giving the address, hours of operation, entrance or exit information, professional or security affiliations or memberships, credit cards, vending machines which are accepted or other similar information.

14.16 SIGN VARIANCES

The Planning & Zoning Commission shall decide variations of this ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances set forth in Article 11, Section 11.6b of the Zoning Ordinance of the Village of Hazel Crest, where applicable.

14.17 CRITERIA FOR BONUS SIGN AREA

To encourage design excellence, the maximum sign areas for certain business, industrial marquee, and directory signs, as set forth in this ordinance, may be increased by the percentages as provided for herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage increase is based on the original sign area limitation.

- A. Ground signs and free standing signs may be increased as follows:
 - 1. Ten percent (10%) when the sign is constructed of solid wood and uses only the colors approved by the Village Board.
 - 2. Five percent (5%) when a directory sign utilizes uniform coloring and lettering for all establishments listed in the directory.
 - 3. Five percent (5%) if the sign is not designed or used with illumination.
 - 4. Three percent (3%) if the sign face is made from unbreakable material.
- B. Wall signs may be increased as follows, provided that the projection of a sign does not exceed twenty-four (24") inches onto the public right-of-way:
 - 1. Ten percent (10%) when all the lettering and background is uniform in style and color for signs in a shopping center or for any three (3) consecutive separate establishments.
 - 2. Five percent (5%) if the sign is not designed or used with illumination.

3. Ten percent (10%) if the wall sign is the only sign identifying the establishment.
4. Three percent (3%) if the sign face is made from unbreakable material.

VILLAGE OF HAZEL CREST

APPENDIX NO. 1

**RULES OF PROCEDURE
FOR THE
PLANNING AND ZONING COMMISSION**

ARTICLE I: GENERAL PROVISIONS

- Section 1: These rules supplement the Zoning Ordinance.
- Section 2: Should there be a conflict of interest for any member of the Planning and Zoning Commission, that member is not to participate in the matter.
- Section 3: The Planning & Zoning Commission cannot make specific changes to the Zoning Ordinance or Zoning Map, this authority is reserved for the Board of Trustees.

ARTICLE II: OFFICERS AND DUTIES

- Section 1: The Officers shall be a Chairperson and Vice Chairperson and the staff person shall serve as Secretary.
- Section 2: The Board of Trustees shall designate the Chairperson and the Planning and Zoning Commission shall elect the Vice-Chairperson from amongst its members. The Vice-Chairperson shall be determined at the first regular meeting in the month of June of the Commission and hold office for one year thereafter.
- Section 3: The Chairperson shall preside at all meetings of the Commission, shall appoint such committees and subcommittees as may be necessary to carry out the purpose of the Commission and shall provide for the Oath to be administered to all witnesses in cases before the Commission. The Chairperson shall be an ex-officio member of all committees and subcommittees so appointed.
- Section 4: The Vice-Chairperson, in the absence or disability of the Chairperson shall perform all the duties and exercise all the powers of the Chairperson.
- Section 5: The Secretary shall maintain permanent records of the Commission's proceedings showing the vote of each member upon every question or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the

testimony of those appearing before the Commission and causing a verbatim transcript to be taken of such hearings as the Board may direct; shall record the names and addresses of all persons appearing before the Commission; shall, subject to the Commission and Chairperson, conduct the correspondence of the Commission and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Commission which minutes and records shall be a public record; and shall be the custodian of the files of the Commission and keep all records.

ARTICLE III: MEETINGS

- Section 1: Regular meetings shall be held on the call of the Chairperson.
- Section 2: Special meetings may be called at the discretion of the Chairperson, or on the request of two (2) or more members, provided 48-hour notice is given to each member.
- Section 3: All meetings of the Commission are open to the public.
- Section 4: A quorum shall consist of four (4) members of any regular or special meeting.

ARTICLE IV: ORDER OF BUSINESS

- Section 1: All meetings of the Commission shall proceed as follows:
- A. Roll call and declaration of quorum.
 - B. Reading and approval of minutes of previous meeting.
 - C. Communications.
 - D. Reports of committees.
 - E. Call of cases on agenda and hearing of requests for continuance.
 1. Continuances may be granted at the discretion of the commission of any case for good cause providing that:
 - (a) Reasonable written notice is provided to all persons who have filed an appearance in the matter, and
 - (b) That he will be unable to proceed with his evidence at this hearing.
 2. Failure of Applicant to Appear
 - (a) The Chairperson may entertain a motion from the

Commission to dismiss the case for want of prosecution. In the absence of a motion by the

Board, the Chairperson shall rule.

(b) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Secretary of the Board. In case of dismissal for want of prosecution of amendment applications, the action of the Board shall be in the nature of a recommendation and filed with the Board of Trustees for final disposition.

- G. Hearing of cases on agenda.
- H. Unfinished business.
- I. New business.
- J. Adjournment.

ARTICLE V: PROCEDURES ON HEARINGS

Section 1: At the time of the hearing, the applicant may appear in his or her own behalf or be represented by counsel or agent.

Section 2: All witnesses shall testify under oath.

Section 3: The applicant or his or her representative may make a statement outlining the nature of his/her request prior to introducing evidence.

Section 4: Evidence shall be presented in the following order:

- A. Chairperson may provide restatement of case if applicants or representatives presentation needs clarification. Chairperson may request staff to perform this function.
- B. Applicant presents evidence and testimony.
- C. Commission cross-examine applicant's witnesses.
- D. Objectors present evidence.
- E. Commission and/or applicant cross-examine objector's evidence.
- F. Rebuttal by applicant.
- G. Rebuttal by objectors.
- H. Discussion by Board.
- I. Entertainment of motion.

ARTICLE VI: RECORDS

Section 1: A file of materials and decisions relating to each case shall be kept by the Secretary as part of the records of the Commission.

Section 2: All records of the Commission shall be public records.

ARTICLE VII: **AMENDMENT OF RULES**

Section 1: These rules may be amended by an affirmative majority vote of all members of Commission.

Section 2: The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting in which the vote is taken.

The foregoing rules and regulations are hereby adopted by the Planning and Zoning Commission of the Village of Hazel Crest, Illinois on January 29, 1997 and amended July 25, 2000.

CHAIRPERSON_____

SECRETARY_____

VILLAGE OF HAZEL CREST**APPENDIX NO. 2****REQUIREMENTS FOR
PRELIMINARY AND FINAL PLAN APPROVAL
VILLAGE OF HAZEL CREST****PRE-APPLICATION AND CONCEPT PLAN REVIEW**

For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the applicant is encouraged to request a joint staff pre-application conference in accordance with the following requirements:

1. PRE-APPLICATION CONFERENCE

- A. At the request of the applicant, a pre-application conference may be commenced by the Assistant Village Manager.
- B. The pre-application conference allows the applicant to meet with appropriate Village staff which may include the Planning and Zoning Administrator, the Fire Chief who oversees the Building and Code Enforcement division, the Police Chief and the Public Works Director.
- C. Applicants seeking a pre-application conference shall submit five (5) copies of the following information ten (10) days prior to the pre-application conference:
 - 1. Plat of Survey;
 - 2. Brief description of proposal; and
 - 3. Proposed land use sketch to include:
 - a. Proposed lots and placements;
 - b. Proposed access to subdivision;
 - c. Proposed streets and other improvements;
 - d. Existing buildings, paved areas, streets, etc.
- D. The applicant may be charged reasonable fees for a pre-application conference.
- E. If requested and paid for by the applicant, a brief written summary of the pre-application conference shall be provided within 10 working days of the final meeting.
- F. The applicant shall not be bound by the determination of the pre-application conference, nor shall the Village be bound by any such review.

CONTENTS OF PRELIMINARY PLAN

Upon completion of a complete preliminary plan, the Planning and Zoning Administrator schedules the preliminary plan before the Planning and Zoning Commission, and, if necessary, to the Board of Trustees for approval. A preliminary plan shall include:

1. Proposed name of business or development.
2. Location by township, section, town and range or by other legal description.
3. A vicinity map, in sufficient detail to enable easy location in the field of the site for which plat approval is sought, and including the boundary line and approximate acreage of the site, existing zoning and a legend and scale.
4. Names, addresses and phone number of the owner, the developer and the designer who prepared the plat.
5. Scale of plat, one inch to one-hundred feet (1":100'), or larger.
6. Date
7. North point
8. Layout and lot and building dimensions of areas to be developed for buildings including setbacks, the anticipated total gross floor space, the areas to be developed for parking, the points of ingress and egress, including access streets where required, and the adjustments to be made in relations to abutting land uses and zoning districts.
9. Parcels of land to be dedicated or reserved for public use.
10. Boundary line of the total area proposed to be subdivided (if necessary) indicated by solid heavy line and the total approximate acreage encompassed thereby.
11. A contour map - a one (1) ft. minimum interval contour map of the land to be subdivided or improved and such adjoining land whose topography may affect the layout or drainage of the proposed parcel or improvement shall accompany the preliminary layout. These requirements are detailed in the engineering plans section later in this document.
12. A traffic survey prepared by qualified experts setting forth and analyzing the effects of the proposed development upon traffic in and outside of the Village. Such survey shall not be limited to the effect on adjacent streets, but shall extend to all of the surrounding areas affected and shall indicate the anticipated points of origin, the direction, amount and density of traffic flow to and from the proposed development or business.

13. Architect's preliminary sketches of the proposed buildings and landscaping, defining the type of quality of construction, consistent with BOCA Codes and Village of Hazel Crest supplements.
14. A statement of the types of business and uses proposed and the market area proposed to be served, prepared by qualified experts in such matters, when appropriate.
15. Any adjustments which must be made in relation to abutting land uses and zoning districts (a minimum of five feet high screening and berming are required within 100 ft. of the lot line abutting residential areas).

ENGINEERING PLANS

1. Comprehensive Drainage Plan - A comprehensive drainage plan, first in preliminary form, designed to safely handle the floodwater runoff following the heavier rainstorms shall accompany the preliminary layout:

The plans shall provide or be accompanied by maps or descriptive material showing the following:

- A. Extent and area of watershed tributary flowing into the drainage channels in the subdivision or property.
- B. Street storm sewers and other drains to be built, the basis of their design, the outfall and outlet locations and elevations, receiving stream or channel and its high-water elevation, and the functioning of the drains high water conditions.
- C. Parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store runoff.
- D. Existing streams and floodwater runoff channels to be maintained, enlarged, altered or eliminated; and new channels to be constructed, their locations, cross sections and profiles.
- E. Existing culverts, storm sewers, and bridges, drainage areas, elevations, and adequacy of waterway openings; and new culverts and bridges to be built, their materials, elevations, waterway openings and basis of design.
- F. Existing detention or retention ponds and basins to be maintained, enlarged, or altered, and new ponds or basins to be built, with any berms or dams, and their designs.
- G. Detailed plan of existing and proposed sewers, water mains, culverts, storm sewers, drainage easements, or other underground facilities within the tract indicating pipe sizes, grades, manhole and exact locations.
- H. Village street address (as assigned by the Fire Department), shown on each lot in the subdivision.

2. Soil Erosion and Sedimentation

- A. A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary lines and approximate area of the site, existing zoning, and a legend and scale.
- B. A Development Plan of the site showing:
 - 1. Existing topography of the site and adjacent land within 200 ft. of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage patterns of the land.
 - 2. The location of all existing buildings, structures, utilities, streams, lakes, floodplains (including special flood hazard areas and floodway boundaries), wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within 200 ft. of the boundaries.
 - 3. A general description of the predominant soil types of the site, their location, and their limitations for the proposed use.
 - 4. Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.
- C. An erosion and sediment control plan showing all measures necessary to meet the objectives of this Ordinance throughout all phases of construction and permanently after completion of development of the site, including:
 - 1. Location and sediment control plan showing all measures necessary to meet the objectives of this Ordinance throughout all phases of construction and permanently after completion of development of the site including:
 - a. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.
 - b. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.

- c. Location and description of all runoff control measures, including diversions, waterways, and outlets.
 - d. Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.
 - e. Description of dust and traffic control measures.
 - f. Locations of stockpiles and descriptions of stabilization methods.
 - g. Description of off-site fill or borrow volumes, locations and methods of stabilization.
 - h. Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.
 - i. Identification (name, address, and telephone) of the persons(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.
- D. The proposed phasing of the site development, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures.
- E. For additional information, applicant should request a copy of the ordinance "Establishing Soil Erosion Prevention Regulations to Avoid and Lessen Damage to the Village Environment and Flood Control."

SPECIFICATIONS FOR THE FINAL PLAT

No Final Plat of Subdivision of land subject to municipal regulations located within the corporate limits or within the contiguous unincorporated territories shall be entitled to record or be valid unless the following conditions are adhered to:

Final Plat

1. All of the items required for the Preliminary Plat and engineering plans are completed and approved.
2. Building Setback Lines are accurately shown.
3. Soil erosion and sedimentation requirements are fulfilled.
4. Notarized certification, by owner or owners, or by any mortgage holder on record, of the adoption of the plat and the dedication of streets and other public areas.
5. Exact width, name and location of all streets within and adjoining the plat.
6. All lot numbers and lines with accurate dimensions in feet and hundredths.
7. True angles and distances to the nearest established street lines of official monuments (not less than two (2) which shall be accurately described in the plat.
8. Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and angles.
11. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
12. Accurate location of all iron pipe and monuments, which shall be concrete 6" X 6" X 30" with an iron rod cast in the center. Permanent stone or concrete monuments shall be set at two (2) corner or angle points on the outside boundary. Pipes or other physical markers shall be placed at all lot corners and survey control points as shown on the plat of subdivision. All U.S., State, County or other official bench-marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.
13. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.
14. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensions and geodetic details are correct.
15. Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
16. Proper signature form for the approval by the Village President and Board.

17. A statement by a competent Illinois Registered Professional Engineer giving an estimate of the total cost of the construction or installation of all public improvements including sanitary and storm sewers, water mains, street improvements, street lights and appurtenances. Such estimate shall be based on prevailing construction costs and shall be subject to the approval of the City Board.
18. No final plat shall be recorded until all applicable permits or requirements from other agencies are received.
19. Authorization on the Plat of Subdivision by the surveyor authorizing the Village Clerk, or a duly authorized designee, to record the plat.

Other Requirements

1. Landscape plan submitted and recommended for approval by the Beautification Commission or the Village's landscape consultant, including trees, plants and shrubs, in accordance with the village of Hazel Crest tree ordinances.
2. The subdivider shall agree to install and construct street, utility, and other public improvements, and pay the required fee and donations in accordance with the requirements of the Village ordinances (including the Subdivision Regulations), and as agreed upon in the Statement of Intent and Agreement submitted to and approved by the Village Board along with the plans, specifications, and final plat. To guarantee the completion of improvements and other commitments by the subdivider, a corporate surety bond, letter of credit or other financing surety, as approved by the Village Board, shall be provided.

Once recommended for approval by the Planning and Zoning Commission, the final plat is scheduled before the President and Board of Trustees for final approval.

VILLAGE OF HAZEL CREST**APPENDIX NO. 3****OVERVIEW OF PLANNING AND ZONING PROCESS**

- I. Interest is expressed by developer, property owner, staff, citizen
 - A. Meetings held with staff to review requirements for:
 - 1. Planning and zoning
 - 2. Building codes
 - 3. Public safety (Police and Fire)
 - 4. Public Works

- II. Formal petitions filed for:
 - A. Rezoning
 - B. Special Use Permit
 - C. Variance
 - D. Text amendment to permit use in specific district
 - E. Development or subdivision plat

- III. Public Notices for Zoning Process Only (state law mandates)
 - A. 15-day Legal notice published
 - B. Notification of property owners within 250 ft.
 - C. Notification to Homeowner Association

- IV. Plan Commission and Zoning Board Meetings
 - A. Staff introduces topics
 - 1. Issue statement
 - 2. Background/history
 - 3. Discussion issues
 - 4. Options
 - B. Presentation by Petitioner
 - C. Commission/Board Questions
 - D. Meeting formally opened to public participating
 - 1. Name and address required
 - 2. Questions addressed to the Chairperson
 - 3. Orderly conduct required
 - E. Public participation closed
 - F. Further questions and/or discussion by Commission
 - G. Motions
 - 1. Recommend approval of petition with or without modification
 - 2. Recommend denial of petition
 - 3. Recommend continuance to obtain additional information for discussion

- V. Flow of Petition
 - A. Planning and Zoning Commission (final action on variances, except for signage)
 - B. Board of Trustees