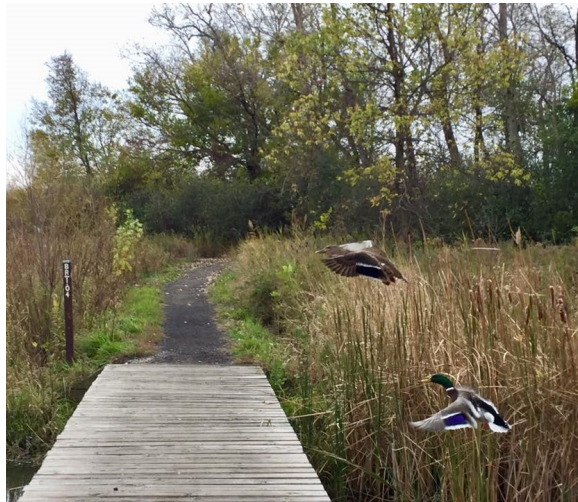


Village of Homewood

# ZONING ORDINANCE

Effective January 10, 2023



<b>Table of Contents</b>	<b>Page</b>
Article 1. General Provisions	1
Article 2. Establishment of Districts	5
Article 3. District Standards	9
Article 4. Use-Specific Standards	19
Article 5. Development Standards	51
Article 6. Planned Development Standards and Procedures	97
Article 7. Zoning Procedures	105
Article 8. Nonconformities	131
Article 9. Definitions	137

# Article 1. General Provisions

44-01-01. Title.....	1
44-01-02. Purpose and Intent.....	1
44-01-03. Authority.....	2
44-01-04. Applicability.....	2
44-01-05. Transition Rules.....	3
44-01-06. Severability.....	3
44-01-07. Effective Date.....	4
44-01-08. Repeal of Previous Ordinance.....	4

## **44-01-01. Title**

This ordinance shall be known, cited and referred to as the “Village of Homewood Zoning Ordinance” or “this ordinance”.

## **44-01-02. Purpose and Intent**

This ordinance is adopted to regulate and control the use and development of land within the Village of Homewood and for the following purposes:

- A. To protect and promote the public health, safety, comfort, and welfare.
- B. To secure adequate natural light, pure air, clean water, privacy, and safety from fire, explosion and noxious fumes and other dangers, and conserve and preserve open space land, which is a limited and valuable resource.
- C. To conserve the taxable value of land and improvements in the Village.
- D. To establish a sensible pattern of land uses and encourage the most appropriate use of individual parcels of land throughout the Village.
- E. To encourage compatibility between land uses and prevent the overcrowding of land and development that is out of scale or character with existing densities.
- F. To minimize traffic congestion on public streets, to ensure efficient traffic circulation, to provide adequate off-street parking and loading, and to include all modes of transportation.
- G. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of stormwater.
- H. To facilitate efficient use of existing and planned public facilities and utilities.
- I. To ensure and facilitate the preservation of sites, areas, and structures of historical, environmental, architectural, and aesthetic importance.
- J. To provide for orderly and rational growth and development that is beneficial to the Village and consistent with the Comprehensive Plan and the Village’s other adopted plans and studies.

- K. To divide the entire Village into districts of such number, shape, area, and different classifications (according to use of land and buildings, height and bulk of buildings, intensity of use, or other classification) as may be deemed best suited to carry out the purpose of this ordinance.
- L. To classify, regulate, and restrict the location and intensity of use of land, structures, and buildings designed for specified industrial, business, residential, and other uses.
- M. To establish, regulate, and limit building or setback lines on, or along, the street, highway, lot line or stormwater runoff channel or basin.
- N. To prohibit land uses incompatible with each district's character.
- O. To regulate and limit the intensity of use of lot areas and to regulate and determine the area of open spaces within, and surrounding, such buildings.
- P. To fix reasonable standards to which buildings or structures shall conform.
- Q. To provide for the gradual elimination of nonconforming uses that adversely affect the value of permitted development.
- R. To prevent additions to, and alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed.
- S. To prescribe penalties for violation, and methods for enforcement, of the provisions of this ordinance.
- T. To designate and define the powers and duties of the officials and bodies administering this ordinance.

#### **44-01-03. Authority**

This ordinance is adopted pursuant to the authority granted to the Village by the Illinois Municipal Code. The Planning and Zoning Commission is empowered to give final administrative interpretations of any provisions of this ordinance as provided in Section 44-07-13.

#### **44-01-04. Applicability**

- A. **General Application.** This ordinance shall apply to all land, uses, buildings, and structures in the Village of Homewood, including that owned by other municipal corporations and government bodies
- B. **Required Conformance.**
  - 1. All lots of record created after the effective date of this ordinance, by subdivision or otherwise, shall conform to the requirements of this ordinance for the zoning district in which the land is located, except as otherwise provided by this ordinance.
  - 2. All buildings, structures or land shall be used or occupied, and all buildings, structures or part thereof shall be constructed, moved, enlarged, or altered in conformance with the provisions of this ordinance governing the zoning district in which it is located, except as otherwise provided by this ordinance.
  - 3. All buildings, structures, and required improvements shall not cross lot lines unless specifically allowed in this ordinance or approved as a Planned Development as provided in Article 6.
- C. **Interpretation.**
  - 1. Where standards or requirements imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable requirements or standards imposed by any other provision of this ordinance or any other laws, ordinances, rules or regulations, the provisions which are more restrictive, or which impose higher standards shall govern.

2. In their interpretation and application, the provisions of this ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this ordinance was adopted.
3. This ordinance is not intended to repeal any easement, covenant, or other private agreement except that where the regulations of this ordinance are more restrictive or impose higher standards than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

#### **44-01-05. Transition Rules**

- A. **Building Permits Issued Prior to Effective Date.** When a Building Permit has been lawfully issued prior to the effective date of this ordinance and construction has begun within six (6) months of the date of issue and is being diligently pursued to completion, the building or structure may be complete, and a certificate of occupancy may be issued, in accordance with the plans for which the Building Permit was issued.
- B. **Pending Applications.** Where a complete application for a planned development or zoning action is pending action by the Village on the effective date of this ordinance, the provisions in effect when the application was filed shall govern the review and approval.
- C. **Existing Special Uses, Variance, and Planned Developments.** All Special Use Permits, Variances, and Planned Development granted by the Board of Trustees prior to the effective date of this ordinance shall remain in full force and effect. The recipient of the Special Use Permit, Variance, or Planned Development may proceed to develop the property in accordance with the plans approved by the Board of Trustees and any conditions attached thereto. Property owners shall continue to be obligated to conform to all such conditions and requirements even if the property is rezoned. However, if the recipient has failed to begin construction within six (6) months of the date of adoption of this ordinance, then the provisions of this ordinance shall govern.
- D. **Existing Permitted Uses.** When a lot is used for a purpose that was classified as a permitted use prior to the effective date of this ordinance, and such use is classified as a special use by this ordinance, such use is hereby deemed a lawful special use. Any addition, enlargement, or expansion of such use shall conform to the requirements of Article 3.
- E. **Uses, Structures, Buildings, and Lots Rendered Nonconforming.** Existing uses, structures, buildings, and lots that do not comply with the regulations of this ordinance shall be subject to Article 8 of this ordinance relating to nonconformities.
- F. **Existing Unlawful Uses, Structures, and Buildings.** No building, structure, or use, which was unlawful at the time of the adoption of this ordinance, shall become or be made lawful solely due to adoption of this ordinance. To the extent, 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.

#### **44-01-06. Severability**

It is hereby declared the intention of the Homewood Village Board that the several provisions of this ordinance are severable, in accordance with the following:

- A. If any court of competent jurisdiction adjudges any provisions of this ordinance to be invalid, such judgement shall not affect the validity and continued enforcement of any other provisions of this ordinance.
- B. If any court of competent jurisdiction adjudges the application of any provision of this ordinance to any property, structure, building, or use to be invalid, such judgement shall not affect the application of that provision to any other property, building, structure, or use not specifically included in that judgement.



#### **44-01-07. Effective Date**

This ordinance shall take effect immediately upon, and its effective date shall be the date of, its passage, approval, and publication by the Village Board of Trustees. The effective date of each amendment to this ordinance shall be the date of adoption of such amendment unless otherwise provided in the ordinance adopting such amendment. When any such amendment creates any new nonconformity, references in this ordinance to the effective date of this ordinance, for purpose of determining the legality of such new nonconformity, shall be deemed the effective date of such amendment.

#### **44-01-08. Repeal of Previous Ordinance**

After the effective date of this ordinance, all provisions of the Zoning Ordinance of the Village of Homewood adopted on 01/10/2023, and as amended from time to time, are expressly repealed in their entirety.

# Article 2. Establishment of Districts

44-02-01. Establishment of Zoning Districts ..... 1  
44-02-02. District Purpose and Intent ..... 2  
44-02-03. Zoning Map..... 3  
44-02-04. Interpretation of Boundaries ..... 3  
44-02-05. Annexed Land ..... 4

## 44-02-01. Establishment of Zoning Districts

In order to carry out the purposes and intent of this Section, the Village shall be divided into the following districts:

**A. Residential Districts.**

- 1. R-1 Single-Family Residence District
- 2. R-2 Single-Family Residence District
- 3. R-3 Townhouse/Transition District
- 4. R-4 Multiple Family Residence District

**B. Business Districts.**

- 1. B-1 Downtown Core District
- 2. B-2 Downtown Transition District
- 3. B-3 General Business District
- 4. B-4 Shopping Center District

**C. Manufacturing Districts.**

- 1. M-1 Limited Manufacturing District
- 2. M-2 Heavy Manufacturing Legacy District

**D. Special Districts.**

- 1. PL-1 Natural Area Preserve District
- 2. PL-2 Public Land and Open Space District

## 44-02-02. District Purpose and Intent

- A. **R-1 Single-Family Residence District.** The purpose of the R-1 Single-Family Residence District is to protect and maintain single-family detached residential development and limited other public and institutional uses compatible with the surrounding residential neighborhoods. The standards are intended to preserve the low-density characteristic of the current development pattern.
- B. **R-2 Single-Family Residence District.** The purpose of the R-2 Single-Family Residence District is to protect and maintain detached single-family residential development and limited other public and institutional uses compatible with the surrounding residential neighborhoods. The standards are intended to maintain the mid-density characteristic of the current development pattern.
- C. **R-3 Townhouse/Transition District.** The purpose of the R-3 Townhouse/Transition District is to promote and maintain duplex and townhouse residential development, legally established single-family detached residences, and to allow limited commercial uses appropriate to the residential context of the area. The standards are intended to provide a mix of uses and to encourage alternative forms of housing at low-mid densities that buffer the surrounding single-family neighborhoods from more intense land uses.
- D. **R-4 Multiple Family Residence District.** The purpose of the R-4 Multiple Family Residence District is to promote and maintain the development of multiple-family dwelling units, attached single-family dwelling units, legally established single-family detached residences, and limited other public and institutional uses that are compatible with the surrounding residential neighborhoods. The standards are intended to provide for convenient living at higher densities characteristic of mid-rise buildings.
- E. **B-1 Downtown Core District.** The purpose of the B-1 Downtown Core District is to establish a destination for retail, dining, and entertainment in the Village. The district is intended to have a pedestrian-oriented environment and accommodate development at all scales. It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this Ordinance.
- F. **B-2 Downtown Transition District.** The purpose of the B-2 Downtown Transition District is to accommodate the variety of residential and nonresidential uses on the periphery of the Downtown Core. The district is intended to support the adaptive reuse of existing buildings for a mix of residential and non-residential uses as well as contextually sensitive infill development in a pedestrian-oriented environment that supports the vibrancy of the Downtown Core. It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this Ordinance.
- G. **B-3 General Business District.** The purpose of the B-3 General Business District is to accommodate commercial areas that primarily provide goods and services for the residents of Homewood. Since these uses may be adjacent to residential areas and affect the overall character of the Village, the district is intended to provide appropriate transitions and maintain and enhance the appearance of major thoroughfares. It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this Ordinance.
- H. **B-4 Shopping Center District.** The purpose of the B-4 Shopping Center District is to provide retail uses that serve the residents of the Village and the surrounding areas. The district allows for medium-scale development that generates a significant amount of traffic. It is the intent and purpose of this district to protect areas for commercial development and the generation of property tax revenue from the encroachment of nontaxable bodies including non-commercial places of assembly as defined in this Ordinance.



- I. **M-1 Limited Manufacturing District.** The purpose of the M-1 Limited Manufacturing District is to provide suitable locations for limited manufacturing, assembly, warehousing, distribution and related activities conducted primarily indoors and having minimal external impacts. Due to the intensity of land use associated with the M-1 District, the district should not be located adjacent to residentially zoned property. Where M-1 zoned property is currently located adjacent to residentially zoned property, adequate screening and buffering should be provided to mitigate negative impacts.
- J. **M-2 Heavy Manufacturing Legacy District.** The purpose of the M-2 Heavy Manufacturing Legacy District is to account for those quarry and mining related properties that have been previously zoned M-2 Heavy Manufacturing. Properties zoned in the M-2 Heavy Manufacturing Legacy District will continue to operate under the applicable standards established in this Ordinance. No property may be rezoned to the M-2 Heavy Manufacturing Legacy District after the date of adoption of this Ordinance.
- K. **PL-1 Natural Area Preserve District.** The purpose of the PL-1 Natural Area Preserve District is to support the continued existence, maintenance, conservation, and protection of the major open space, natural areas, and passive recreational areas that are publicly and privately owned.
- L. **PL-2 Public Land and Open Space District.** The purpose of the PL-2 Public Land and Open Space District is to protect and maintain public properties owned by the Village, the park district, school districts, non-profit organizations, and non-commercial places of assembly.

### 44-02-03. Zoning Map

- A. **Map Incorporated.** The location and boundaries of the districts established by this Ordinance are set forth in the Zoning Map, which is incorporated into, and made an integral part of, this Ordinance. All notations, references, and amendments to the Zoning Map shall be as much a part of this Ordinance as if specifically set forth and literally described in this Ordinance.
- B. **Omitted Land.** It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, be included in the districts established by this Ordinance. Any land lying within the Village, but not shown on the Zoning Map as being included within a district, shall be deemed to be classified as within the R-1 Single Family Residence District.
- C. **Maintenance of Official Zoning Map.** The Zoning Map shall be prepared by, and filed with, the Director of Economic and Community Development and shall be available for public reference during normal business hours. The Zoning Map shall be updated annually as is required by state law. Any amendment to zoning district boundaries shall be indicated on the Zoning Map.
- D. **Availability of Zoning Map.** A revised, current copy of the Zoning Map, certified as being inclusive of all amendments and drawn to a convenient scale, shall be published on the Village website. However, it shall be the responsibility of those obtaining zoning maps to verify the current status of the map with the Director of Economic and Community Development.

### 44-02-04. Interpretation of Boundaries

- A. The Zoning Map shall be drawn to scale so that close approximations to dimensions of zoning districts can be ascertained. When uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
  - 1. Unless otherwise indicated, district boundary lines are either the centerlines of railroads, highways, streets, alleys, tract, or lot lines, or such lines extended.
  - 2. When a district boundary line divides a lot of record in single ownership, the use authorized on, and the district requirements applying to, the most restricted portion of the lot shall be considered as applying to the entire lot.
- B. The Director of Economic and Community Development shall hear and decide all interpretations of any district boundary lines as shown on the Zoning Map. The Director of Economic and Community Development shall have the authority to interpret such boundary lines but does not have the authority to amend those lines, which shall be done in accordance with the procedures in Section 44-07-10.

#### **44-02-05. Annexed Land**

All territory, which may be annexed to the Village after the effective date of this Ordinance, shall be classified into the R-1 Single-Family Residence District, unless otherwise provided in the annexation agreement or until changed in accordance with the procedures established in Section 44-07-10.

# Article 3. District Standards

44-03-01. Bulk and Dimensional Standards ..... 1  
 44-03-02. Calculating Dimensional Standards..... 2  
 44-03-03. Permitted Encroachments in Required Yards For Residential Uses ..... 5  
 44-03-04. Permitted Limited and Special Uses..... 6

## 44-03-01. Bulk and Dimensional Standards

A. Table 44-03-01 establishes the requirements applicable to development or use of a lot in the Village of Homewood by district.

<b>Table 44-03-01. Bulk and Dimensional Standards</b>										
<b>Standard</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>M-1</b>	<b>M-2</b>
<i>Lot Standards (Minimum)</i>										
Lot Area (sqft)	10,400	7,500	4,300	3,100	n/a	n/a	n/a	n/a	n/a	n/a
Lot Width (ft)	80	50	45	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<i>Yard Setbacks (Minimum)</i>										
Front (ft)	30	25	25	25	n/a	n/a	n/a	n/a	40	40
Front, Maximum (ft)	n/a	n/a	n/a	n/a	5	n/a	n/a	n/a	n/a	n/a
Exterior Side (ft)	25	20	20	20	(2)	(2)	(2)	(2)	40	40
Interior Side (ft)	8	5	5 (1)	5 (1)	(2)	(2)	(2)	(2)	25	25
Combined Interior Side (ft)	16	16	16	16	(2)	(2)	(2)	(2)	n/a	n/a
Rear (ft)	40	30	25	30	(2)	(2)	(2)	(2)	40 (3)	40 (3)
<i>Building Standards (Maximum)</i>										
Height (ft)	30	30	35	50	55	45	30	40	40	40
Building Coverage	30%	50%	60%	60%	n/a	n/a	n/a	n/a	n/a	n/a
Impervious Surface Coverage	40%	60%	70%	80%	100%	80%	70%	70%	70%	70%
<i>Notes</i>										
(1) If party wall exists, setback shall be 0 feet.										
(2) Requirements specified in Section 44-03-01(B)										
(3) If adjacent to an alley or railroad right-of-way, required setback shall be 20 feet.										

B. **Side and Rear Setbacks in Business Districts.** The interior, exterior, side, and rear setbacks in the B-1 Downtown Core, B-2 Downtown Transition, B-3 General Business, and B-4 Shopping Center Districts shall be required as follows.

1. **Side Yard Setbacks.**

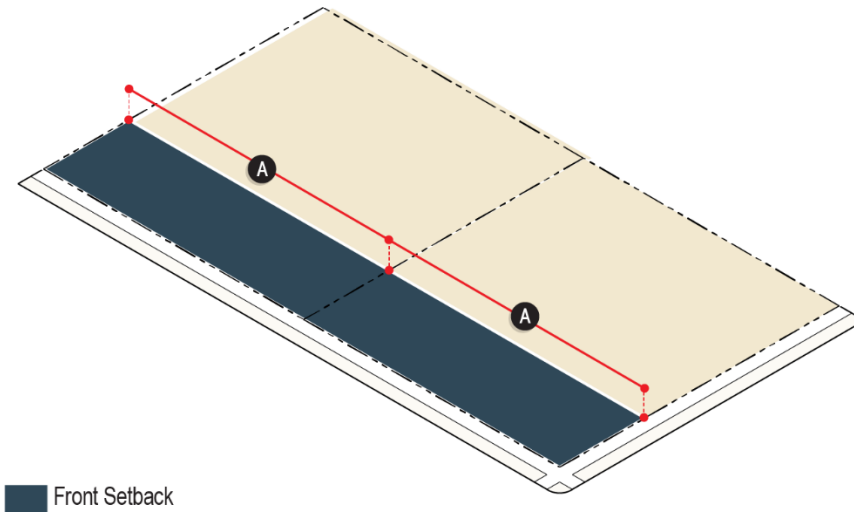
- a. For a lot with an interior or exterior lot line abutting a residential district, the required interior or exterior side yard setback required for the adjacent residential district shall be required for that individual yard setback.
- b. For a lot with two (2) interior side lot lines where at least one (1) interior side lot line abuts a residential district, the combined interior side yard setback required for the adjacent residential districts shall be required.

2. **Rear Yard Setbacks.** For a lot with a rear yard abutting a residential district, a rear yard setback of sixteen feet (16') shall be required.

## 44-03-02. Calculating Dimensional Standards

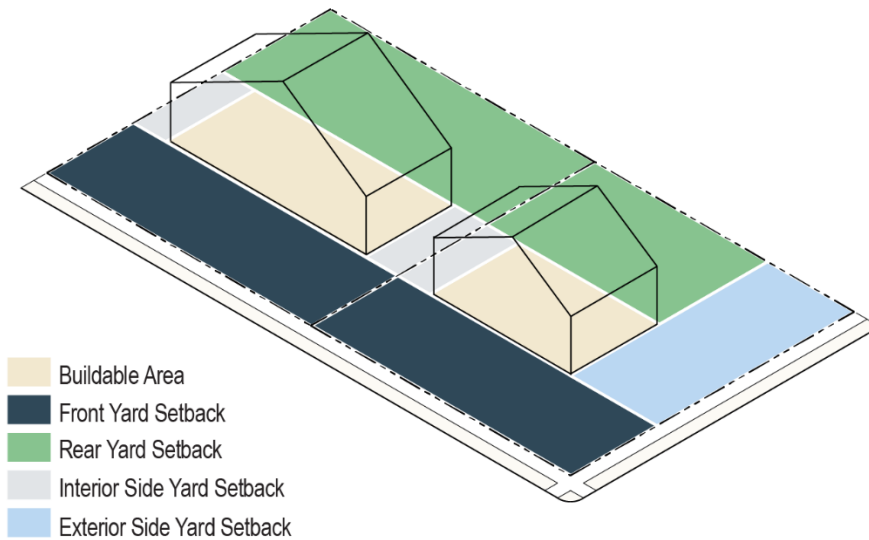
A. **Lot Width.** The distance between the two (2) side lot lines, as measured at the required front yard setback line.

**Figure 3.1. Lot Width**



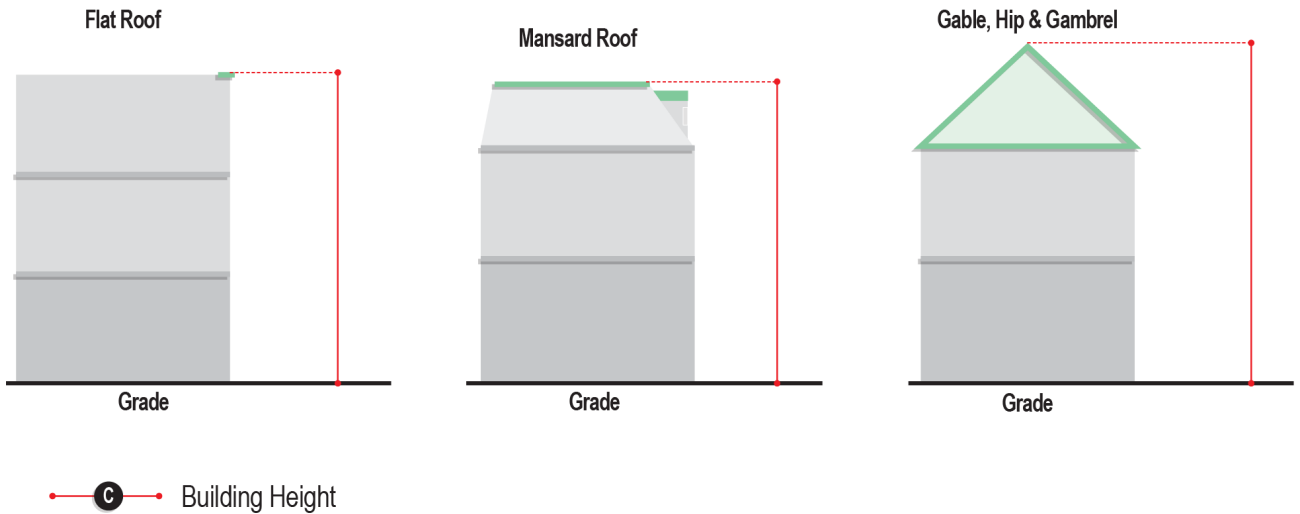
B. **Yard Setbacks.** The shortest distance between the exterior wall of the principal building and the applicable lot line.

**Figure 3.2. Yard Setbacks**



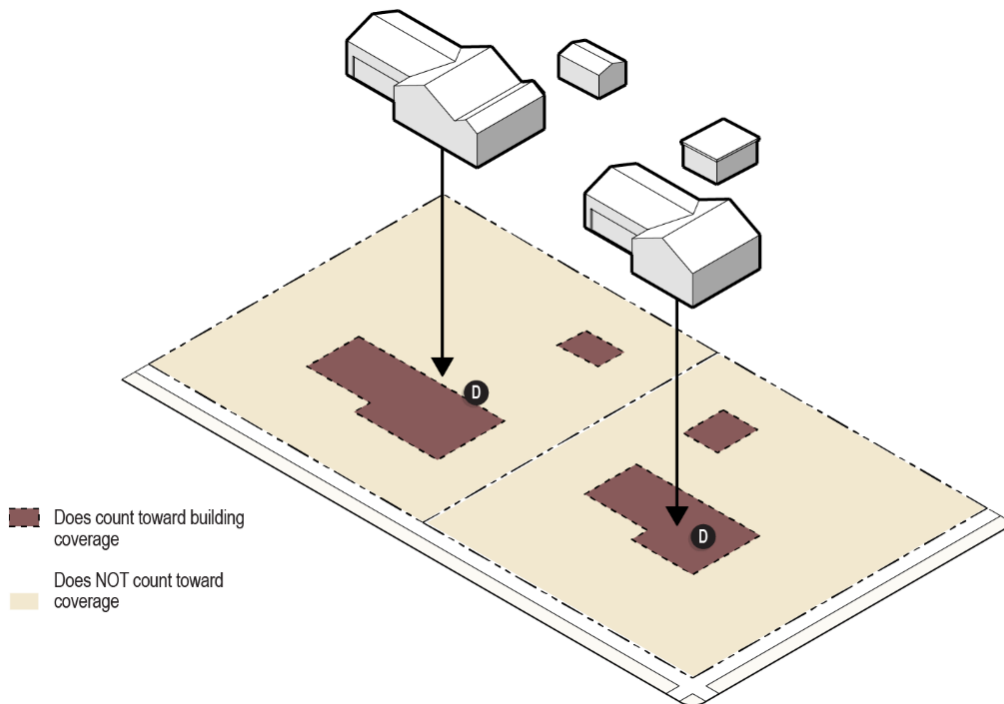
C. **Building Height.** The vertical distance from grade to the highest point of the roof of the building or the highest point of the structure. Building height shall not include mechanical equipment and screening, elevator override or stair access, and any amenity space with a gross area of less than twenty-five percent (25%) of the total floor plate.

**Figure 3.3. Building Height**



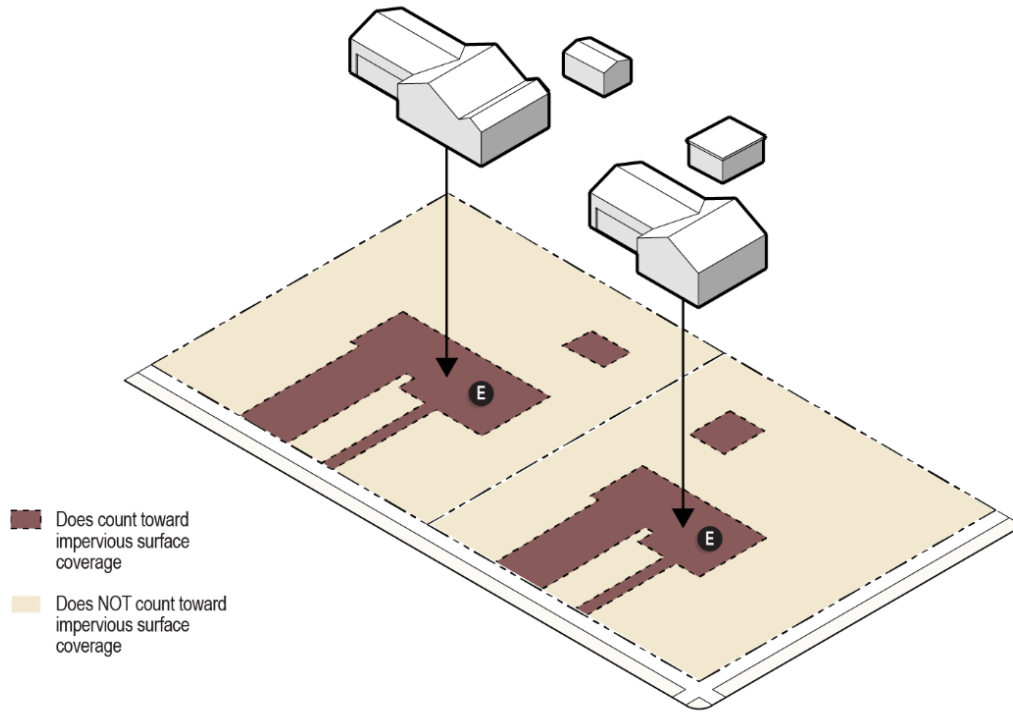
D. **Building Coverage.** The percentage of the lot occupied by principal and accessory buildings.

**Figure 3.4. Building Coverage**



E. **Impervious Surface Coverage.** The portion of a lot that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, decks, patios, terraces, and swimming pools, and also include surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile or any other paving material used for parking, driveways and walkways.

**Figure 3.5. Impervious Surface Coverage**





### 44-03-03. Permitted Encroachments in Required Yards For Residential Uses

A. Table 44-03-03 establishes the types of structures and uses allowed to encroach in required yard setbacks for residential uses as established in Table 44-03-01.

<b>Table 44-03-03. Permitted Encroachments in Required Yards For Residential Uses</b>					
<b>Type of Structure or Use Encroachment</b>	<b>Yard(s) Where Encroachment Permitted</b>				<b>Additional Regulation</b>
	<i>Front</i>	<i>Ext. Side</i>	<i>Int. Side</i>	<i>Rear</i>	
Accessible steps or ramps and associated landings not exceeding the height of street level of the building	Y	Y	Y	Y	44-04-14(B)(3)
Accessory buildings or structures	N	N	Y	Y	44-04-14(B)
Arbors and trellises	N	N	N	Y	
Awnings at least 3 feet from front lot line and 5 feet from side and rear lot	Y	Y	Y	Y	
Balconies	N	N	N	Y	
Basketball equipment, at least 5 feet from interior side lot line and 10 feet	Y	Y	Y	Y	
Bay windows which are no more than 1 story in height, not projecting more than 3 feet into a required yard and not occupying more than 33% of the exterior length of the adjoining wall	Y	Y	Y	Y	
Chimneys at least 3 feet from lot lines	Y	Y	Y	Y	
Compost pile/structures	N	N	N	Y	
Eaves/gutters at least 3 feet from lot lines	Y	Y	Y	Y	
Fixed outdoor fireplaces at least 3 feet from lot lines	N	N	N	Y	44-04-14(B)(6)
Ground-mounted air conditioning, heat pumps, ventilation units,	N	N	Y	Y	
Household recreational facilities	N	N	Y	Y	44-04-14(B)(5)
Laundry drying equipment including clothes lines and poles	N	N	N	Y	
Open fire escapes	N	N	Y	Y	
Ornamental lighting standards and permanently anchored lawn furniture and decorations such as benches, statues, bird baths, sculptures, etc.	Y	Y	Y	Y	
Outdoor kitchens and built-in grills at least 3 feet from lot lines	N	N	Y	Y	
Parking, open and off-street	N	N	Y	Y	45-05-02
Patios, at least 3 feet from lot lines	Y	Y	Y	Y	
Satellite dish antennae	N	N	Y	Y	
Sheds, Cabanas, Greenhouses, Playhouses, Gazebos, and Decks at least 3 feet from lot lines	N	N	N	Y	44-04-14(B)(4)
Swimming pools and spas	N	N	N	Y	44-04-14(B)(7)
Tennis courts	N	N	N	Y	
Transformers	Y	Y	Y	Y	
Walkways and driveways	Y	Y	Y	Y	44-05-04 44-05-05

## 44-03-04. Permitted Limited and Special Uses

- A. The following key is to be used in the interpretation of Table 44-03-04.
- Permitted Uses.** Uses which are marked as “P” in the table shall be allowed subject to all applicable regulations of this Ordinance.
  - Limited Uses.** Uses which are marked as “L” in the table shall be allowed upon the approval of a Limited Use Permit as detailed in Section 44-07-05.
  - Special Uses.** Uses which are marked as “S” in the table shall be allowed upon the approval of a Special Use Permit as detailed in Section 44-07-11.
  - Temporary Uses.** Uses which are marked “T” in the table shall be allowed upon the approval of a Temporary Use Permit as detailed in Section 44-07-07.
  - Prohibited Uses.** A blank space in the table indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this Ordinance.
  - Uses Not Listed.** If a proposed use is not listed in the table, the Director of Economic and Community Development shall determine if the use is substantially similar to a use listed on the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
  - Additional Regulation.** Use-specific regulations may apply to certain uses. Refer to Article 4 for additional regulations. Cross references in the table below are provided for convenience. Use specific standards shall apply to Permitted, Limited, and Special Uses.

Table 44-03-04. Permitted Limited and Special Uses													
Use	Additional Regulation	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PL-1	PL-2
<i>Agricultural and Open Space Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Community Garden	44-04-02(A)	P	P	S	S								
Natural Area Preserve		P	P	P	P	P	P	P	P	P	P	P	P
<i>Residential Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Dwelling, Duplex	44-04-03(A)			P	P								
Dwelling, Multiple Family													
<i>Up to 6 units</i>	44-04-03(B)			P	P		P	S	S				
<i>7+ units</i>	44-04-03(B)			S	P		S	S	S				
<i>Above ground floor</i>						P	P	S	S				
Dwelling, Single Family Detached		P	P										
Dwelling, Townhouse	44-04-03(C)			P	P								
Group Homes													
<i>Up to 8 residents</i>	44-04-03(D)	P	P	P	P		P	P	P				
<i>9+ residents</i>	44-04-03(D)	S	S	S	S		S	S	S				
Manufactured Home Park					S								
Senior Housing, Dependent	44-04-03(E)			S	S		S	S	S				
Senior Housing, Independent	44-04-03(E)			S	S		S	S	S				
<i>Residential Uses, Existing</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Dwelling, Duplex, existing at time of adoption of this ordinance		P	P	P	P		P						

**Table 44-03-04. Permitted Limited and Special Uses**

Use	Additional Regulation	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PL-1	PL-2
Dwelling, Multiple Family, existing at time of adoption of this ordinance		P	P	P	P		P						
Dwelling, Single Family Detached, existing at time of adoption of this ordinance		P	P	P	P		P						
<i>Place of Assembly Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Civic Uses of Public Property	44-04-04(A)											T	T
Indoor Commercial Place of Assembly													
Less than 5,000 sqft	44-04-04(B)					S	S	P	P				
5,000 sqft or more	44-04-04(B)					S	S	P	P				
Outdoor Commercial Place of Assembly	44-04-04(C)					S	S	S	S				
Indoor Non-Commercial Place of Assembly													
Less than 5,000 sqft	44-04-04(B)	P	P	P	P								P
5,000 sqft or more	44-04-04(B)	S	S	S	S								S
Outdoor Non-Commercial Place of Assembly	44-04-04(C)	S	S	S	S								S
<i>Retail and Mixed-Commercial Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Firearms Retailer	44-04-05(A)									S			
Retail													
Less than 5,000 sqft						P	P	P	P				
5,000 sqft or more						S	S	P	P				
Multi-tenant Shopping Center													
Less than 5,000 sqft							S	P	P				
5,000 sqft or more								S	S				
Outdoor Itinerant Merchants	44-04-05(B)					T	T	T	T	T			T
Pawn Shop													
<i>Service and Office Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Adult Day Care	44-04-06(A)						S	S	S	S			
Kennel	44-04-06(B)							S	S	S			
Check Cashing / Pay Day Loan Store													
Child Care Center	44-04-06(C)							S					
Coworking Space													
Less than 2,500 sqft						L	P	P	P	S			
2,500 sqft or more							S	P	P	S			
Above ground floor						P	P						
Financial Institution								S	S				
Hospital								S	S	S			
Laundry, Self Service								S	S				
Massage Therapy								S	S	S			
Medical Office													
Less than 2,500 sqft							P	P	P	P			
2,500 sqft or more							S	P	P	P			
Above ground floor						P	P						
Personal Service													

**Table 44-03-04. Permitted Limited and Special Uses**

Use	Additional Regulation	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PL-1	PL-2
<i>Less than 2,500 sqft</i>						S	L	L	P				
<i>2,500 sqft or more</i>							S	L	P				
<i>above ground floor</i>						P	P						
<b>Professional Office</b>													
<i>Less than 2,500 sqft</i>						S	P	P	P	P			
<i>2,500 sqft or more</i>							S	P	P	P			
<i>Above ground floor</i>						P	P						
Salon and Spa Establishments							S	S	P				
Tattoo Studio / Body Piercing Facility	44-04-06(D)							S		S			
Veterinary Clinic	44-04-06(E)						S	S	S	S			
<i>Eating and Drinking Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Carry-Out Facility	44-04-07(A)					S	S	L	L				
Craft Brewery						L	L	L	L				
Restaurant / Bar						P	P	P	P				
<i>Lodging Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Bed and Breakfast	44-04-08(A)	S	S	S	S	S	S						
Hotel					S	L	L	L	P				
Motel								S	S				
<i>Vehicle Related Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Autobody Repair	44-04-09(A)									S			
Car Wash	44-04-09(B)							S	S				
Fuel Sales	44-04-09(C)						S	S	S				
Motor Vehicle Sales	44-04-09(D)							L	L	L			
Motor Vehicle Service								L	L	P			
Motor Vehicle Rental	44-04-09(D)							S	S	S			
<i>Industrial Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Artisan Manufacturing, Assembly, Fabrication	44-04-10(A)					L	L	L					
Building Material, Machinery, and Equipment Sales or Storage										P			
Contractor Shop										P			
Commercial Kitchen										L			
Crematorium	44-04-10(B)									S			
Dry Cleaner, Processing On Site										L			
Greenhouse, Wholesale										P			
Laundry, Commercial										L			
Light Manufacturing, Assembly, Fabrication										L			
Materials Salvage Yard / Recycling Operations										S			
Mining and Aggregate Extraction	44-04-10(C)										S		
Self-Storage	44-04-10(D)									S			
Printing and Publishing										P			
Research and Development										L			
Warehouse, Distribution										S			

**Table 44-03-04. Permitted Limited and Special Uses**

Use	Additional Regulation	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PL-1	PL-2
Utility Uses		S	S	S	S	S	S	S	S	S	S	S	S
<i>Adult Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Adult Uses	44-04-11(A)									S			
<i>Cannabis Related Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Cannabis Dispensing Organization	44-04-12(A)							S	S	P			
Cannabis Infuser Organization	44-04-12(A)									P			
Medical Cannabis Cultivation Center										P			
<i>Transportation Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Parking Structure / Deck						L	L	S	S	S			
Parking Lot						S	S			S	S	S	S
Transportation Station / Terminal		S	S	S	S	S	S	S	S	S			S
<i>Accessory Uses</i>		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-4</i>	<i>M-1</i>	<i>M-2</i>	<i>PL-1</i>	<i>PL-2</i>
Accessory Dwelling, Detached	44-04-14(A)	S	S	S	S								
Accessory Dwelling, Attached / Internal	44-04-14(A)	P	P	P	P								
Accessory Retail / Restaurant					S	P	P	P	P	P			L
Cargo Container Storage, Stacking, - Permanent	44-04-14(C)									S			
Cargo Container Storage, Stacking, - Temporary	44-04-14(D)	T	T	T	T	T	T	T	T	T		T	T
Civic Uses of Public Property	44-04-14(E)											T	T
Contractor's Trailers and Real Estate Model Units	44-04-14(F)	T	T	T	T	T	T	T	T	T		T	T
Drive-Through Facility	44-04-14(G)						S	S	S				
Dumpsters, Temporary	44-04-14(H)	T	T	T	T	T	T	T	T	T	T	T	T
Electric Vehicle Charging Station	44-04-14(I)	P	P	P	P	P	P	P	P	P	P	P	P
Food Cart or Truck	44-04-14(J)					T	T	T	T	T			T
Home-Based Business, Class I	44-04-14(K)	L	L	L	L	L	L	L	L				
Home-Based Business, Class II	44-04-14(K)	S	S	S	S	S	S	S	S				
Outdoor Display / Sale of Merchandise	44-04-14(L)							S	S	S			
Outdoor Itinerant Merchants	44-04-14(M)					T	T	T	T	T			T
Outdoor Seating for Restaurants	44-04-14(N)					L	L	L	L	L			L
Outdoor Storage, Permanent	44-04-14(O)							S	S	S			
Portable Temporary Storage Container	44-04-14(P)	T	T	T	T	T	T	T	T				
Solar Energy Collection System, canopy	44-04-14(Q)					L	L	L	L	L		L	L
Solar Energy Collection System, ground													
<i>Less than 1 Acre</i>	44-04-14(R)	L	L	L	L	L	L	L	L	L	L	L	L
<i>1-5 Acre</i>	44-04-14(S)									S			
Solar Energy Collection System, roof	44-04-14(T)	P	P	P	P	P	P	P	P	P		P	P
Tent	44-04-14(U)	T	T	T	T	T	T	T	T	T		T	T

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# Article 4. Use-Specific Standards

44-04-01. Purpose and Intent .....	1
44-04-02. Agricultural and Open Space Use Standards.....	2
44-04-03. Residential Use Standards.....	2
44-04-04. Place of Assembly Use Standards .....	4
44-04-05. Retail and Mixed-Commercial Use Standards.....	4
44-04-06. Service and Office Use Standards .....	5
44-04-07. Eating and Drinking Use Standards .....	6
44-04-08. Lodging Use Standards.....	6
44-04-09. Vehicle Related Use Standards.....	7
44-04-10. Industrial Use Standards .....	8
44-04-11. Adult Use Standards.....	11
44-04-12. Cannabis Related Use Standards .....	12
44-04-13. Transportation Use Standards.....	12
44-04-14. Accessory Use Standards .....	12

## 44-04-01. Purpose and Intent

### A. Purpose and Intent.

1. Use Specific Standards provide additional requirements for certain uses that may have a more significant impact than other uses on neighboring properties or Village infrastructure.
2. The Use Standards set forth in this article are requirements in addition to those established by other chapters of the Homewood Municipal Code and Zoning Ordinance. Where applicable, such uses shall meet all federal, state and local requirements including, but not limited to licensing, health, safety and building code requirements, as adopted and amended per Chapter 10 of the Homewood Municipal Code.
3. Use Specific Standards may apply to Permitted Uses, Special Uses, or Limited Uses. All use specific criteria listed herein is in addition to the standards for a Special Use or Limited Use as set forth in 44-07-05 and 44-07-11.
4. On lots with multiple uses subject to use-specific standards, all use-specific standards applicable to the individual uses shall apply. Use specific standards applicable to individual uses co-located on a site shall apply cumulatively.

## **44-04-02. Agricultural and Open Space Use Standards**

### **A. Community Garden.**

1. The name and contact information of the responsible person or organization shall be clearly posted and maintained for the duration of the existence of the community garden.
2. Accessory structures shall be limited in gross floor area to thirty percent (30%) of the of the lot used for the community garden, shall have a maximum height of seventeen feet (17') and shall be limited to the following accessory structure types:
  - a. Storage sheds,
  - b. Hoop houses
  - c. Cold frames, and
  - d. Shade Structures.
3. All compost and/or organic matter on the site:
  - a. Shall not cover more than ten percent (10%) of the total area of the property,
  - b. Shall be screened from view from adjacent property and the public right-of-way,
  - c. Shall be managed to prevent the harborage of rodents and pests,
  - d. Shall be maintained to prevent odors, and
  - e. Shall be located to prevent leachate from flowing onto adjacent property or into natural or human-made storm channels.
4. The site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property
5. Trash areas shall be provided and screened from view from adjacent property and the public right-of-way.

## **44-04-03. Residential Use Standards**

### **A. Dwelling, Duplex.**

1. Attached garages are encouraged to be located on rear façades. Garages shall comply with Section 44-04-14(B)(2).

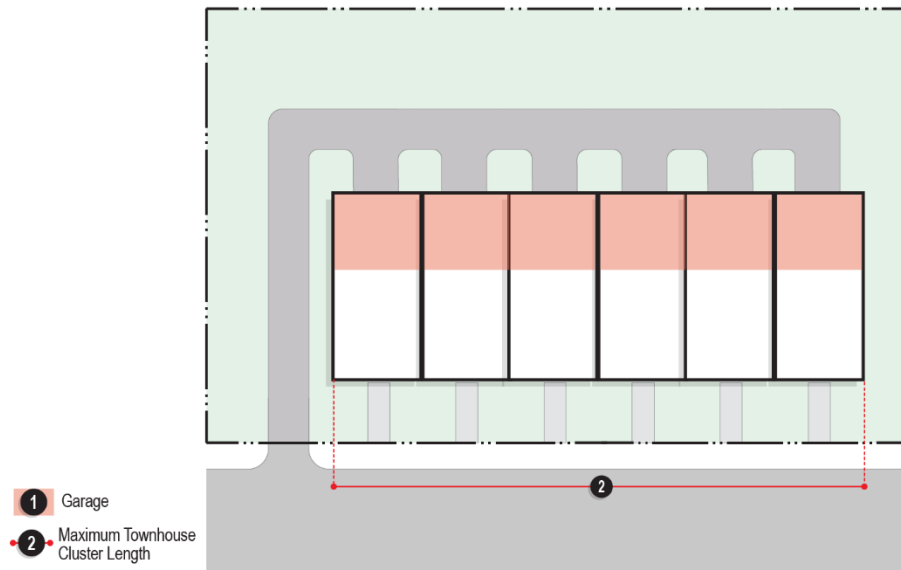
### **B. Dwelling, Multiple Family, all units.**

1. Where existing alleys intersect with the side street, the alley must either be accommodated by new development, or reconfigured and dedicated as part of the new development in order to preserve alley access to other properties on the block.
2. The back of curb of off-street parking areas located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.

**C. Dwelling, Townhouse.**

1. Attached garages shall be located on rear or interior side façades unless otherwise approved. Garages shall comply with Section 44-04-14(B)(2).
2. The maximum length of a townhouse cluster shall be one-hundred and fifty (150) linear feet.

**Figure 4.1. Townhouse Dwelling**



**D. Group Homes, all units.**

1. Each group home, before admitting residents, shall have proof of compliance with all applicable local, state, and federal standards.
2. Each group home shall submit a copy of its Illinois License or Certification and the sponsoring agency's Illinois License of Certification to the Director of Economic and Community Development.
3. The group home operator shall submit a statement detailing the number of residents, the number and type of personnel that will be employed, and the qualifications of the agency operating the group home.
4. To the greatest extent practical, a group home shall conform to the type and outward appearances of the residences in the neighborhood in which it is located.

**E. Senior Housing, Dependent and Independent.**

1. The site plan shall address resident pick-up/drop-off operations.
2. The applicant shall provide a traffic study analyzing impacts on the adjacent neighborhood and emergency response times if deemed necessary by the Director of Economic and Community Development.

#### **44-04-04. Place of Assembly Use Standards**

- A. **Civic Uses of Public Property.** In the PL-1 or PL-2 Districts, any civic use of any public building or property shall be permitted when authorized by the government agency owning or controlling such property. Such use shall not impose an undue adverse effect on neighboring streets or property.
- B. **Indoor Place of Assembly, Commercial and Non-Commercial, all sizes.**
  - 1. Indoor places of assembly shall be located on collector and/or arterial streets.
- C. **Outdoor Place of Assembly, Commercial and Non-Commercial.**
  - 1. Outdoor places of assembly shall be located on collector and/or arterial streets.
  - 2. The operating hours of outdoor places of assembly shall be limited to between 7:00am and 10:00pm.
  - 3. The location of entrances, exits, exterior lighting, speakers, service areas, and parking and loading facilities shall be designed to minimize traffic congestion and hazards to pedestrians and adverse impacts on adjoining properties.

#### **44-04-05. Retail and Mixed-Commercial Use Standards**

- A. **Firearms Retailers.** The purpose and intent of this subsection is to establish reasonable and uniform regulations to prevent any deleterious location or concentration of firearms retailers within Homewood. It is not the intent of this subsection to impose any limitation on firearm ownership or firearm sales generally as an activity. Firearms retailers shall comply with the following requirements:
  - 1. Prior to beginning operation, every firearms retailer shall provide their Federal Firearms License certified by the Illinois State Police pursuant to 430 ILCS 68 as amended.
  - 2. No firearms retailer shall be located within one thousand feet (1,000') of the property line of a school, childcare center, adult daycare center, park, non-commercial place of assembly, or another firearms retailer.
  - 3. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
  - 4. No individual less than the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
  - 5. No person less than twenty-one (21) years of age shall be employed by the business.
  - 6. All employees must possess a valid Firearms Owners Identification Card considered valid in the State of Illinois.
  - 7. No indoor gun range shall be permitted on the premises and no firearms shall be discharged on the premises.
  - 8. Images or depictions of firearms shall not be displayed in windows, nor shall they be advertised by signs or posters viewable from the building exterior.
  - 9. The applicant shall submit a Site Security and Safety Plan for approval by the Homewood Chief of Police, or their designee. The Site Security and Safety Plan shall be renewed for approval by the Chief of Police at least once every three years after the initial submittal. The Chief of Police shall have the authority to require an updated s Site Security and Safety Plan at any time. Once a Site Security and Safety Plan has been approved by the Chief of Police, no changes may be made to the site without the prior approval of the Chief of Police. The Site Security and Safety Plan shall address the following:
    - a. The structure housing the firearms retailer must be constructed so as to prevent penetration of the building through an adjacent tenant space or by a vehicle; or the party-wall or exterior of the building must be protected by

a barrier approved by a licensed architect and/or engineer designed to prevent a vehicle from reaching the structure where the firearms retailer is located;

- b. Any HVAC ductwork located on the building's exterior shall be secured to prevent penetration into the firearms retailer;
- c. An interior security system over windows and alarm system shall be provided;
- d. Any other site security or safety measures deemed necessary by the Chief of Police to promote the public health, safety, comfort and welfare.
- e. Firearms shall not be displayed in windows and shall be secured at all times. Firearms shall only be displayed inside a locked counter or locked wall display case within the premises.

**B. Outdoor Itinerant Merchants.**

- 1. The construction or assembly of any type of display structure, although temporary, shall be prohibited.
- 2. The space occupied by an outdoor itinerant merchant may be no closer than one hundred and fifty feet (150') to any permanent building.
- 3. Only one (1) outdoor itinerant merchant may conduct business at a location at any given time.
- 4. No wires, signs, pennants, banners, products, or any other marketing device may be attached by, or on behalf of, the itinerant merchant to poles or structures in public lands including rights-of-way, parkways and easements.
- 5. The quantity of off-street parking spaces required shall be determined through the Temporary Use process in Section 44-07-07.
- 6. No licensee or anyone on their behalf shall use any device that emits or produces sound plainly heard on public rights-of-way to attract attention to any goods or service that such licensee proposes to sell.
- 7. No licensee under this Section, nor anyone in their behalf, shall use any public street, sidewalk, or alley to sell, offer for sale, or display their goods, wares, merchandise, or service unless expressly allowed in this Section.

**44-04-06. Service and Office Use Standards**

**A. Adult Day Care.**

- 1. The site plan shall address pick-up/drop-off operations.
- 2. Provide a traffic study analyzing impacts on the adjacent neighborhood and emergency response times.

**B. Kennel.**

- 1. Such uses shall not create a nuisance as defined in the Homewood Municipal Code.
- 2. A Type C transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district.
- 3. A Type D transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district.
- 4. Drainage from outdoor storage or animal exercise areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

**C. Child Care Center.**

1. The center shall comply with all local, state, and federal regulations, and shall be registered and licensed by the Department of Children and Family Services (DCFS) prior to the issuance of a Special Use Permit.
2. The Center shall annually supply a copy of its DCFS license or registration to the Director of Economic and Community Development.

**D. Tattoo and/or Body Piercing Establishments**

1. Tattoo and/or body piercing facilities shall be located a minimum of one-thousand feet (1,000') from another tattoo and/or body piercing facility.

**E. Veterinary Clinic.**

1. A Type B transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district when outdoor activities such as dog runs or outdoor walking areas are included on-site.
2. A Type C transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district when outdoor activities such as dog runs or outdoor walking areas are included on-site.
3. Drainage from outdoor storage or animal exercise areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

## **44-04-07. Eating and Drinking Use Standards**

**A. Carry-Out Facilities.**

1. Vehicular access to the facility shall be provided from a collector or arterial street.
2. The operator shall provide daily litter clean up along the rights-of-way abutting the property and adjacent properties subject to litter from the establishment.

## **44-04-08. Lodging Use Standards**

**A. Bed and Breakfast.**

1. The use shall be located within a single-family detached dwelling.
2. Guest rooms shall not include cooking facilities.
3. The maximum stay by any guest shall be limited to thirty (30) consecutive days.
4. All required guest parking shall be provided on-site.



## **44-04-09. Vehicle Related Use Standards**

### **A. Autobody Repair.**

1. The minimum lot size shall be fifteen-thousand (15,000) square feet in area.
2. Vehicles may not be stored for longer than thirty (30) days.
3. Operations shall not create obstructions to traffic circulation on public streets.
4. A Type C transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district.
5. A Type D transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district.
6. Drainage from outdoor storage and/or activity areas shall be directed to a catch basin with an oil separator.

### **B. Car Wash.**

1. The minimum lot size shall be at least fifteen-thousand (15,000) square feet in area.
2. Operations shall not create obstructions to traffic circulation on public streets.
3. A Type B transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district.
4. A Type D transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district.
5. Drainage from outdoor storage and/or activity areas shall be directed to a catch basin with an oil separator.

### **C. Fuel Sales.**

1. The minimum lot size shall be at least fifteen thousand (15,000) square feet in area.
2. Operations shall not create obstructions to traffic circulation on public streets.
3. Two (2) vehicle stacking spaces shall be provided for each fuel pump located on a fuel sales site, one (1) at the fuel pump and one (1) to the rear of the fuel pump. Each stacking space shall have a minimum depth of eighteen feet (18').
4. All fuel pumps and fuel pump canopies shall be located a minimum of fifty feet (50') from any residential district boundary line.
5. Fuel pump canopies shall have a maximum height of seventeen feet (17').
6. Fuel pump canopy columns shall be clad in masonry, stucco, fiber cement, or stone veneer systems with a minimum thickness of three inches (3"), for a minimum of four feet (4') from the base of the column.
7. Fuel pump canopies shall be lit with only fully recessed lighting.
8. A Type B transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district.
9. A Type D transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district.
10. Drainage from outdoor storage and/or activity areas shall be directed to a catch basin with an oil separator.

**D. Motor Vehicle Sales and Motor Vehicle Rental.**

1. The minimum lot size for motor vehicle sales shall be three (3) acres in area.
2. Operations shall not create obstructions to traffic circulation on public streets.
3. A Type B transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district.
4. A Type D transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district.
5. Parking lots for the outdoor display of motor vehicles for sale shall be exempt from the landscape spacing requirements for the parking area perimeter zone, as detailed in Section 44-05-06(F), and instead may cluster required landscape elements in order to preserve views to motor vehicles offered for sale.
6. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

**44-04-10. Industrial Use Standards**

**A. Artisan Manufacturing, Assembly, Fabrication.**

1. Gross floor area per individual artisan manufacturer space shall not exceed three thousand (3,000) square feet.
2. Outdoor storage and/or outdoor operations or activities shall be prohibited.
3. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of fifteen percent (15%) of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
4. A maximum of one (1) residential unit per artisan manufacturer shall allowed.

**B. Crematorium.**

1. Any crematorium shall be a minimum five hundred feet (500') from:
  - a. Any residential district and any lot or parcel upon which one (1) or more residences are the primary use at the time of initial application for a Special Use Permit for a crematorium;
  - b. Any school or public playground, park, or recreational area.
2. Exterior doors of the crematorium shall remain closed so that the cremator/retort shall not be visible from any public right-of-way.
3. Except when vehicles are entering or exiting the crematorium, all business vehicles containing human remains and associated with the crematorium shall not be visible from any public right-of-way.
4. The crematorium shall comply with all applicable State and Federal laws and regulations.

**C. Mining and Aggregate Extraction.**

1. No open pit shall be closer to an exterior lot line that is not adjacent to property owned or under the control of the same or related owner than the distance set by Illinois Department of Natural Resources rules and regulations in effect from time to time.

2. The exterior lot lines of the property shall be fenced with a chain link or similar fence at least six feet (6') in height when the property is adjacent to or across the street from any district other than a heavy manufacturing zoning district. The fence shall be constructed in compliance with 44-06-09 of the Homewood Municipal Code.
3. A landscape plan for the property boundaries shall be submitted for approval by the Appearance Commission. The content of the landscape plan shall be as required by 44-05-06 of this Ordinance. Upon approval of the landscape plan, it shall be the owner's responsibility to continually maintain in good condition all landscaping elements required by the approval landscape plan as stated in 44-05-06 of this Ordinance. The owner shall be responsible for the removal of debris that accumulates within the required landscaped areas and along fence lines on property boundaries adjacent to rights-of-way.
4. Reclamation of the land will be in accordance with Illinois Department of Natural Resources requirements and may include the importation of inert fill to assist in the reclamation process.
5. Due to the unique nature of the use the limitations contained in this Section W and the additional limitations and restrictions that may be imposed by the Special Use Permit, performance standards and other restrictions of this Ordinance shall not be applicable to the special use granted pursuant to this Section.
6. No blasting or other use of explosives is permitted unless specifically requested and authorized with the Special Use Permit after the required public hearing by the Planning and Zoning Commission. If permitted by the Village Board, blasting must conform to the Surface-Mined Land Conservation and Reclamation Act (225 ILCS 715) and Aggregate Blasting Rules (62 IAC 300) and shall be conducted only in accordance with existing State and Federal laws and regulations and the following standards:
  - a. The use handling and detonation of explosives (sometimes referred to as "blasting") in connection with quarrying operations shall be conducted by or under the direct supervision of trained and competent persons. If such persons are required to be licensed by any federal agency, State of Illinois or Cook County, such persons shall meet the licensing requirements and obtain such license.
  - b. The storage of explosives shall be in accordance with all applicable Federal and State laws and regulations and shall be stored in magazines, buildings, or structures, which shall meet the safety requirements of such laws and regulations.
  - c. Blasting procedures shall be in accordance with modern techniques, generally accepted in the quarrying industry, whereby a shot shall consist of a series of drill holes containing quantities of explosives fired or detonated in sequence of multiple delays at intervals of milliseconds, so as to counteract and reduce the ground motion or vibration from each successive detonation (sometimes referred to as "short period delay blasting"). Peak particle velocity, measured at the closest protected structure, shall meet the Illinois Department of Natural Resources alternate compliance standard using the United States Bureau of Mines RI 8507 blast level chart, commonly referred to as Z-Curve chart.
  - d. Air blasts shall be controlled so that it does not exceed the values specified in Table 44-04-09(C)(6)(d) below at the closest protected structure, unless such structure is owned by the person who conducts the mining. The measuring systems used shall have a flat frequency response of at least 200 Hz at the upper end. The person who conducts blasting may satisfy the provisions of this subsection (d) by meeting any of the three specifications in Table 44-04-10(C)(6)(d).

<b>Table 44-04-10(C)(6)(d) Air Blast Control Values</b>	
<i>Lower Frequency Limit of Measuring System, Hz+3 dB</i>	<i>Maximum Level in dB</i>
0.1 Hz or lower - flat response	134 peak
2.0 Hz or lower - flat response	133 peak
6.0 Hz or lower - flat response	129 peak

- e. Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, Illinois Department of Mines and Minerals, Mine Safety and Health Administration (“MSHA”), or the United States Department of the Interior, and any other government agency having jurisdiction thereof.
- f. Blasting procedures shall be in conformity with approved safety regulations, customs and practices generally accepted in the quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
- g. Compliance with provision of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time-to-time by authorized Village officials, upon reasonable prior notice and during reasonable business hours.
- h. All blasting shall be conducted between sunrise and sunset except in emergency situations where unscheduled blasting is required to ensure operator or public safety. In such cases, the operator shall notify the Village within 72 hours after the unscheduled blast, indicating the reason(s) for the unscheduled blast. No blasting shall take place on the following holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

**D. Self Storage.**

- 1. A Type C transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a nonresidential district.
- 2. A Type D transition area, as detailed in Section 44-05-06(H), shall be required along lot lines adjacent to any parcel in a residential district.
- 3. Doors serving individual self-storage units accessed directly from the outside shall not be visible from any public right-of-way.
- 4. Lighting and security cameras shall be provided to ensure safe operations on the site.
- 5. **Use Limitations.**
  - a. Storing hazardous or toxic materials is prohibited.
  - b. No self-storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials or the operation of machinery.
  - c. Outdoor storage and/or activity is prohibited.

## 44-04-11. Adult Use Standards

### A. Adult Uses.

#### 1. Purpose.

- a. The purpose and intent of this Section is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Village. The provisions of this Section have neither the purpose, intent nor effect of imposing a limitation or restriction of the content of any communicative materials, including sexually oriented materials.
- b. Similarly, it is not the purpose, intent, or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, when permissible under the First Amendment. Neither is it the purpose, intent, or effect of the Section to condone or legitimize the distribution of obscene material.

#### 2. Requirements.

- a. The design and operation of the facility shall not adversely affect the public health and safety.
  - b. Operations shall not create undue traffic congestion in the public streets and highways in the area in which it is located.
  - c. Operations of the facility shall not cause additional public expense for fire and/or police protection.
  - d. The following conditions shall be imposed on any special use granted for an adult cabaret:
    - I. No dancer or performer shall fondle, caress, or otherwise touch any patron or permit any patron to fondle, caress or otherwise touch any dancer or performer.
    - II. No patron shall be permitted to fondle, caress, or otherwise touch any dancer or performer.
    - III. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit or accept any pay or gratuity from any patron.
    - IV. Dancing or other performances shall not occur within ten feet (10') of any patron.
3. **Location.** No adult use shall locate within one thousand feet (1,000') of the property line of another adult use, any school, or any place of worship.
  4. **No Liquor License.** No adult use shall be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use. The operator of an adult use shall not permit patrons to bring alcoholic beverages onto the premises and no alcoholic beverages shall be consumed on the premises.
  5. **Hours of Operation.** Hours of operations shall be between 10:00 am and 2:00 am.

## 44-04-12. Cannabis Related Use Standards

- A. **Cannabis Dispensing Organization and Cannabis Infuser Organization.** A limit of one (1) Cannabis Dispensing Organization and one (1) Cannabis Infuser Organization may be located within the Village.

## 44-04-13. Transportation Use Standards

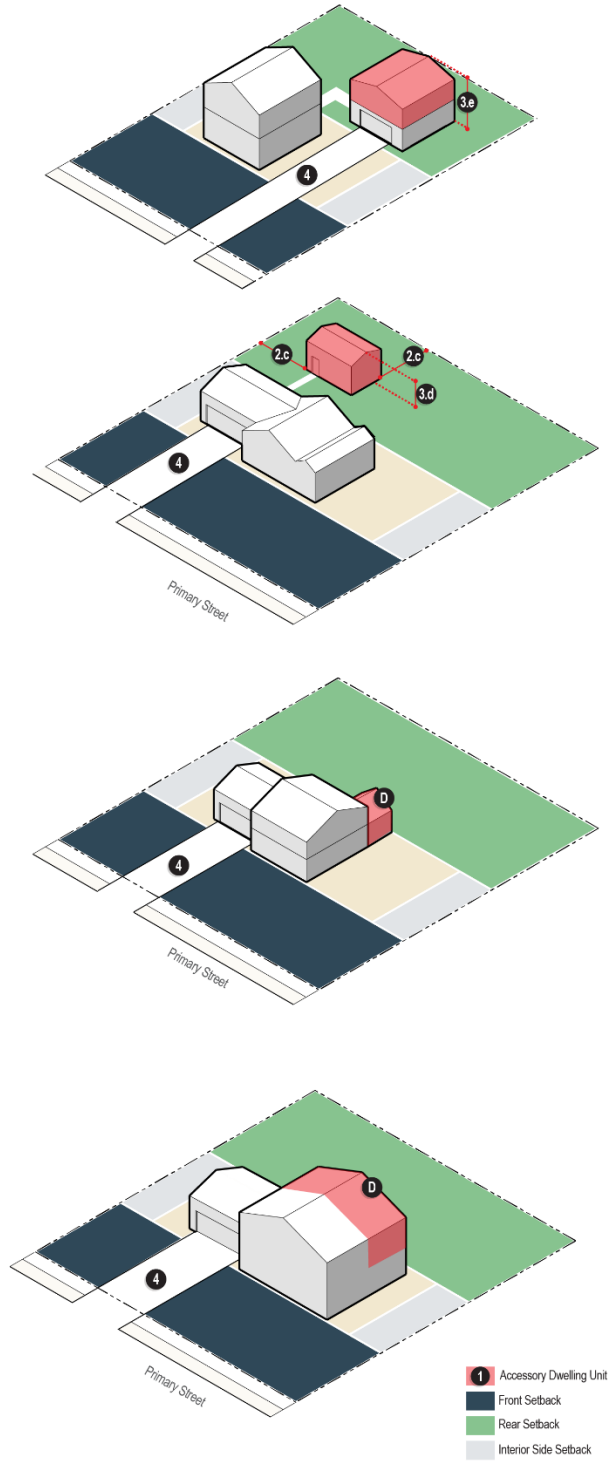
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## 44-04-14. Accessory Use Standards

### A. Accessory Dwelling Unit.

1. **Quantity.** One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
2. **Location.**
  - a. If a lot has a detached garage, a detached accessory dwelling unit shall be located above the detached garage. A standalone detached garage and standalone detached accessory dwelling unit shall not be allowed on a lot.
  - b. Detached accessory dwellings shall be located to the interior side or rear of the principal dwelling.
  - c. Detached accessory dwellings shall be setback a minimum of five feet (5') from the rear and interior side yard lot lines.
  - d. Attached/internal accessory dwellings shall comply with all regulations applicable to the principal building on the lot.
  - e. Architectural features that are structurally part of the accessory dwelling unit shall be allowed to encroach subject to the regulations of Table 44-03-03.
3. **Dimensions.**
  - a. The minimum size of an accessory dwelling unit shall be two-hundred twenty (220) square feet.
  - b. The maximum size of the internal accessory dwelling shall be twenty-five percent (25%) of the floor area of the principal building
  - c. The maximum building footprint of a detached accessory dwelling shall be nine hundred thirty-six (936) square feet.
  - d. The maximum height of a standalone detached accessory dwelling shall be seventeen feet (17') or the height of the principal dwelling, whichever is less.
  - e. The maximum, combined height of a detached accessory dwelling located above a detached garage and the detached garage shall be twenty-seven feet (27') or the height of the principal dwelling, whichever is less.
4. **Access.** The principal dwelling and accessory dwelling shall be served by a common driveway.
5. **Design.** The accessory dwelling shall have architectural features and exterior materials compatible with the principal building. Accessory dwelling units deemed incompatible by the Director of Economic and Community Development shall go before the Appearance Commission for review and final approval, approval with conditions, or denial.
6. **Ownership.**
  - a. The principal dwelling or accessory dwelling shall be the primary residence of the owner of the property.
  - b. An accessory dwelling must be kept in common ownership with the principal dwelling on the property.

Figure 4.2. Accessory Dwelling Units

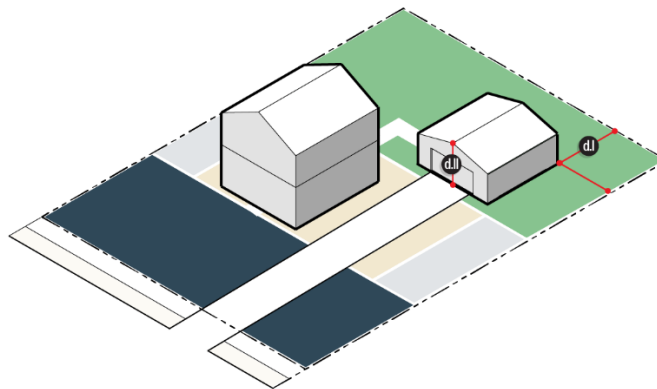
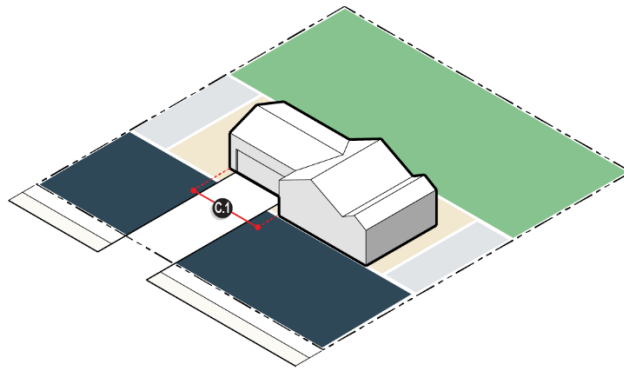
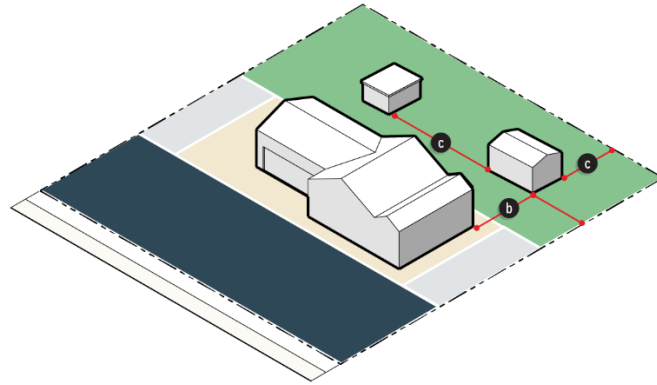






**B. Accessory Structure / Building.**

1. **Location of Accessory Buildings and Structures.** All accessory buildings and structures shall follow the location requirements of this Section.
  - a. An accessory building or structure shall be located either:
    - I. Completely within the interior side or rear yard of the principal building and at least five feet (5') from lot lines, or
    - II. Completely within the buildable area of the lot.
  - b. Any accessory building or structure shall be located a minimum of ten feet (10') feet from the principal building.
    - I. The required distance may be varied to a minimum of five feet (5') from the principal building when the exterior walls of the accessory building or structure has a minimum of a one (1)-hour fire-resistance rating.
  - c. Any accessory building or structure shall be located a minimum of five feet (5') from all other buildings on the lot and abutting properties.



Figure 4.3. Accessory Building/Structure



-  Front Setback
-  Rear Setback
-  Interior Side Setback
-  Side Setback Adjoining Street

2. **Garages.**

a. **Applicability.** This Section shall apply to all single-family detached, duplex, or townhome.

b. **General.**

I. No garage shall exceed an area of nine hundred and thirty-six (936) square feet.

II. Only one (1) garage shall be allowed on a residential lot. Such garage shall be either an accessory portion of a principal building or an accessory building.

III. The parking spaces in the garage shall not be used as a means to access other parking spaces or to any other area located on or off the lot.

c. **Attached Garages.**

I. Attached garage doors located on the front façade of the principal building shall not constitute fifty percent (50%) or more of the front elevation as measured in linear frontage and in square footage.

II. Attached garages located on the front façade shall be recessed from the front façade by at least five feet (5').

III. Side-loading attached garages shall have a similar front façade as the principal dwelling.

d. **Detached Garages.**

I. Detached garages shall be located in the rear yard and set back at least five feet (5') from the rear and side yard lot lines.

II. Detached garages shall have a maximum height of seventeen feet (17').

3. **Accessible Steps or Ramps.**

a. Accessible steps or ramps shall be designed to be integrated with the architecture of the building.

b. Accessible steps or ramps may be located no closer than two feet (2') from any side lot line and no closer than ten feet (10') from any front lot line.

c. Accessible steps or ramps may also include, in compliance with the Illinois Administrative Code, a landing that does not exceed five feet (5') by five feet (5').

d. Accessible steps or ramps shall be constructed in accordance with Chapter 10 of the Homewood Municipal Code.

e. Any accessible steps or ramp not meeting the above requirements may be approved by the Director of Economic and Community Development as a limited use, provided that:

I. There is no other practical conforming location on the lot.

II. A physician certifies in writing that the ramp is medically necessary.

III. The homeowner agrees to remove the ramp when it is no longer medically necessary.

4. **Sheds, Cabanas, Greenhouses, Playhouses, Gazebos, and Decks.**

a. **Quantity.** One (1) shed, cabana, greenhouse, playhouse, or gazebo, in addition to a detached garage or standalone detached accessory dwelling unit, and one (1) deck shall be allowed per lot.

**b. Dimensions For Sheds, Cabanas, Greenhouses, Playhouses, and Gazebos.**

- I. The maximum size shall be the lesser of one-hundred and forty-four (144) square feet or thirty percent (30%) of the required rear yard.
- II. Detached gazebos shall have a maximum height of fourteen feet (14').
- III. Attached gazebos, as measured from the deck, shall have a maximum height of fourteen feet (14') or the height of the roofline at the closest point of the principal building, whichever is less.

**c. Location.**

- I. Sheds, cabanas, greenhouses, playhouses, and gazebos shall be located in an interior side or rear yard only. Decks shall be located in a rear yard only.
- II. Any structures shall be located a minimum of three feet (3') from any lot line.
- III. No structure shall be located in an easement.

**5. Household Recreational Facilities.**

- a. Household recreational facilities shall be less than seventeen feet (17') in height.
- b. The household recreational facility and any accessory equipment shall not be located in the front yard setback except basketball equipment, which shall be located five feet (5') feet from interior side and ten feet (10') from front lot lines.
- c. Trampolines shall be located at least ten feet (10') from interior side and rear lot lines and all principal and accessory buildings and accessory structures.
- d. Any noise generated by the activity shall comply with the regulations of this Ordinance and Chapter 44-301(g) of the Homewood Municipal Code.

**6. Outdoor Fireplaces.**

- a. Barrels, half-barrels and drums are not permitted.
- b. Outdoor fireplaces and fixed, permanent masonry fire pits shall comply with Chapter 44-301(k) of the Homewood Municipal Code.
- c. Fuel shall be dry wood, producing a minimum of smoke and particulate matter.
- d. When in use, adult supervision shall be present at all times.
- e. Outdoor fireplaces shall be located at least twenty feet (20') from any building structure, building overhang or vehicle.

**7. Swimming Pools and Spas.**

- a. Pools are permitted in rear yards only and shall conform to all requirements of Section 44-143 of the Homewood Municipal Code.
- b. Pumping and filtering equipment for pools and spas shall be located at least ten (10) feet from the interior side and rear lot lines and no water shall drain onto adjacent properties.

**B. Cargo Container Storage, Stacking - Permanent.**

1. The facility utilizing the cargo container shall carry adequate insurance (as determined by the Director of Economic and Community Development) and provide the Village a Certificate of Insurance prior to the issuance of a Special Use Permit.
2. **Location.**
  - a. The containers shall conform with setback requirements for a principal building.
  - b. The containers shall be located in the interior side or rear yard.
  - c. The containers shall be entirely on private property and are prohibited from being parked or placed upon any street, highway, roadway, right-of-way, designated fire lane, required parking space, drive aisle, or sidewalk.
  - d. The containers shall not be placed in such a fashion as to impede or obstruct the flow of drainage waters, nor impede or obstruct emergency access to the property.
  - e. The containers shall only be located on concrete paved surfaces in accordance with the paving standards set forth by the Illinois Department of Transportation (IDOT) for an 80,000-pound truck route.
  - f. The site layout shall provide adequate means for fire and emergency vehicles (as approved by the Fire Chief) to access cargo containers both on and off a chassis in the event of an emergency.
  - g. The containers shall be screened with a solid fence, landscaping, and berm so as not be visible from the public right-of-way and adjacent properties.
3. **Height.** Cargo containers shall not measure or be stacked to a height greater than fourteen feet (14').
4. **Operations and Maintenance.**
  - a. Cargo containers shall not be used for occupancy or sleeping; housing of animals; housing or storage of firearms, hazardous or flammable materials, material that is required to be placarded as Class 7 (radioactive material) according to the U.S. Department of Transportation (DOT) Emergency Response Guideline (ERG), or storage of materials which are otherwise unlawful to possess (e.g. fireworks or other unlawful material or substances).
  - b. Cargo containers shall not include windows, heating and cooling, refrigeration systems, plumbing or have multiple entrances except for what is necessary to meet the minimum codes and standards for light and air circulation for storage purposes.
  - c. Cargo containers shall be closed and secured from unauthorized access at all times when not under the direct supervision of the permit applicant.
  - d. Cargo containers shall not be used to display signage or otherwise advertise a commercial activity other than a design or logo permanently affixed to the container that identifies its owner.
  - e. Containers shall be kept at all times in a like-new condition.

**C. Cargo Container Storage, Stacking - Temporary.**

1. **Residential, Commercial and Public Lands/Open Space.** Cargo containers are prohibited except they may be used on a temporary basis provided they are issued a permit and meet the following conditions:
  - a. The cargo container shall be used for the purpose of a construction project duly proceeding toward completion.
  - b. The cargo container shall be located on the same lot on which the construction activity is occurring until such time as the construction project is complete.

- c. Upon completion of the construction activity that the container supports, the container must be promptly removed from the site.
  - d. The cargo container shall be maintained in a like-new condition.
  - e. The cargo container shall not measure or be stacked to a height greater than fourteen feet (14').
  - f. The cargo container shall not be used to display signage.
  - g. No more than one (1) cargo container shall be located on a lot in a residential district at one time for construction purposes.
  - h. No more than three (3) cargo containers shall be located on a lot in a commercial or public lands/open space district at one time when used for construction purposes.
  - i. No more than one (1) cargo container shall be located on a commercial lot, limited to no longer than sixty (60) days in a calendar year, when used for the purpose of storage of seasonal inventory.
  - j. The permit shall be affixed to the container for the duration of its use.
  - k. The Director of Economic and Community Development may approve containers that exceed the allowable number, allowable size, or length of time.
2. **M-1 Limited Manufacturing.** Cargo Containers may be located in a M-1 District on a temporary basis provided they are issued a permit and meet the following conditions:
- a. Cargo containers utilized for temporary storage shall be restricted to a period of time not to exceed thirty (30) days in one calendar year.
  - b. Cargo containers used for the purpose of a construction project duly proceeding toward completion and located on the same lot on which the construction activity is occurring may be allowed until such time as the construction project is complete. Upon completion of the construction activity that the container supports, the container must be promptly removed from the site.
  - c. At all times, any and all cargo containers must be maintained in a like-new condition.
  - d. No more than three (3) temporary cargo containers shall be located on a lot located in the M-1 district at one time.
  - e. Cargo containers may not measure or be stacked to a height greater than fourteen feet (14').
  - f. The permit shall be affixed to the container for the duration of its use.
  - g. The Director of Economic and Community Development may approve containers that exceed the allowable number, allowable size, or length of time.
- D. **Civic Uses of Public Property.** In the PL-1 or PL-2 Districts, any civic use of any public building or property shall be permitted when authorized by the government agency owning or controlling such property. Such use shall not impose an undue adverse effect on neighboring streets or property.
- E. **Contractors Trailers and Real Estate Model Units.**
- 1. Contractors' trailers and real estate model units are allowed when accessory to a construction project or a new development.
  - 2. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development.
  - 3. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.

4. No such trailer, unit, or office shall be used as the general office or headquarters of any firm.

**F. Drive-Through Facility.**

**1. Design and Layout.**

- a. Provide minimum six (6) inches high barrier curbs to protect accessories such as menu boards and canopy supports from vehicular circulation.
- b. The location of the curb cut shall be subject to the approval of the Village Engineer.

**2. Stacking.**

- a. The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on or off site, and traffic visibility.
- b. Stacking lanes shall have a minimum depth of twenty feet (20') per stacking space and the following minimum lane widths:
  - I. One (1) lane: twelve feet (12'),
  - II. Two (2) or more lanes: ten feet (10') per lane.
- c. Drive-through facilities shall be required to provide a minimum number of vehicle stacking spaces as detailed in Table 44-04-14(D)(2)(c).

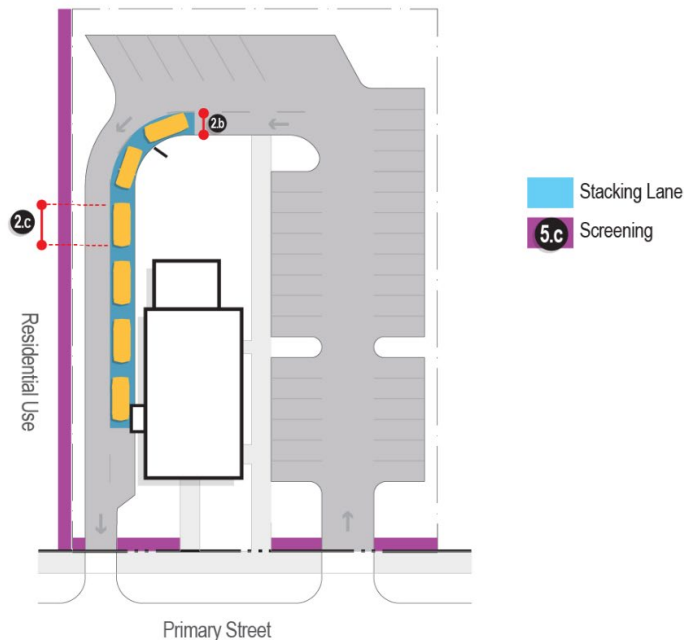
<b>Table 44-04-14(F)(2)(c) Drive Through Stacking Requirements</b>		
<b>Use</b>	<b>Minimum Stack</b>	<b>Measure From</b>
<i>Automated Teller Machine</i>	3 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box (1)
<i>Carwash Stall, Automatic</i>	5 per stall	stall entrance
<i>Carwash Stall, Manual</i>	3 per stall	stall entrance
<i>Oil Change Shop</i>	3 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Other</i>	as determined necessary through the special use permitting process	
(1) 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

**3. Menu Boards.**

- a. A drive-through facility shall be permitted a maximum of two (2) menu boards.
- b. The combined maximum area of the menu boards shall be eighty (80) square feet.
- c. Each menu board shall not exceed:
  - I. Sixty (60) square feet in area and
  - II. Ten feet (10') in height.
- d. Menu boards may utilize digital display boards for one hundred percent (100%) of the permitted menu board area.

4. **Overhead Canopy.**
  - a. The total height of any overhead canopy of similar structure shall not exceed twenty feet (20') as measured to the highest part of the structure.
  - b. Any overhead canopy or similar structure shall maintain a uniform and consistent roof line with the building to which the drive-through facility is a part.
  - c. Any overhead canopy or similar structure shall have columns, solid walls or semi-solid walls placed so that they are similar in their relation to the roof as that of the exterior walls of the building to which the drive-through facility is a part.
  - d. Any overhead canopy or similar structure shall be finished with exterior cladding materials consistent with the primary building façade.
  
5. **Screening.** The following regulations shall apply to any drive through adjacent to a residential use regardless of the use to which it is accessory.
  - a. Drive aisles must be effectively screened from view along public rights-of-way and at the edges of sites adjacent to residential properties to minimize the visual impact of menu boards and headlight glare and audio impact of intercoms.
  - b. Screening shall meet all sight triangle requirements as established in Section 44-05-10.
  - c. Screening shall be a minimum of six feet (6') wide, and must consist of:
    - I. An opaque masonry wall or solid wood fence with a minimum height of four feet (4') and a maximum height of six feet (6');
    - II. One ornamental trees per every twenty-five linear feet (25') of screening; and
    - III. One shrub or native grass per every three feet (3') of screening.

**Figure 4.4. Drive Through Facility**



**G. Dumpsters, Temporary.** Temporary dumpsters shall meet the following conditions:

1. The refuse container shall be obtained from a scavenger service licensed with the Village of Homewood.
2. No more than one (1) temporary dumpster shall be located on a lot at a time.
3. The container shall be maintained in a neat and orderly fashion with all refuse contained within and not higher than the height of the container.
4. The temporary dumpster shall be located on an impervious surface on private property.
5. The placement of a temporary dumpster shall be restricted to a period of time not to exceed thirty (30) days, per calendar year.
6. The Director of Economic and Community Development may approve containers that exceed the allowable number, size, surface, or length of time.

**H. Electric Vehicle Charging Stations.**

**1. Equipment.**

- a. Electric Vehicle Charging stations that are accessory to all mixed-use, multifamily, and nonresidential uses shall be a level 2 charging capacity.
- b. Electric vehicle charging station equipment shall be protected by a wheel stop, curb, or bollards.
- c. In parking lot applications, all connections of the charging station to electrical utility equipment shall be underground.
- d. All electric vehicle charging station equipment shall comply with the National Fire Protection Association/National Electrical Code and be approved by the Underwriters Laboratory.
- e. All equipment should be made of low-maintenance, durable materials appropriate to withstand northeast Illinois weather and shall be vandal-proof to the extent possible.
- f. All equipment shall provide a cord management system that minimizes tripping hazards for pedestrians. Charging cords may not cross sidewalks, walkways, or driveways.

**2. Design Considerations.**

- a. Electric vehicle charging station equipment shall be located in a manner that will not obstruct pedestrian walkways. A minimum of three feet (3') of clear area shall be maintained.
- b. Electric vehicle charging stations shall be located to optimize ease of use for all potential users.
- c. Electric vehicle charging station shall provide a safe and clearly delineated area for maneuvering around the vehicle for connecting to the equipment.
- d. A sign indicating that the electric vehicle parking is for use while charging only shall be provided.
- e. All charging stations shall be illuminated. Lighting shall comply with the limitations in Section 44-05-12.

**3. Electrical Equipment Siting and Screening.**

- a. Electric vehicle charging stations shall be located to minimize the distance to electrical supply equipment.
- b. When locating the electrical supply equipment consider blind spots and visibility obstructions for drivers and pedestrians.



- c. To the extent practical, electrical supply equipment shall be screened by walls, fences, landscaping, or a combination thereof to be effective year-round.
4. **Accessibility.** A minimum of one (1) accessible charging station is required with any installation of electric vehicle charging stations. The accessible charging station shall provide equipment, reach, clear area, route, and other applicable building blocks to comply with the Illinois Accessibility Code as well as incorporating industry recommended best practices and current federal accessibility recommendations.
5. **Maintenance.**
- a. The property owner on which electric vehicle charging stations are located is responsible for ensuring that the equipment is intact and will not pose a hazard to any visitors to the property. This shall include ensuring that cords are hung to prevent tripping hazards.
  - b. All electric vehicle charging station equipment shall be maintained to working condition. Equipment that is no longer functional must be decommissioned within sixty (60) days.
- I. **Food Cart or Truck.**
- 1. A stand-alone food cart or truck whether motorized or non-motorized may be set up on a regular, semi-regular, or one-time basis subject to the following criteria:
    - a. The owner or operator of the food cart or truck shall obtain and maintain all required licenses at all times.
    - b. The permit shall be displayed to the public in a visible location on the food cart or truck.
    - c. Operations shall not be located in a driveway or drive aisle.
    - d. Operations shall not obstruct parking lot circulation or block access to a public street, alley, or sidewalk.
    - e. The operation of the food cart or truck shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five feet (5') or causes damage to any improvements within the public right-of-way.
    - f. Operations of any food cart or truck shall be at least five hundred feet (500') from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued and is open for business unless written permission is granted by the eating or drinking establishment located within that distance.
    - g. No food cart or truck shall be set up on any privately owned lot or parcel without written permission of the owner.
    - h. Trash receptacles shall be provided, and the owner/operator shall be responsible for keeping the area surrounding the food cart or truck clear of any litter and properly cleaned.
    - i. Signs, except for a-frame/sandwich board signs shall be permanently affixed to or painted on the food cart or truck. Each food cart or truck may have one (1) sandwich board sign which may not be located in any right-of-way or impede pedestrian or vehicular traffic and shall be within twenty-five feet (25') of the food cart or truck.
    - j. Canopies, umbrellas, and outdoor tables and chairs shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five feet (5') or creates a visual obstruction to traffic.
    - k. Food carts or trucks may locate on the same lot or parcel so long as each vendor has the property owner's written permission and all other provisions contained herein are be met.
    - l. No food cart or truck shall be located within fifty feet (50') of the established outer boundary of any Village-permitted or licensed event where the sale of merchandise and food has been allowed unless it is part of the event.

- m. When not in operation, a food cart or truck shall be stored on private property.
- n. If located in a Village right-of-way:
  - I. No merchandise shall be offered, displayed or sold and no customers served except from the sidewalk,
  - II. Only non-motorized carts may be located on sidewalks,
  - III. Carts or trucks shall be located at least twenty-five feet (25') from any intersection (measured from the edge of sidewalk to the cart or truck) and fifteen feet (15') from any driveway,
  - IV. Food carts or trucks shall comply with all traffic and parking ordinances of the Village, as they may be amended.
- o. Any location in a Village right-of-way, including sidewalks, may be subject to temporary suspension or revocation without cause, but for reasons that may include construction, repairs, maintenance or emergencies as determined by the Village.
- p. A permit shall not be required for food carts or trucks that are:
  - I. Part of a Village-permitted event, or
  - II. For a private, catered event occurring on private property (private parties, reunions, weddings and the like) in any district.
- q. A street closure permit may be required in order to locate on any Village street or right-of-way where the provisions contained in this Section cannot be met. Food carts or trucks may not cater private events from either the sidewalk or road right-of-way without an approved street closure permit.
- r. The provisions of this Section shall not apply to any minor-operated business.

**J. Home Based Business.**

- 1. **Purpose.** To protect residents from deleterious effects of commercial uses being conducted in residential areas, the following provisions regulate and restrict commercial uses in residentially zoned districts.
- 2. **Requirements.** No home-based business shall be permitted without the prior issuance of a zoning permit for the home-based business. Permits shall be granted to a designated person who resides at the residential address. If the applicant is not the owner of the property, a letter from the owner authorizing the applicant shall be submitted with the application. Permits shall not be assigned from person to person or transferred from address to address. Home-based business permits shall expire April 30 of each year and require annual review. Once granted, permits may be renewed by paying the annual renewal fee, subject to the provisions of this Section, failure to timely apply for renewal, and/or failure to pay the annual home-based business permit or inspection fee, shall be grounds for revocation of a home-based business permit.
  - a. **Exceptions.** No home-based permit shall be required for individuals operating an office out of their residence, provided that the office meets the following use limitations:
    - I. No routine attendance of patients, clients, subcontractors, or employees associated with the home-based business as part of regular conduct of the occupation.
    - II. No merchandise shall be offered for retail sale on the premises.
    - III. No merchandise shall be offered for retail sale on the premises.

3. **Annual Inspection.**
  - a. There shall be one (1) annual inspection by the Village of the premises of a home-based business.
  - b. The Village shall have the right to enter and inspect the premises of all home-based businesses.
  - c. The Village shall have the right at any time, upon reasonable request, to enter and inspect the premises of all home-based businesses for safety and compliance purposes.
  - d. Such inspection shall only be made between the hours of 8:00 am and 5:00 pm, Monday through Friday, or may be made Saturday and Sunday during those hours, if the business is conducted on those days.
  - e. The annual inspection fee for each premise where a home-based business is conducted shall be paid within ten (10) days after such billing has been mailed by the Village.
4. **Limitation.** Only one (1) Class I or Class II home-based business shall be allowed per lot.
5. **Location Allowed.** Either the principal or accessory dwelling on a subject lot may be used as a Class I or Class II home-based business.
6. **Standards.** All home-based businesses shall conform to the following standards:
  - a. Only one (1) nonresident of the premises may be employed to work at the premises.
  - b. The applicant for a Class I or Class II Permit must reside at the location of the proposed home-based business.
  - c. No signs shall be permitted, unless authorized by the sign regulations of that district.
  - d. No exterior storage of business equipment, materials, merchandise, inventory, or heavy equipment shall be permitted. However, garage storage of business equipment, merchandise, inventory, or heavy equipment shall be permitted provided it complies with all requirements of this Ordinance and the Homewood Municipal Code.
  - e. Home based businesses shall be conducted entirely indoors.
  - f. Merchandise shall not be displayed or offered for retail sale on the exterior of the residence.
  - g. Home-based businesses providing house or office cleaning service or limousine service shall be limited to dispatching only.
  - h. Home-based businesses shall comply with the environmental performance standards in Section 44-05-13.
  - i. Off-street loading and parking requirements of Section 44-05-02 and 44-05-03 must be met.
  - j. The area set aside for home-based business use shall not exceed twenty percent (20%) of the total floor area of the residence. However, child day care homes shall be required to meet all DCFS requirements, including a designated play area for the children.
  - k. Child day care homes shall submit annually a copy of their DCFS license to the Director of Economic and Community Development.
  - l. Trucks or commercial vehicles shall not operate out of the residential premises. Any truck or commercial vehicle owned by the holder of a Class I or Class II Permit, or their immediate family, and used in the business, may, if otherwise authorized to be parked at the premises overnight, be driven from the premises in the morning and be driven onto the premises in the evening, but shall not be driven back and forth from the premises during the day.
  - m. No truck or commercial vehicle, other than a class B truck or class B commercial vehicle, as defined in the Illinois Motor Vehicle Code, may be parked or stored in any residential zoning district except as permitted in Section 44-05-02.

**K. Outdoor Display / Sale of Merchandise.**

1. Only those goods and materials offered for sale by the existing on-site use may be displayed or sold.
2. Permanent outdoor display or sales areas shall not be located within any required yard setback or required parking area or loading space.
3. Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor retail sales areas shall be prohibited.
4. Permanent outdoor display or sales areas shall not exceed ten percent (10%) of the gross floor area of the principal building on the property unless approved as a special use.

**L. Outdoor Itinerant Merchants.**

1. The construction or assembly of any type of display structure, although temporary, shall be prohibited.
2. The space occupied by an outdoor itinerant merchant may be no closer than one hundred and fifty feet (150') to any permanent building.
3. Only one (1) outdoor itinerant merchant may conduct business at a location at any given time.
4. No wires, signs, pennants, banners, products, or any other marketing device may be attached by, or on behalf of, the itinerant merchant to poles or structures in public lands including rights-of-way, parkways and easements.
5. An outdoor itinerant merchant may not occupy parking spaces needed to meet the minimum parking requirements as set forth in Section 44-05-01.
6. No licensee or anyone on their behalf shall use any device that emits or produces sound plainly heard on public rights-of-way to attract attention to any goods or service that such licensee proposes to sell.
7. No licensee under this Section, nor anyone in their behalf, shall use any public street, sidewalk, or alley to sell, offer for sale, or display their goods, wares, merchandise, or service unless expressly allowed in this Section.

**M. Outdoor Seating for Restaurants.** Outdoor seating accessory to a restaurant, bar, or craft brewery shall be allowed, provided it complies with the requirements of Chapter 12, Article VII of the Homewood Municipal Code and has been issued a permit with approval from the Health Officer.

**N. Outdoor Storage, Permanent.**

1. Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.
2. Outdoor storage shall not be in the required front or exterior side yard, closer to the front or exterior side lot line than the front or exterior side facing elevation of the primary building, nor ten feet (10') from the interior side or rear lot line.
3. A solid wall constructed from materials identical to those used on the exterior of the principal building and not less than six feet (6') and not more than eight feet (8') in height or landscaping of an equivalent height that provides year-round screening shall be provided to screen those portions of permanent outdoor storage areas visible from any right-of-way, excluding alleys, and/or a property in any residential, business, or special district, as listed in Section 44-02-01.
4. No signage is permitted in conjunction with the outdoor storage.
5. Such materials shall not occupy or interfere with the use of required parking spaces or aisles.
6. Any permanent outdoor storage shall meet applicable building codes.

- O. **Portable Temporary Storage Container.** Portable temporary storage containers are allowed subject to the following conditions:
1. Only one portable temporary storage container may be located on a lot at a time.
  2. No portion of any container may extend onto the public right-of-way, including but not limited to sidewalks, parkways, streets, or alleys.
  3. The portable temporary storage container shall not exceed eight feet (8') in width, twelve feet (12') in length and eight feet (8') in height, or seven hundred sixty-eight (768) cubic feet.
  4. The portable temporary storage container must be located on an impervious surface.
  5. Placement of a portable temporary storage container shall be limited to fourteen (14) days per residential lot, per calendar year.
  6. Placement of a portable temporary storage container shall be limited to thirty (30) days per commercial, public lands/open space or manufacturing lot, per calendar year.
  7. Every portable temporary storage container must be locked and secured when not being loaded or unloaded.
  8. The permit shall be prominently displayed during the approval period.
  9. The Director of Economic and Community Development may approve containers that exceed the allowable number, size, surface, or length of time.

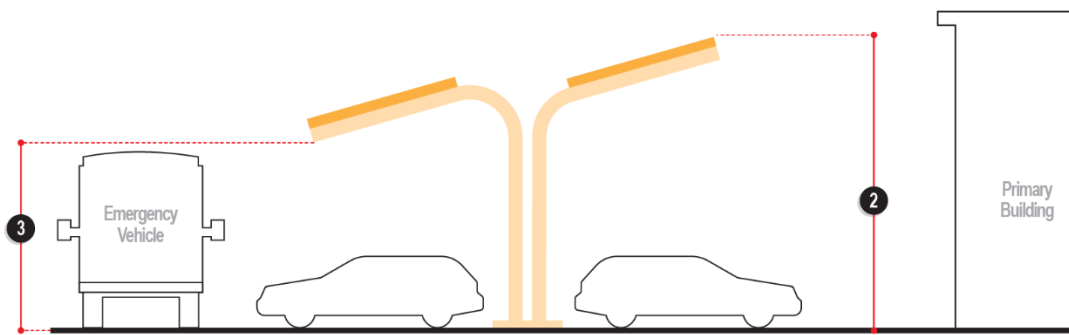
**Figure 4.5. Portable Temporary Storage Container**



**P. Solar Energy Collection System, Canopy**

1. Canopy solar energy collection systems are permitted over any parking area.
2. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves.
3. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

**Figure 4.6. Solar Energy Collection System, Canopy**

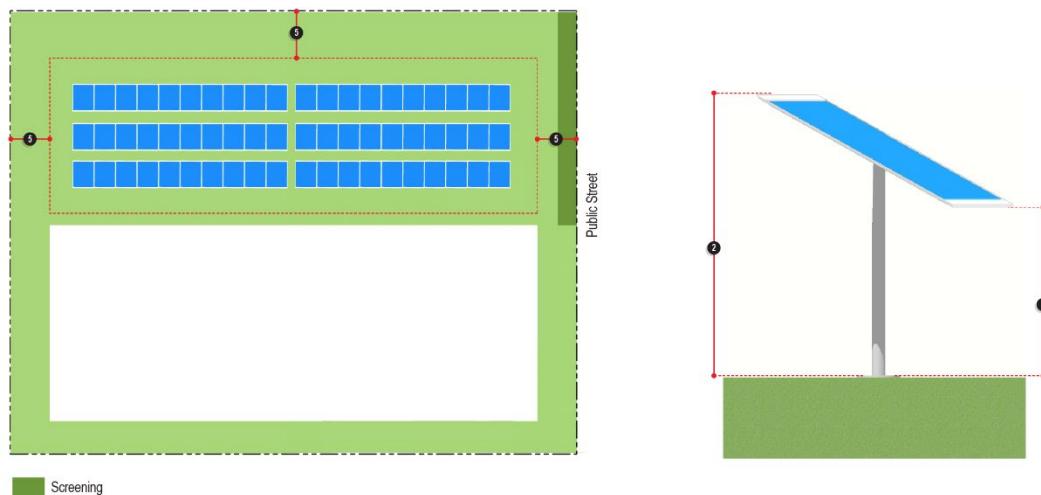




R. **Solar Energy Collection System Ground, 1-5 Acre Site**

1. Ground-mounted solar energy collection systems shall be permitted in the rear setback only.
2. The maximum height of ground-mounted solar energy collection systems shall be five feet (5') in height, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be twelve inches (12").
4. Ground-mounted solar energy collection systems shall be exempt from the impervious surface limits if the ground directly under the solar panel is plated with native plantings and groundcover.
5. All parts of the freestanding system shall be set back five feet (5') from the side and rear lot lines and shall not be located in a public utility easement.
6. Solar panels shall be screened from view from any public right of way unless otherwise approved by the Director of Economic and Community Development.
7. Information regarding the owner of the property and operator of the solar energy system shall be submitted to the Village and updated with any change in the property owners or operator.
8. **Decommissioning Required.** Any solar energy use that is not actively in use for twelve (12) consecutive months the operator shall decommission the operator shall have six (6) months to fully decommission the use, including all panels, structures, accessories, and appurtenances, shall be entirely removed from the lot.
9. **Decommissioning Plan.** Prior to receiving approval, the applicant for any solar energy use shall submit a decommissioning plan to ensure that the project is properly decommissioned, which shall include:
  - a. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
  - b. Provisions for the restoration of the natural soil and vegetation,
  - c. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

**Figure 4.8. Solar Energy Collection System, Ground, 1-5 Acres**



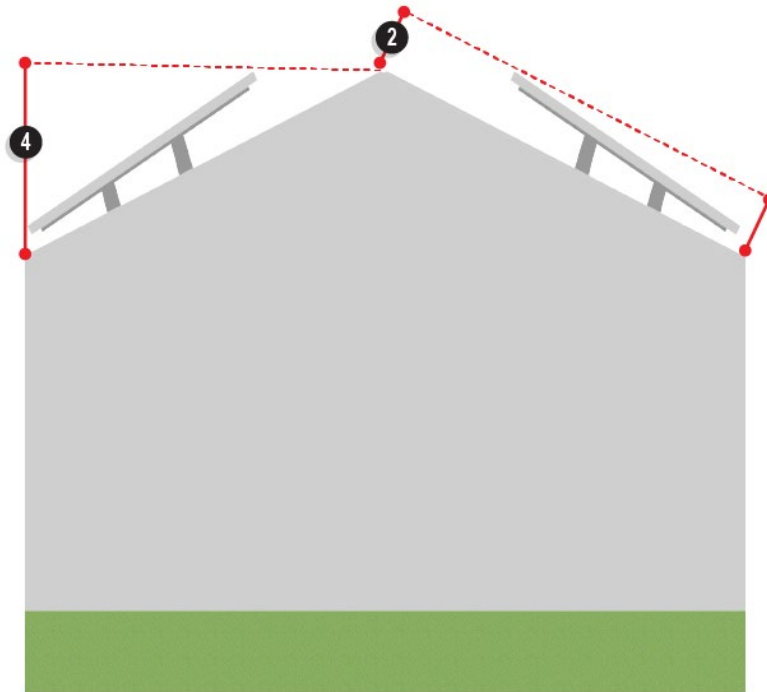


S. **Solar Energy Collection System, Roof**

1. Roof-mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
2. Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof.
3. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof.
4. Systems on all structures shall not extend above the highest peak of a pitched roof.
5. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

U. **Tents.** Unless the Village Board has granted their approval, no tent in excess of two hundred (200) square feet shall be allowed to remain for a period of more than two (2) days longer than the period with which the use it is associated is allowed to remain or, in the absence of any such restriction, ten (10) days.

**Figure 4.9. Solar Energy Collection System, Roof**



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# Article 5. Development Standards

44-05-01. General Off-Street Parking Requirements.....	1
44-05-02. Off-Street Parking Standards.....	7
44-05-03. Off-Street Loading Standards.....	12
44-05-04. Sidewalk and Walkway Standards.....	13
44-05-05. Driveway.....	14
44-05-06. Landscape Requirements.....	16
44-05-07. Tree Preservation.....	32
44-05-08. Screening.....	33
44-05-09. Fences.....	37
44-05-10. Clear Sight Triangle.....	40
44-05-11. Design Standards.....	41
44-05-12. Outdoor Lighting.....	44
44-05-13. Environmental Performance.....	45

## 44-05-01. General Off-Street Parking Requirements

- A. **General Provisions.** Off-street parking is permitted as an accessory use in all zoning districts, provided that it complies with this section. Off-street parking as a principal use is permitted only when expressly authorized by the regulations of the applicable zoning district.
1. **Reduction of Required Spaces.** Any off-street parking or loading space required in connection with buildings or structures existing on 01/10/2023 shall not be removed, except in conformance with the requirements of this chapter. Any building or structure that is erected or substantially altered after the effective date of the ordinance from which this chapter is derived shall provide off-street parking and loading spaces in accordance with this section, unless otherwise approved by the Director of Economic and Community Development as an Administrative Exception (Section 44-07-06).
  2. **Change in Land Use.** When the existing use of a building or structure is changed to a new type of use, parking and loading facilities shall be provided as required for such new type of use, unless otherwise approved by the Director of Economic and Community Development as an Administrative Exception (Section 44-07-06).
  3. **Change in Intensity of Use.** When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, or other unit of measurement, parking and loading facilities shall be provided for such density increase, unless otherwise approved by the Director of Economic and Community Development as an Administrative Exception (Section 44-07-06).
  4. **Buildings Erected Prior to 01/10/2023.**
    - a. This article shall not be construed to require the addition of any parking or loading spaces for uses in buildings or structures existing on the effective date of the ordinance.

- b. Notwithstanding Section 44-05-01(A)(3) and Section 44-05-01(A)(4), no building or structure existing on the effective date of the ordinance from which this chapter is derived shall be required to provide any additional parking spaces unless and until the aggregate increase in the required number of spaces shall be greater than fifty percent (50%) of the spaces existing on the effective date of this ordinance.
- c. Notwithstanding Section 44-05-01(A)(3) and Section 44-05-01(A)(4), no building or structure existing on the effective date of this ordinance shall be required to provide any additional loading spaces unless and until the aggregate change shall equal the full square footage for which one additional loading space is required.

**B. Computation.**

**1. Basis for Computation.**

- a. The total number of required parking and loading spaces shall be based upon the requirements for the use of the zoning lot.
- b. When more than one use occupies the same zoning lot, the number of required spaces shall be the sum of the separate requirements for each use unless otherwise approved by the Director of Economic and Community Development.
- c. When square feet are specified in Table 44-05-01(C) the area measured shall be the gross floor area of the structure(s) on the property within which the use operates.

**2. Fractional Spaces.** When determination of the number of required off-street parking or loading spaces results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be dropped, while a fraction in excess of one-half shall be counted as one (1) parking space.

**C. Required Parking and Maximum Established.** All uses shall provide at least the minimum number of off-street parking spaces as detailed in Table 44-05-01(C). No use shall exceed the minimum number of off-street parking spaces required by more than twenty-five percent (25%) unless otherwise approved by the Director of Economic and Community Development.

Table 44-05-01(C): Minimum Parking Requirements	
Use	Minimum Parking Requirement
<i>Residential Uses</i>	
Dwelling, Duplex	1.5 / dwelling unit
Dwelling, Multiple Family, all units	
Dwelling, Multiple Family, above ground floor	
Dwelling, Townhouse	
Dwelling, Single Family Detached	2 / dwelling unit
Group Homes, any capacity	
Manufactured Home Park	1.5 / dwelling unit
Senior Housing, Dependent	0.5 / dwelling unit
Senior Housing, Independent	1 / dwelling unit
<i>Place of Assembly Uses</i>	
Indoor Commercial Place of Assembly	
<i>Less than 5,000 sqft</i>	1 / 300 sq ft
<i>5,000 sqft or more</i>	
Outdoor Commercial Place of Assembly	
Indoor Non-Commercial Place of Assembly	
<i>Less than 5,000 sqft</i>	1 / 300 sq ft

Table 44-05-01(C): Minimum Parking Requirements	
Use	Minimum Parking Requirement
<i>5,000 sqft or more</i>	
Outdoor Non-Commercial Place of Assembly	
<i>Retail and Mixed-Commercial Uses</i>	
Firearms Retailer	1 / 250 sq ft
Multitenant Shopping Center	
<i>Less than 5,000 sqft</i>	1 / 250 sq ft
<i>5,000 sqft or more</i>	1 / 300 sq ft
Retail	
<i>Less than 5,000 sqft</i>	1 / 200 sq ft
<i>5,000 sqft or more</i>	1 / 250 sq ft
<i>Service and Office Uses</i>	
Adult Day Care	1 / 300 sq ft
Child Care Center	
Coworking Space	
Financial Institution	
Hospital	1 / 200 sq ft
Laundry, Self Service	1 / 300 sq ft
Massage Therapy	1 / 250 sq ft
Medical Office	
<i>Less than 2,500 sqft</i>	1 / 200 sq ft
<i>2,500 sqft or more</i>	1 / 250 sq ft
<i>Above ground floor</i>	
Personal Service	
<i>Less than 2,500 sqft</i>	1 / 200 sq ft
<i>2,500 sqft or more</i>	1 / 250 sq ft
<i>Above ground floor</i>	1 / 200 sq ft
Professional Office	
<i>Less than 2,500 sqft</i>	1 / 250 sq ft
<i>2,500 sqft or more</i>	1 / 300 sq ft
<i>Above ground floor</i>	1 / 250 sq ft
Salon and Spa Establishments	1 / 200 sq ft
Tattoo Studio / Body Piercing Facility	1 / 250 sq ft
Veterinary Clinic	1 / 300 sq ft
<i>Eating and Drinking Uses</i>	
Carry-Out Facility	1 / 200 sq ft
Craft Brewery	
Restaurant / Bar	
<i>Lodging Uses</i>	
Bed and Breakfast	1.5 / guest room
Hotel	
Motel	

Table 44-05-01(C): Minimum Parking Requirements	
Use	Minimum Parking Requirement
<i>Vehicle Related Uses</i>	
Autobody Repair	1 / stall
Car Wash	
Fuel Sales	
Motor Vehicle Sales	1 / 300 sq ft
Motor Vehicle Service	1 / stall
Motor Vehicle Rental	1 / 300 sq ft
<i>Industrial Uses</i>	
Artisan Manufacturing, Assembly, Fabrication	1 / 500 sq ft of office or sales area + 1 / 1,000 sq ft of other floor area
Building Material, Machinery, and Equipment Sales or Storage	
Contractor Shop	
Commercial Kitchen	
Crematorium	
Dry Cleaner, Processing On Site	
Greenhouse, Wholesale	
Laundry, Commercial	
Light Manufacturing, Assembly, Fabrication	
Materials Salvage Yard / Recycling Operations	
Mining and Aggregate Extraction	
Printing and Publishing	
Research and Development	
Self Storage	
Warehouse, Distribution	
Utility Uses	
<i>Cannabis and Adult Related Uses</i>	
Adult Uses	1 / 250 sq ft
Cannabis Dispensing Organization	
Cannabis Infuser Organization	1 / 1,000 sq ft
Medical Cannabis Cultivation Center	
<i>Transportation Uses</i>	
Transportation Station / Terminal	1 / 300 sq ft
<i>Accessory Uses</i>	
Accessory Dwelling, Detached / Attached	1 / dwelling unit
Accessory Dwelling, Internal	
Accessory Retail / Restaurant	1 / 250 sq ft

**D. Limitations on Parking Spaces.**

1. **General Provisions.** All off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such use. No vehicle shall be used for living, sleeping, or housekeeping purposes. No vehicle shall be parked or stored that creates a dangerous or unsafe condition.
2. **Prohibited Uses.**
  - a. No motor vehicle repair work of any kind shall be permitted in any parking space, parking lot, or loading space. The repair, maintenance, detailing or storage of motor vehicles conducted as a business or commercial activity is prohibited in all residential districts.
  - b. Required off-street parking spaces shall not be used for the storage of materials, goods, or vehicles. Temporary uses may be permitted in compliance with this ordinance.
3. **Trucks and Limousines.** No trucks, limousines, or commercial vehicles may be parked or store in any residential zoning district, except a Class B vehicle as defined by the state motor vehicle code, in compliance with the following:
  - i. Vehicles shall display current state license plates and current village vehicle stickers.
  - ii. Vehicles shall be temporarily parked in residential zoning districts for loading and unloading purposes not to exceed one (1) hour.
  - iii. Vehicles shall be parked or stored on an approved hard surface within the rear yard or within a space that is enclosed on all sides and not open to the sky.
  - iv. Vehicles shall be maintained in a mobile condition and no repair shall be performed in any residential zoning district.
4. **Recreational Vehicles.**
  - a. **General Provisions.** In a residential zoning district, no more than two (2) recreational vehicles (as defined in Section 44-09-18(A)) may be parked or stored on any lot, and no recreational vehicle shall be parked or stored unless that vehicle complies with the following requirements:
    - i. The vehicle shall be owned by a village resident.
    - ii. The vehicle shall display a current state license plate or current village vehicle sticker, if required by state law or local ordinance.
    - iii. The vehicle shall not exceed forty feet (40') in length.
    - iv. The vehicle shall be parked or stored at the residence of the vehicle owner on a driveway or parking pad as detailed in Section 44-05-05.
    - v. The vehicle shall be maintained in good and operable condition and shall not be used for living, sleeping, or general housekeeping.
    - vi. Notwithstanding the above, a recreational vehicle may be parked or stored within a space that is enclosed on all sides and not open to the sky.
  - b. **Seasonal Exceptions.**
    - i. From April 1 to October 31, residents shall be permitted to park recreational vehicles provided the requirements of Section 44-05-01(D)(4)(a) are met and parking in the front yard is otherwise in accordance with Section 44-05-02 of this chapter.

- ii. From November 1 to March 31 of the following year, recreational vehicles shall not be parked or stored in a front yard. The village manager may waive this prohibition on a case-by-case basis by issuance of a written waiver. Waivers shall be effective for a maximum five- month period and shall only be granted provided both of the following conditions are met:
  - a) The subject vehicle complies with Section 44-05-01(D)(4)(a); and
  - b) The lot in question has no vehicular access to the rear or side yard.
- c. **Non-Resident Exception.** Non-residents whose vehicles otherwise meet the requirements of Section 44-05-01(D)(4)(a) and Section 44-05-01(D)(4)(b) may, with permission of the property owner, park a recreational vehicle on a residential lot for no more than fourteen (14) days per calendar year.

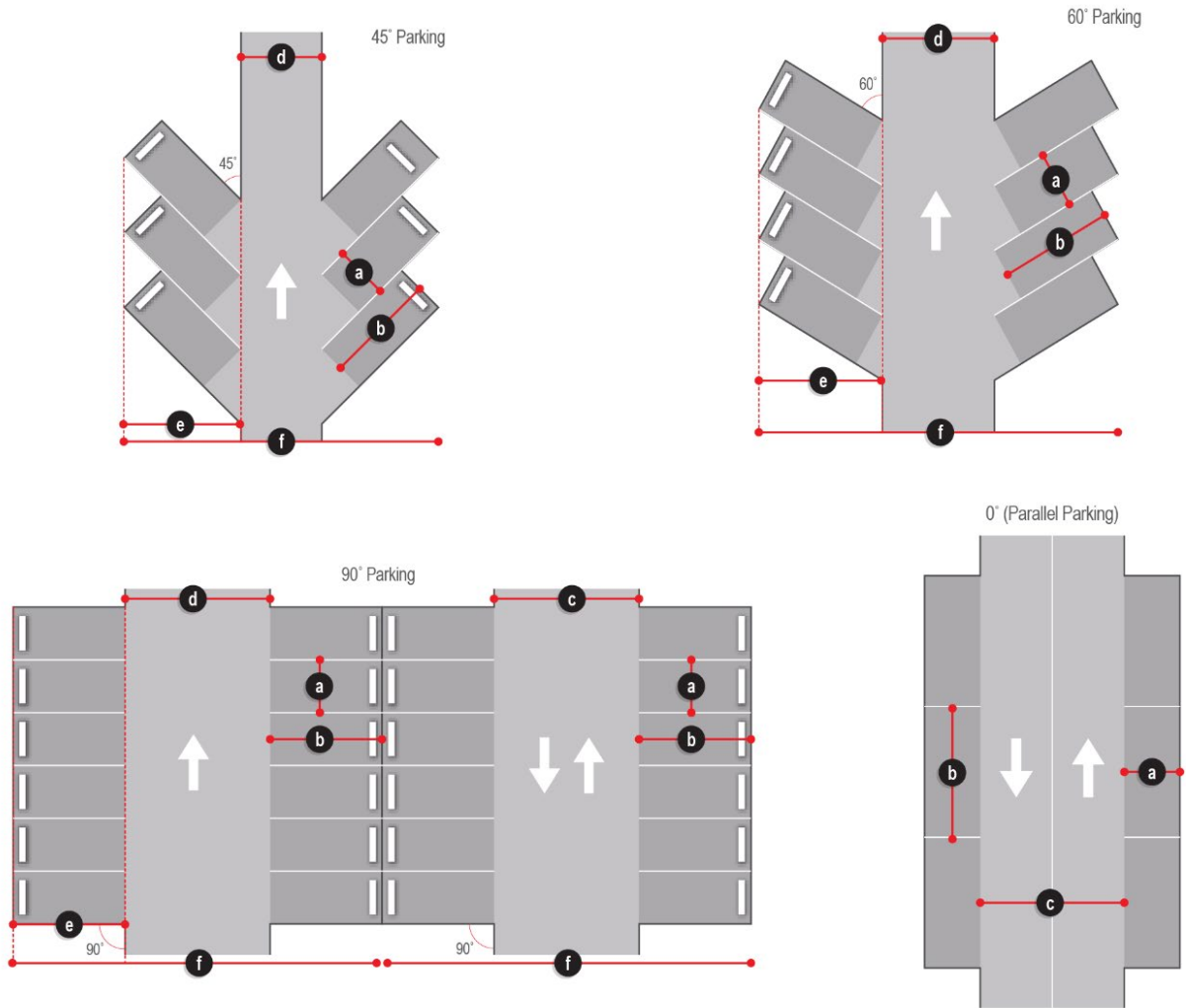


## 44-05-02. Off-Street Parking Standards

- A. **Applicability.** The regulations of this section shall apply to multi-family residential, mixed-use, and all non-residential uses. Single family residences, duplexes, and townhomes shall comply with the requirements for Driveways Section 44-05-05.
- B. **Dimensions.** Required off-street parking spaces shall have vertical clearance of at least seven feet (7'). The dimensions of parking spaces and aisles shall be as shown in Table 44-05-02(B).

Table 44-05-02(B): Standard Parking Stall and Aisle Dimensional Requirements						
Parking Angle (Degrees)	(a)	(b)	(c)	(d)	(e)	(f)
	Space Width	Space Length	Aisle Width (2-Way)	Aisle Width (1-Way)	Space Length Perpendicular to Aisle	Full Bay Width
0	9'	21'	20'	12'	N/A	N/A
45	9'	18'	N/A	14'	16'	46'
60	9'	18'	N/A	16'	17'	50'
90	9'	18'	24'	20'	18'	60'

Figure 5.1. Standard Parking Stall and Aisle Dimensional Requirements



- C. **Curb Cut Width.** The width of the curb cut at the property line shall be a minimum ten feet (10') and a maximum twenty-five feet (25'), unless otherwise approved by the Village Engineer.
- D. **Materials.** All off-street parking areas and driveways shall be improved with a hard surface pavement as specified in the current edition of the Illinois Department of Transportation Design Manual or alternate approved by the Village Engineer. Striping of the surface to define each parking space shall be provided and visible at all times.
- E. **Parking Access.**
1. A fire lane of not less than twenty feet (20') in width shall be provided where required by the fire department.
  2. All required off-street parking facilities shall have vehicular access from a street, alley, or driveway, containing all-weather, hard-surfaced pavement.
  3. All off-street parking facilities shall be provided with appropriate means of vehicular access in a manner that least interferes with traffic movements and allows the driver of the vehicle to proceed forward into traffic rather than back out.
  4. Whenever applicable, access to the off-street parking area shall be obtained from an alley or corner side street.
  5. No curb cut for entrance or exit to a property shall be allowed within feet (20') from an intersection, measured from and along the curb.
  6. No more than one access point for a property shall be allowed on each street where the property is at the corner or intersection of two (2) streets.
  7. No lot can have multiple driveways for purposes of vehicular ingress and egress without a minimum of one-hundred-fifty feet (150') of separation between such curb cuts along the same street frontage.
  8. 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 the parking spaces.
  9. The location and route of access to such a parking area shall be identified and the route shall not transverse any other parking spaces.
- F. **Drainage.** All parking and loading areas shall be graded and drained to dispose of surface water accumulation by means of an approved stormwater drainage system. Runoff from parking lots shall be detained on-site in accordance with the Watershed Management Ordinance of the Metropolitan Water Reclamation District of Greater Chicago and Chapter 16 of the Homewood Municipal Code.
- G. **Lighting.** Parking areas of more than ten (10) spaces shall be illuminated. Illumination of off-street parking areas shall be in accordance with Section 44-05-12.
- H. **Slope.** Off-street parking and associated entrances and exits shall have a maximum eight percent (8%) slope. Access ramps and parking within parking decks shall comply with the regulations of the Building Code.
- I. **Maintenance.** Except in the M-1 and M-2 districts, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 p.m. and 6:00 a.m. each day, except for the removal of snow.
- J. **Location of Spaces.**
1. Off-street parking spaces may be provided in surface lots, below grade, beneath a building and, in those zoning districts where specifically allowed, in parking structures.
  2. Off-street parking spaces may be located in the rear or interior side yard.

3. Parking spaces required per Section 44-05-01(C) shall be located on the same lot as the use served except for uses in the B-1 District established after the effective date of the ordinance, 01/10/2022, or unless otherwise approved by the Director of Economic and Community Development.
4. **Parking in the B-1 Downtown Core and B-2 Downtown Transition Districts.**
  - a. Within the B-1 Downtown Core and B-2 Downtown Transition Districts, uses in existence on the effective date of the ordinance, 01/10/2022, which are subsequently altered or enlarged, and all new uses may be served by parking facilities located on land other than the lot on which the use is located.
  - b. Such facilities shall be located within three-hundred feet (300') and shall be approved by the Director of Economic and Community Development, who shall consider safety standards and sound traffic design in making their decision.
  - c. In cases where parking facilities are permitted on land other than the lot on which the use is located, such facilities shall be located on property controlled by the same party who owns the lot on which the use to be served is located. Such control may be by deed or by long-term lease.
    - i. Such deed or lease shall be filed with the Director of Economic and Community Development and recorded with the office of the recorder of deeds by the village at the developer's expense.
    - ii. The deed or lease shall require the owner or his heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner, and to notify the village if terms of the lease change.
    - iii. If the deed or lease terminates prior to the use served, the deed or lease shall not be released until the required off-street parking spaces are provided on the same lot as the use served or until another lot meeting all the requirements of this section is used to provide the required parking or until the village board grants a variance.

**K. Shared Parking.**

1. **Intent and Purpose.** Shared parking allowed in this subsection is encouraged a means of conserving land resources, reducing stormwater runoff, reducing the heat island effect caused by large, paved areas, and improving community appearance.
2. **Location.** All shared off-street parking allowed under this subsection shall be located within five-hundred feet (500') of each individual use to be served unless otherwise approved by the Director of Economic and Community Development.
3. **Standards.** Off-street parking and loading facilities may be reduced by twenty-five percent (25%) of the quantity required in Table 44-05-01(C) between a daytime uses and an evening or weekend use which have different peak hours of parking need. For the purposes of this Section, daytime and evening or weekend uses shall be as determined in Table 44-05-02(J)(3). A petitioner may also request a reduction for any two (2) daytime or any two (2) evening or weekend uses when the hours of peak parking do not overlap as determined by the Director of Economic and Community Development.

Table 44-05-02(K)(3) Shared Parking Uses	
Daytime Uses	Evening or Weekend Uses
Service or Office Uses	Commercial Place of Assembly Uses
Retail Uses	Eating and Drinking Uses
Non-Commercial Place of Assembly Uses	Lodging Uses
Industrial Uses	Other primarily evening or weekend uses, as demonstrated by petitioner and deemed appropriate by the Director of Economic and Community Development.
Other primarily daytime uses, as demonstrated by petitioner and deemed appropriate by the Director of Economic and Community Development.	--

4. **Requirements.** The petitioner shall provide sufficient data to indicate that there is not a substantial conflict in the principal hours of operation of the uses.

L. **Accessible Parking.** In all off-street parking facilities accessible parking spaces shall be provided. The number of accessible parking spaces shall be counted toward the total number of required parking spaces. The quantity, location, design, and markings shall be in accordance with the requirements of the latest edition of the Illinois Accessibility Code and Americans With Disabilities Act as amended.

**M. Electric Vehicle Ready Charging Stations.**

1. **Applicability.** All new off-street parking lots containing forty (40) or more parking spaces and any existing off-street parking area where the expansion would result in forty (40) or more parking spaces shall provide Electric-Vehicle Ready (EV-ready) parking spaces in accordance with the quantity required in Subsection (2).
2. **Quantity Required.**
  - a. All off-street parking for non-residential uses shall provide five percent (5%) of off-street parking spaces as EV-ready parking spaces.
  - b. All off-street parking for multi-family residential and mixed use shall provide ten percent (10%) of off-street parking spaces as EV-ready parking spaces.

N. **Design Requirements.** All EV-ready parking spaces required by this Section shall comply with applicable regulations of Section 44-04-14(N).

O. **Off-Street Bicycle Parking.**

1. **Applicability.** All uses requiring site plan review as specified in Section 44-07-09 shall provide off-street bicycle parking in accordance with this Section, except:

- a. Vehicle-related uses as defined in this Ordinance.
- b. Uses in the B-1 District.

2. **Quantity.**

- a. Unless otherwise specified herein, the number of required bicycle parking spaces shall be one (1) space for every twenty (20) off-street parking spaces required, up to a maximum number of off-street bicycle parking spaces as deemed appropriate by the Director of Economic and Community Development.
- b. When the required quantity of bicycle parking is two (2) spaces or less, the use shall provide a minimum of two (2) spaces in a bicycle parking area.

3. **Location.**

- a. Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
- b. Bicycle parking spaces shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from where bicyclists approach.
- c. The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
- d. Bicycle parking shall be sited within fifty feet (50') feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
- e. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.

4. **Design Criteria.**

- a. Bicycle racks shall be securely anchored to the ground.
- b. Bicycle racks shall support the bicycle in at least two places, preventing it from tipping over, and shall provide multiple points of locking to secure both the frame and one or both wheels.
- c. Bicycle racks shall accommodate a variety of bicycle types and sizes. The inverted-U or post and ring styles are preferred.

5. **Dimensional Standards.**

- a. All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials or the Association of Pedestrian and Bicycle Professionals.
- b. Each bicycle parking space shall be a minimum of six feet (6') in length.
- c. Bicycle racks shall be located at least three feet (3') feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
- d. A minimum vertical clearance of seven feet (7') shall be maintained above all bicycle parking facilities.

## 44-05-03. Off-Street Loading Standards

### A. Required Spaces.

1. Any building or structure, which is erected or substantially altered after the effective date of the ordinance, and which requires the receipt or distribution of materials or merchandise by trucks or other similar vehicles, shall provide at least one (1) loading space.
2. Any loading operation shall not create traffic congestion or traffic hazards on the public streets. Space allocated for an off-street loading space shall not be used to satisfy the space requirements for any off-street parking facilities. All required off-street loading spaces shall be completed before occupancy of the building or structure.

### B. Dimensions. A required off-street loading space shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least fourteen feet (14').

### C. Materials. All open off-street loading spaces shall be surfaced with a durable, hard surfaced pavement as specified in the current edition of the Illinois Department of Transportation Design Manual or alternate approved by the Village Engineer.

### D. Access.

1. Each required off-street loading spaces shall be designed with appropriate means of vehicular access to a street or alley in a manner to minimize interference with traffic movements.
2. No curb cut to access a loading spaces shall be allowed within twenty feet (20') from an intersection, measured from and along the curb.
3. No curb cut across public property that serves an off-street loading space shall exceed twenty-four feet (24') in width.

### E. Location.

1. Loading spaces may be located in any interior side, exterior side, or rear yard or within the confines of a building.
2. All required loading spaces shall be located on the same lot as the use to be served and no portion of any vehicle shall, while occupying any loading space, project into a street or alley.
3. In the M-1 and M-2 districts, loading spaces for vehicles of more than two-ton capacity shall be located a minimum one-hundred feet (100') from any residence district.
4. Uses which require off-street loading facilities, but which are located in buildings or structures of less floor area than is specified for such use, shall be provided with receiving facilities, accessible by motor vehicles, off any adjacent alley, service drive, or open space on the same zoning lot.

### F. Maneuvering Space. Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make a backing movement onto any public street.

## 44-05-04. Sidewalk and Walkway Standards

### A. Requirements.

1. Sidewalks and walkways shall be provided on-site to ensure the safety of pedestrians, bicyclists, and motorists throughout the site and to connect off-street parking to the on-site destination and public sidewalks.
2. The on-site walkways shall connect all buildings on the site to one another and provide connections to required parking spaces.
3. The on-site walkways shall connect building entrances to adjacent public sidewalks along direct routes of travel.
4. Where public sidewalks do not exist they shall be provided along each frontage to connect to adjacent properties. New sidewalks shall connect to existing sidewalks or walkways on adjacent properties, or to the likely future location of walkways on those properties. The Director of Economic and Community Development may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.
5. Where driveways, parking, and loading entrance and exits cross pedestrian walkways, the pedestrian walkway shall be designed with minimal disruptions to safe, continuous pedestrian connectivity.
6. In parking lots with an interior parking lot median, pedestrian walkways shall be collocated with the median, unless otherwise approved by the Director of Economic and Community Development.
7. On-site walkways shall connect a shared parking area allowed under Section 44-05-02(K) with each use to be served.

B. **Materials.** All sidewalks and walkways shall be surfaced with a durable, hard surfaced pavement.

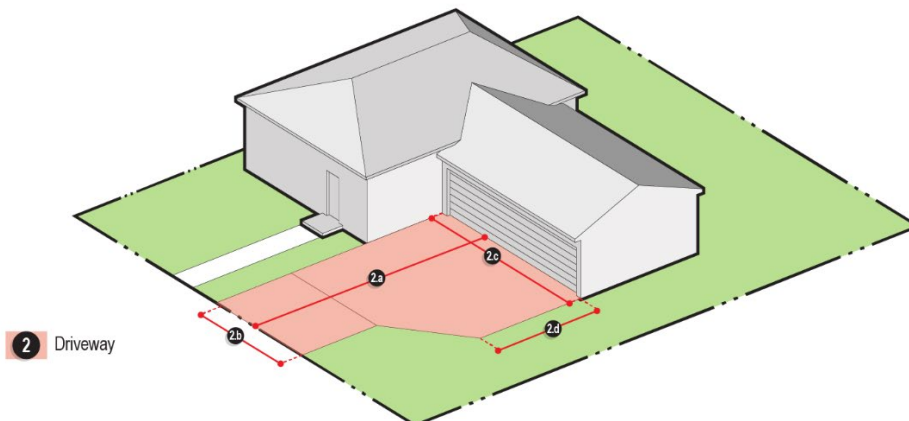
### C. Design Criteria.

1. All sidewalks and walkways shall comply with Illinois Accessibility Code and ADA standards.
2. All sidewalks or walkways shall be a minimum five feet (5') in width, unless otherwise approved by the Director of Economic and Community Development.

## 44-05-05. Driveway

- A. **Applicability.** A driveway shall be considered the private access to parking and/or a garage for single family detached, duplex, and townhomes. All other uses shall follow the ingress/egress requirements for off-street parking.
- B. **Location.** Off-street parking shall be provided on the same lot as the dwelling(s) served.
- C. **Materials.** All driveways and parking pads shall be constructed of durable, hard surface materials suitable for the northeast Illinois climate, such as asphalt, concrete, paving units, or similar materials approved by the Village Engineer.
- D. **Driveway Standards.** All driveways, providing access from the right-of-way to legal off-street parking, shall be provided in conformance with the following criteria.
1. **Quantity.** A maximum of one driveway is permitted per principal dwelling.
  2. **Dimensions.**
    - a. **Length.** All driveways shall be a minimum length of twenty-five feet (25'), unless otherwise approved by the Director of Economic and Community Development.
    - b. **Width at Property Line.** All driveways as measured at the property line shall be a minimum width of eight (8) and a maximum width of twenty-four feet (24').
    - c. **Maximum Width.** Driveways as measured at the face of garage, is allowed a width of the garage doors plus three (3) on either side of the garage door
    - d. **Taper Required.** Driveways shall extend no more than sixteen feet (16') from the face of garage before tapering to the maximum width allowed at the property line. When a parking pad is provided, the driveway may exceed this maximum width, in compliance with the requirements of Section 44-05-05(E).
    - e. **Ribbon Driveways.** Overall dimensions of ribbon driveways shall comply with the governing dimensions of Section 44-05-05 and the following criteria.
      - i. The width of each ribbon shall be a minimum of two feet (2') and maximum of three feet (3').
      - ii. Ribbons shall be a minimum of three feet (3') between the two ribbons. The space between the ribbons shall be planted in turf grass or other ground cover plant material.
    - f. **Slope.** Driveways shall be a maximum eight percent (8%) slope, unless otherwise approved by the Village Engineer.

**Figure 5.2. Driveway Standards**

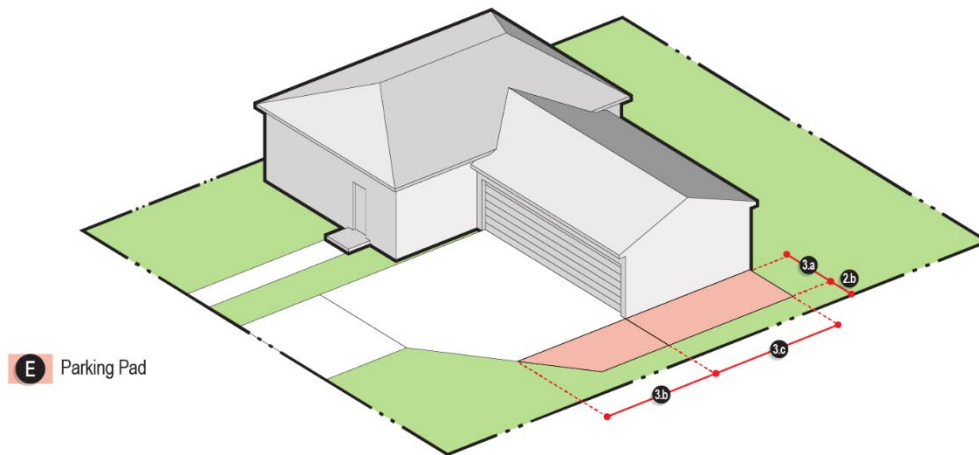




**E. Parking Pad Standards.**

1. **Quantity.** A limit of one parking pad is allowed for a single family detached, duplex, or townhouse dwelling.
2. **Location.**
  - a. A parking pad may be located in a front, interior side, or exterior side yard.
  - b. The parking pad shall be set back a minimum of three feet (3') from any interior side property line.
  - c. A parking pad may be located adjacent to the driveway and in front of the garage or adjacent to the garage.
3. **Dimensions.**
  - a. A parking pad shall be a maximum of ten feet (10') wide.
  - b. Any portion of the parking pad adjacent to the driveway shall have a maximum length of twenty feet (20'), as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.
  - c. Any portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.

**Figure 5.3. Parking Pad Standards**

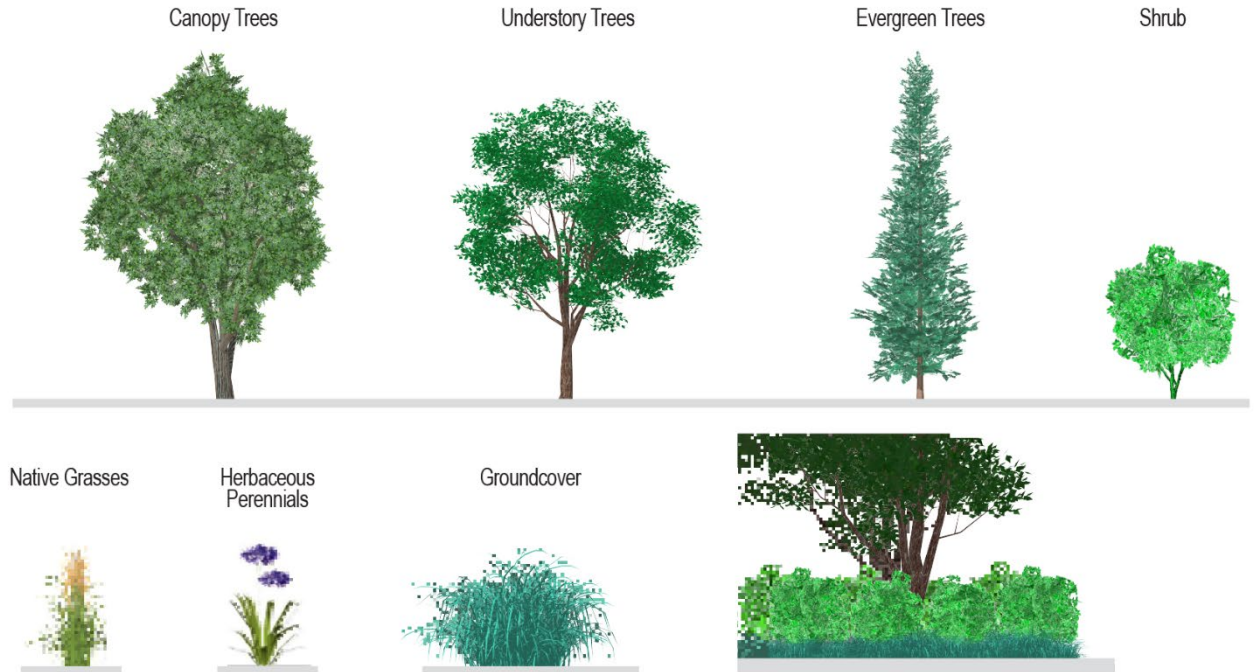


## 44-05-06. Landscape Requirements

- A. **Applicability.** Landscape improvements required by this Section shall apply to all multifamily, mixed use, and nonresidential development and consist of living plants in a combination of trees, shrubs, native grasses and/or groundcover.
- B. **Specification and Planting Standards.**
1. Unless otherwise stated in this Section, all size specifications for plant materials shall be based upon the time of planting. Landscape plans shall show plants at two-thirds mature growth.
  2. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured twelve (12) inches from the ground.
  3. When measuring the diameter of existing trees, the measurement shall be taken four- and one-half feet (4.5') from the ground.
  4. No plants identified as an invasive species by the Illinois Department of Natural Resources Invasive Species List as published shall be allowed.
  5. Unless otherwise stated per landscape zone requirements, a minimum of seventy-five percent (75%) of each planting bed shall be covered in plant material with ground cover or organic mulch three inches (3") deep to cover all remaining area.
  6. **Plant Species Diversity Requirements.** All developments shall comply with the following plant species diversity requirements, unless otherwise approved by the Director of Economic and Community Development in conjunction with approval of vegetated stormwater management areas.
    - a. For parcels less than one-half (0.5) acre, a minimum of fifty percent (50%) of the plant material shall be drought tolerant native species.
    - b. For parcels greater than one-half (0.5) acre and less than five (5) acres, a minimum of sixty percent (60%) of the plant material on a parcel shall be drought tolerant native species. Total plant material, excluding turf and other groundcover, shall not be comprised of more than thirty percent (30%) of any single species or fifty percent (50%) percent of any genus.
    - c. For parcels greater than five (5) acres, a minimum of seventy-five percent (75%) of the plant material on a parcel that shall be drought tolerant native species. Total landscape elements, excluding turf and other groundcover, shall not be comprised of more than twenty percent (20%) of any single species or twenty-five percent (25%) of any genus.
- C. **Planting Type and Size Requirements.**
1. **Canopy Trees.** A woody plant (deciduous or evergreen) having not less than a two and one-half (2.5) inch caliper with single central axis which typically reaches a minimum forty feet (40') mature height and a minimum fifteen feet (15') mature spread.
  2. **Understory Trees.** A woody plant having minimum one and one-half (1.5") inch caliper, or six (6) feet tall for multiple stem species, that normally attains a minimum fifteen feet (15') mature height.
  3. **Evergreen Trees.** A tree having foliage that persists and remains green throughout the year and has a minimum six (6) feet height at installation and maturing to a minimum twenty feet (20') height.
  4. **Shrub.** A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and a minimum two feet (2') height.

5. **Native Grasses.** Grasses that are native or adapted to the State of Illinois, not including noxious weeds.
6. **Herbaceous Perennials.** Plants with non-woody stems whose above-ground growth largely or totally dies back during winter months but whose underground plant parts (roots, bulbs, etc.) survive.
7. **Groundcover.** Herbaceous plants or prostrate shrubs normally reaching an average maximum height of eighteen (18) inches at maturity, not including turf grass.

**Figure 5.4. Planting Types**

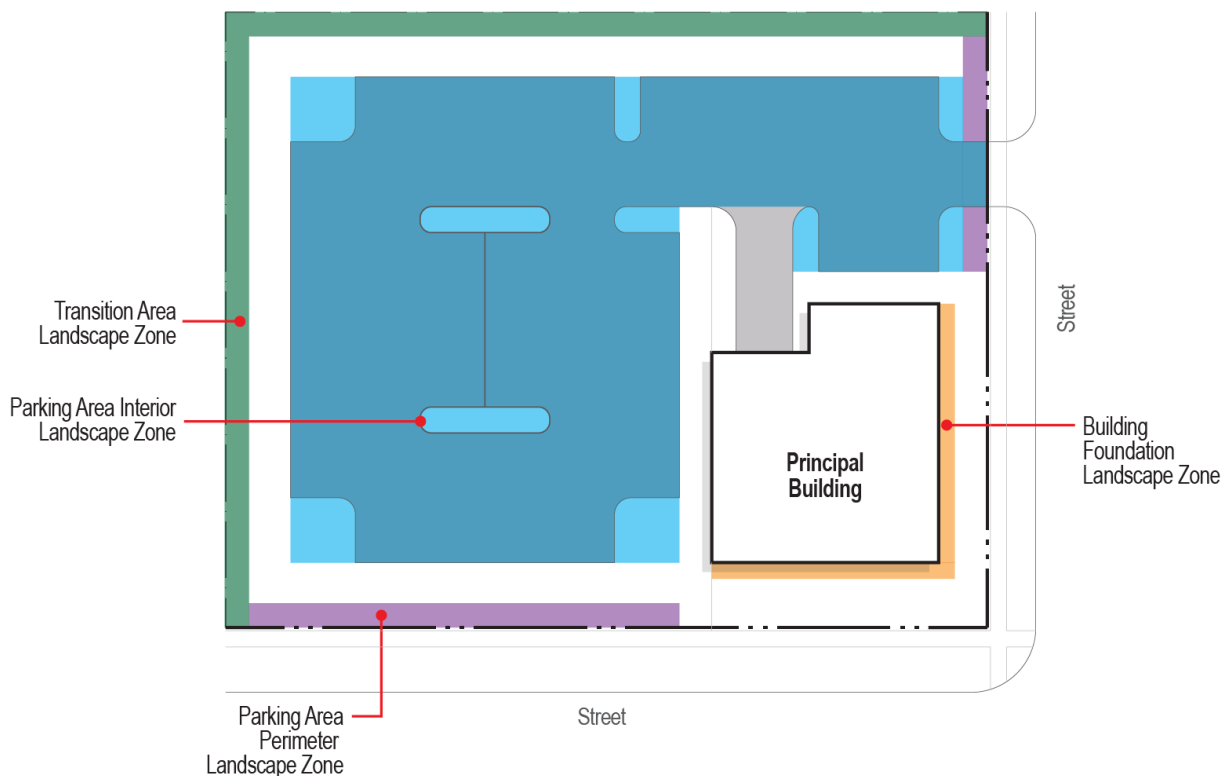


Graphics not to scale

**D. Required Landscape Zones.**

1. Figure 5.5 illustrates the location of the required landscape zones as detailed in the following sections. The requirements of each landscape zone are cumulative and the same plants shall not be counted towards meeting more than one requirement, unless approved by the Director of Economic and Community Development.
2. In the M-1 District or M-2 Districts, the Director of Economic and Community Development may approve up to a twenty-five percent (25%) reduction in the overall required amount of landscape material for areas not visible from properties in commercial or residential districts or from major thoroughfares.
3. Where it is deemed impractical to provide the required number of trees cash-in-lieu may be provided for trees not accommodated on the site as established in the Village fee schedule. The Director of Economic and Community Development shall determine and approve situations in which the tree requirements are impractical.
4. Stormwater green infrastructure is encouraged in lieu of traditional plantings for any of the required landscape zones. Creative and alternative application of the landscaping requirements may be considered when including performance landscapes.
5. The Director of Economic and Community Development may approve a landscape plan that does not meet all the minimum plant quantity requirements of this section, but is demonstrably superior to what could be achieved using the minimum standards herein and is consistent with the intent of the section.

**Figure 5.5. Required Landscape Zones**



E. **Building Foundation Landscape Zone.** The objective of building foundation landscaping is to soften the base of the building, add visual interest, and integrate the building with the site.

1. **Applicability.**

- a. All new construction and additions or alterations subject to Site Plan Review per Section 44-07-09 shall provide the required building foundation landscaping.
- b. When expanding or altering an existing building, the building foundation landscaping shall be required only for the area of building foundation within the proposed scope of work.
- c. Food processing facilities regulated by the FDA are exempt from providing foundation landscaping and shall provide an approved alternative.
- d. Buildings that have no required front yard setback shall provide an approved alternative.

2. **Location.** Provide building foundation landscaping at front and exterior side yards with a minimum 7' width.

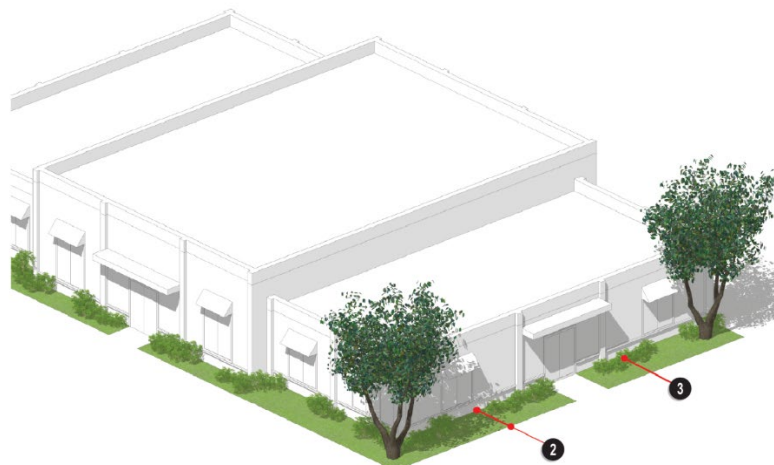
3. **Requirements.**

- a. Foundation plantings shall be installed across eighty percent (80%) of the length of the building façade unless the design and location of plantings is otherwise approved by the Director of Economic and Community Development.
- b. Foundation plantings shall be designed to enhance architectural features and visually soften long expanses of walls.
- c. Foundation plantings may include trees, shrubs, native grasses, and groundcover. Trees and shrubs may shade or screen but shall not obstruct windows.

4. **Alternatives.**

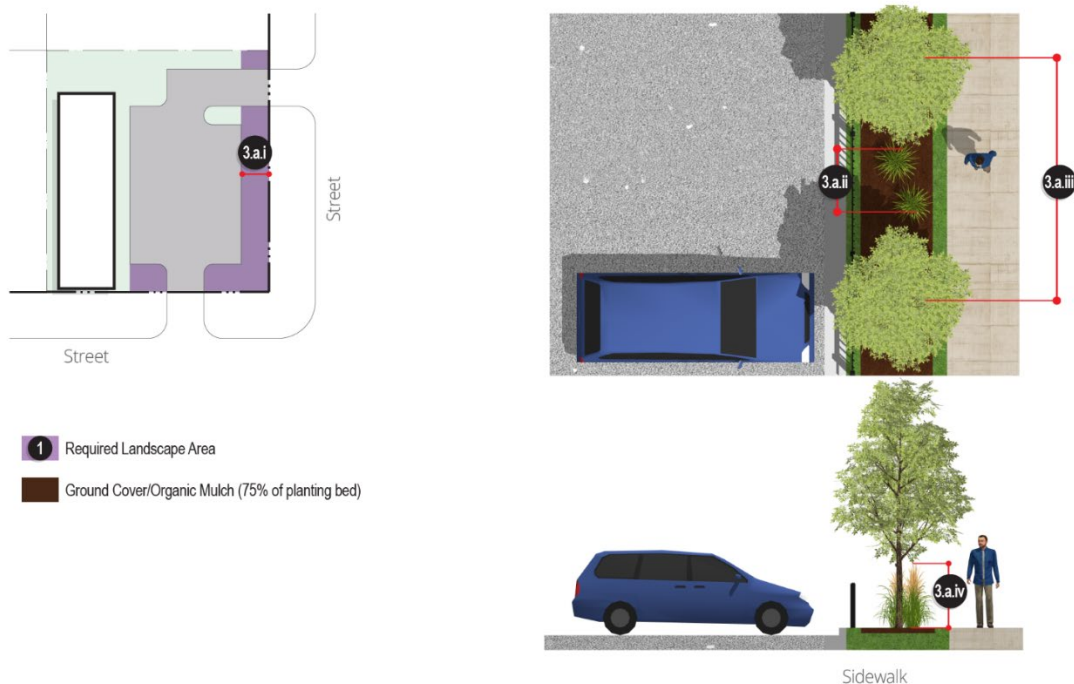
- a. Stormwater detention planters located away from the face of the building may be used in lieu of foundation plantings. Design and plant selection shall be reviewed for performance as stormwater green infrastructure.
5. Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, provide canopy trees in lieu of foundation landscaping at a quantity of one (1) tree per fifty linear feet (50') of building façade. The canopy trees shall be planted in tree pits with grates, providing a minimum structural soil six hundred (600) cubic feet of structural soil per tree pit.

**Figure 5.6. Building Foundation Landscape Zone**



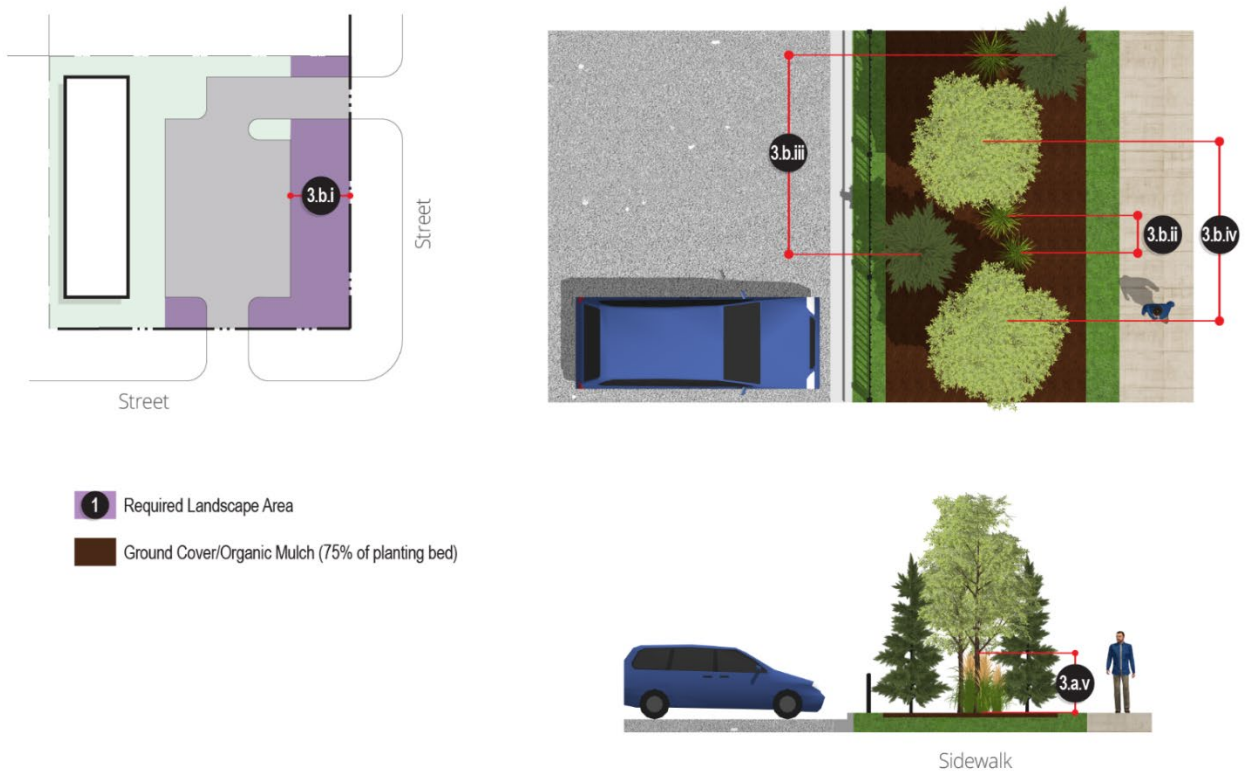
- F. **Parking Area Perimeter Landscape Zone.** The objective of parking area perimeter landscaping is to provide screening between off-street parking areas and rights-of-way, and to facilitate the integration of stormwater management with required landscaping.
1. **Applicability.**
    - a. All new off-street parking areas shall provide perimeter landscaping.
    - b. When expanding any existing off-street parking area, provide the perimeter screening for the expanded area at a minimum.
  2. **Location.** Provide parking area perimeter landscaping for all off-street parking areas abutting a public or private right-of-way, excluding alleys.
  3. **Requirements For Lots Fronting Halsted Street.**
    - a. **Principal Building Set Back Thirty Feet (30') or Less From Back of Curb.**
      - i. Parking area perimeter landscaping shall be a minimum seven feet (7') wide as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
      - ii. For every three feet (3') of landscape area length, provide a minimum of one shrub or native grass.
      - iii. For every twenty-five feet (25') feet of landscape area length, provide a minimum of one (1) canopy tree.
      - iv. The height of parking area perimeter plants shall be a minimum of three feet (3') and maximum of five feet (5') tall. Where the parking spaces are designed for the car bumper to overhang the landscape area, plantings may be lower.
      - v. Landscaped areas outside of shrubs/native grasses shall be planted in live groundcover.

**Figure 5.7. Parking Area Perimeter Landscape Zone - Halsted Street, Building 30 Feet or Less From Back of Curb**



- b. **Principal Building Set Back Greater Than Thirty Feet (30') From Back of Curb.**
- i. Parking area perimeter landscaping shall be a minimum fifteen feet (15') wide as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
  - ii. For every three (3) feet of landscape area length, provide a minimum of one shrub or native grass.
  - iii. For every twenty-five feet (25') of landscape area length, provide a minimum of one (1) understory/evergreen tree.
  - iv. For every twenty-five feet (25') of landscape area length, provide a minimum of one (1) canopy tree.
  - v. The height of parking area perimeter plants shall be a minimum of three feet (3') and maximum of five feet (5') tall. Where the parking spaces are designed for the car bumper to overhang the landscape area, plantings may be lower.
  - vi. Landscaped areas outside of shrubs/native grasses shall be planted in live groundcover.

**Figure 5.8. Parking Area Perimeter Landscape Zone - Halsted Street, Building Greater Than 30 Feet From Back of Curb**





4. **Lots Fronting All Other Roadways.** All other lots shall provide a parking area perimeter landscape zone as follows.
  - a. Parking area perimeter landscaping shall be a minimum seven feet (7') wide as measured from the back of curb of the off-street parking area, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
  - b. For every three feet (3') of landscape area length, provide a minimum of one shrub or native grasses.
  - c. The height of parking area perimeter plants shall be a minimum of three feet (3') and maximum of five feet (5') tall. Where the parking spaces are designed for the car bumper to overhang the landscape area, plantings may be lower.
  - d. Landscaped areas outside of shrubs/native grasses shall be planted in live groundcover.

**Figure 5.9. Parking Area Perimeter Landscape Zone, Lots Fronting All Other Roadways**



5. **Alternatives.**

- a. A low masonry wall or ornamental fence a maximum of four feet (4') high may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect. The fence or wall shall be located to provide adequate clearance from any anticipated bumper overhang.
- b. Stormwater green infrastructure is encouraged. Design and plant selection shall be reviewed for performance as stormwater green infrastructure.



G. **Parking Area Interior Landscape Zone.** The objective of parking area interior landscaping is to provide shade within parking areas, break up large expanses of parking area pavement and mitigate heat island effects, support stormwater management, improve the appearance of parking lots as viewed from rights-of-way, and provide a safe pedestrian environment.

1. **Applicability.**

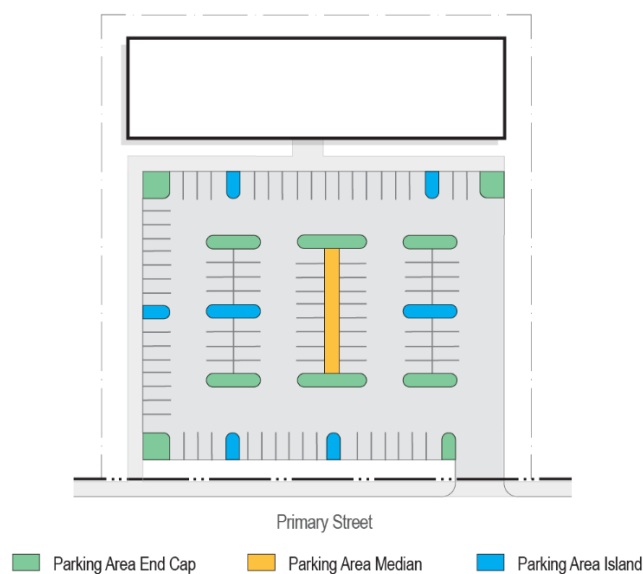
- a. All new off-street parking lots containing thirty (30) or more parking spaces shall provide all parking area interior landscaping.
- b. When expanding any existing off-street parking area where the expansion would result in thirty (30) or more parking spaces provide all parking area interior landscaping for the expanded area at a minimum.
- c. New or expanded off-street parking areas consisting of fewer than thirty (30) contiguous spaces that are located in front, exterior side, or interior side yards shall provide a parking area end cap, unless otherwise approved by the Director of Economic and Community Development.
- d. Off-street parking areas consisting of fewer than thirty (30) contiguous spaces that are located in rear yards shall be exempt from parking area interior landscape zone requirements.

2. **Requirements.** The amount of required parking area interior landscape shall be determined by the location of the off-street parking area as detailed below.

a. **Off-Street Parking Areas in Front or Side of Principal Buildings.**

- i. **Parking Area End Caps.** A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.
- ii. **Parking Area Medians.** Parking area medians shall be placed between every third bay of parking.
- iii. **Parking Area Islands.** Parking area islands shall be located on parking bays which are not required to have parking area medians. Parking area islands shall be spaced not more than ninety feet (90') or ten (10) continuous spaces apart.

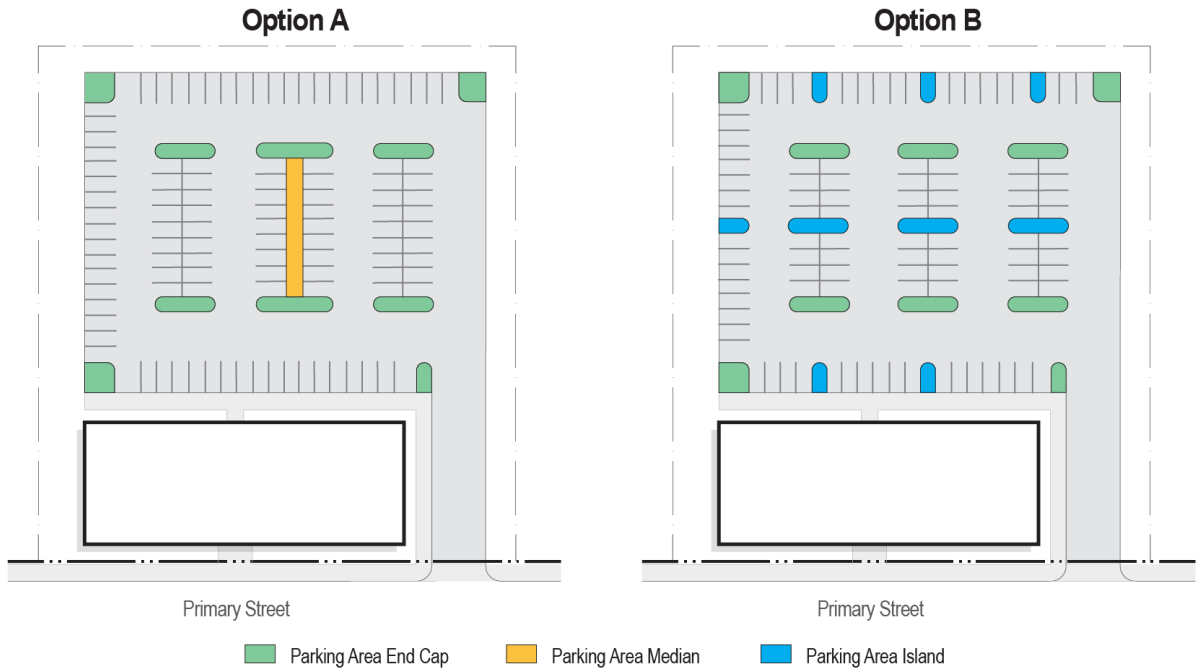
**Figure 5.10. Parking Area Interior Landscape Zone For Parking Areas in Front or Side of Principal Building**



b. **Off-Street Parking Areas in Rear of Principal Building.**

- i. **Parking Area End Caps.** A parking area end cap shall be located at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian circulation system.
- ii. **Parking Area Medians or Parking Area Islands.** The developer may choose to install either parking area medians or parking area islands, in compliance with the requirements above.

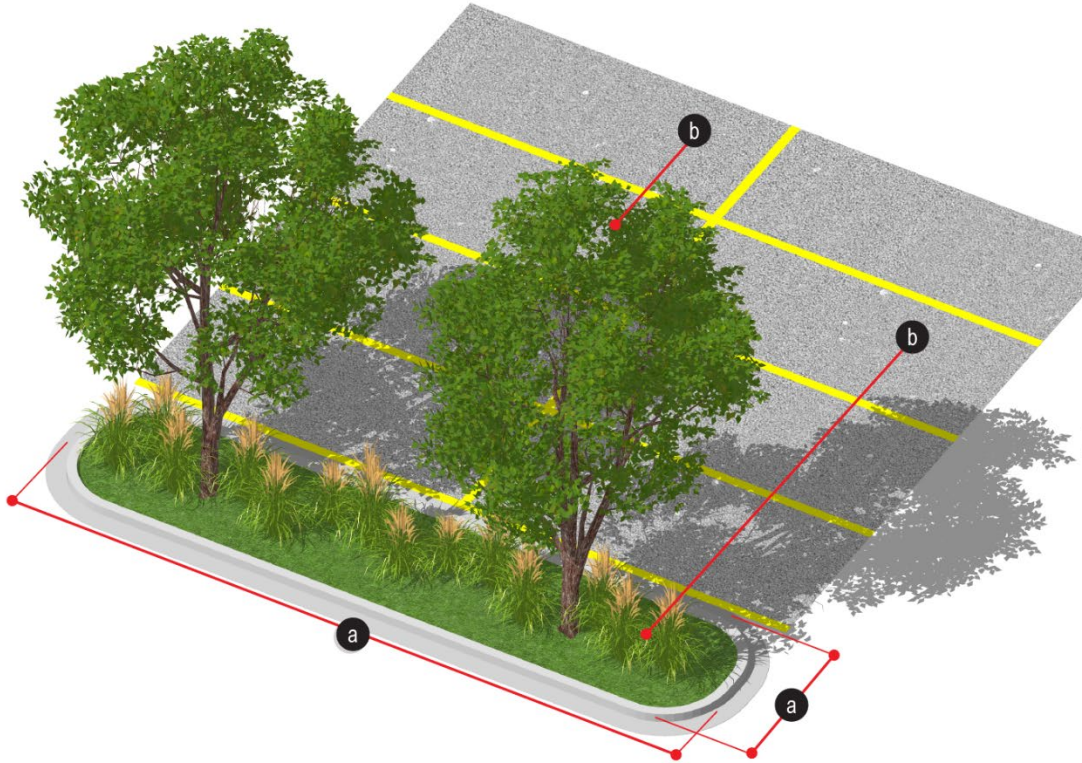
**Figure 5.11. Parking Area Interior Landscape Zone For Parking Areas in Rear of Principal Building**



3. **Parking Area End Cap Standards.**

- a. **Size.** Parking area end caps shall be a minimum nine feet (9') wide by eighteen feet (18') long. Double rows of parking shall provide parking area end caps opposite one another to form continuous single end cap.
- b. **Planting.** A minimum of one (1) canopy tree and three (3) shrubs or native grasses shall be provided for every parking area end cap. If the end cap extends the width of a double bay, then two (2) canopy trees shall be provided.

**Figure 5.12. Parking Area End Cap Standards**



4. **Parking Area Median Standards.**

- a. **Size.** Parking area medians shall have a minimum width of nine feet (9') and run the full length of the parking bay.
- b. **Planting.** A minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses shall be planted for each fifty linear feet (50') of parking area median.

**Figure 5.13. Parking Area Median Standards**

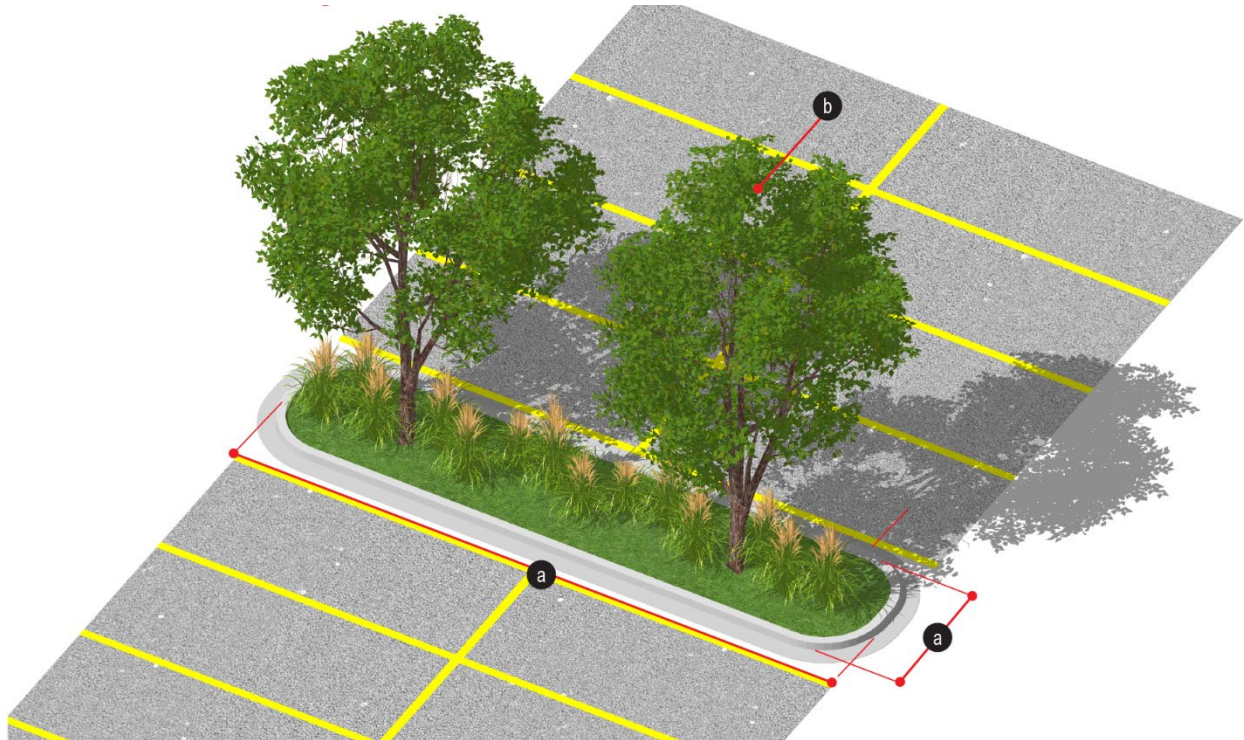




5. **Parking Area Island Standards.**

- a. **Size.** Parking area islands shall be a minimum nine (9') feet wide by eighteen feet (18') long. Double rows of parking shall provide parking area islands opposite one another to form continuous single islands.
- b. **Planting.** A minimum of one (1) canopy tree and three (3) shrubs or native grasses
- c. shall be provided for every parking area island. If the island extends the width of a double bay, then two (2) canopy trees and six (6) shrubs or native grasses shall be provided.

**Figure 5.14. Parking Area Island Standards**



6. **General Standards.**

- a. All landscape areas shall have a minimum thirty-six inches (36") of soil depth.
- b. All interior parking area landscaping shall be protected with concrete curbing or other suitable barriers approved by the Director of Economic and Community Development and shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.
- c. Canopy trees shall be the primary plant materials used in parking area islands, and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking area medians.
- d. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians.
- e. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the Village Engineer or Village Arborist.
- f. Where landscape areas are identified for stormwater green infrastructure function, design and plant selection shall be reviewed for performance as stormwater green infrastructure.

H. **Transition Zone Landscape Requirements.** The objective of transition zone landscaping is to minimize land use conflicts and enhance aesthetics between different use types. It is not expected that the transition area will totally screen such uses.

1. **Applicability.**

- a. All new construction and additions or alterations subject to Site Plan Review per Section 44-07-09 shall provide the required transition zone landscaping.
- b. When expanding any existing building, provide the transition zone landscaping for the expanded area at a minimum.
- c. All new uses in an existing development shall provide transition zone landscaping, unless otherwise approved by the Director of Economic and Community Development.

2. **Location.** Transition zone landscaping shall be provided along interior property lines. Required yard setbacks may be used for transition zone landscape.

3. **Transition Zone Type Requirement.** Transition zones shall be provided based on the land use of the subject property and the land use of the adjacent property, provided in Table 44-05-06(H)(3). The Director of Economic and Community Development may waive requirements where adjacent uses are of a similar nature, scale, and intensity.

<b>Table 44-05-06(H)(3): Application of Transition Zone Types</b>											
<b>Subject Lot Land Use</b>	<b>Adjacent Lot Land Use</b>										
	<i>Cannabis and Adult Use</i>	<i>Industrial</i>	<i>Vehicle Related</i>	<i>Eating/Drinking</i>	<i>Lodging</i>	<i>Service and Office</i>	<i>Retail</i>	<i>Place of Assembly</i>	<i>All Other Residential</i>	<i>Single-Family Detached and Duplex</i>	<i>Agricultural and Open Space</i>
<i>Agricultural and Open Space</i>	-	-	-	-	-	-	-	-	-	-	-
<i>Single-Family Detached and Duplex</i>	-	-	-	-	-	-	-	-	-	-	-
<i>All Other Residential</i>	D	C	B	B	B	B	B	B	A	C	-
<i>Place of Assembly</i>	D	C	B	B	B	B	B	A	B	C	-
<i>Retail</i>	C	B	A	A	A	A	A	A	B	C	-
<i>Service and Office</i>	C	B	A	A	A	A	A	A	B	C	-
<i>Lodging</i>	C	B	A	A	A	A	A	A	B	C	-
<i>Eating/Drinking</i>	C	B	A	A	A	A	A	A	B	C	-
<i>Vehicle Related</i>	C	B	A	A	A	A	A	A	B	C	-
<i>Industrial</i>	C	D	D	D	D	D	D	D	D	D	C
<i>Cannabis and Adult Use</i>	B	C	B	B	B	B	B	A	B	C	-
<i>Transportation</i>	D	C	B	B	B	B	B	B	B	C	-

4. **Transition Zone Types.** Four transition zone types are established in recognition of the different contexts that may exist, as shown in Table 44-05-06(H)(4).

<b>Table 44-05-06(H)(4): Transition Zone Types</b>					
<b>Specification</b>		<b>Type A</b>	<b>Type B</b>	<b>Type C</b>	<b>Type D</b>
(a)	Minimum Zone Width	5 feet	10 feet	15 feet	20 feet
(b)	Minimum Fence/Wall Height	optional	optional	6 feet	6 feet
<i>Minimum Number of Landscape Elements per 100 Linear Feet</i>					
(c)	Canopy Tree	4	3	4	5
(d)	Understory/Evergreen Tree	optional	3	4	5
(e)	Shrubs/Native Grasses	optional	15	25	35

Figure 5.15. Transition Zone Type A



Figure 5.16. Transition Zone Type B

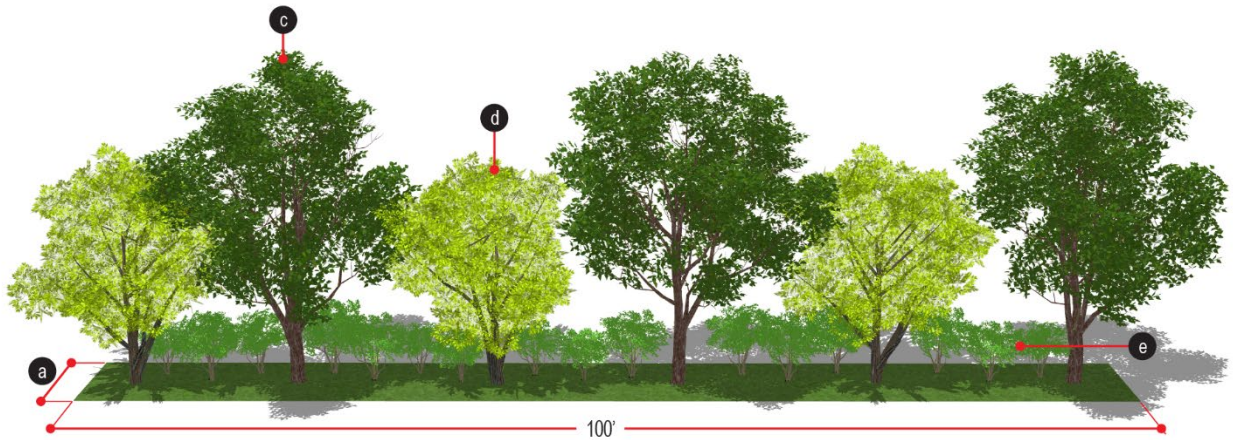




Figure 5.17. Transition Zone Type C

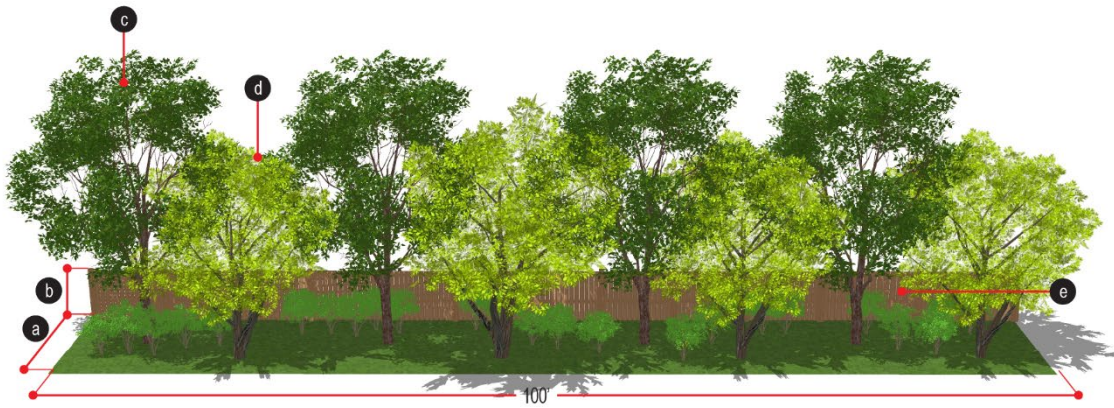


Figure 5.18. Transition Zone Type D



a. **Alternatives Allowed.**

- i. Fence or wall requirements specified in Table 44-05-06(H)(4) may be satisfied by a solid evergreen or arborvitae hedge with a maximum six feet (6') in height, as approved by the Director of Economic and Community Development.
- ii. Fewer trees than required in Table 44-05-06(H)(4) may be provided when providing a swale planted with natural grasses to provide stormwater green infrastructure. Design and plant selection shall be reviewed for performance as stormwater green infrastructure.



**I. Installation and Maintenance of Landscape Areas.**

1. All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.1), published by the American National Standards Institute.
2. The Director of Economic and Community Development may approve, on a case-by-case basis, an exception to the requirement for installation of landscaping prior to approval of a Certificate of Occupancy for applications submitted between November 1 and April 30. Exceptions shall only be approved in accordance with the procedures and requirements below.
  - a. The applicant or their designee shall provide a written request to the Community Development Department for an exception prior to or concurrent with the submission of a Certificate of Occupancy application. The written request shall include an estimate for the anticipated installation (commencement and completion), and contact information.
  - b. The written request shall be submitted with all of the following:
    - i. Quote from the landscape architect or landscaping professional for all landscape elements included in Village-approved landscape plans and installation/labor costs. Where landscaping has been partially completed, the quote shall include only the remaining elements and installation/labor costs.
    - ii. A copy of the approved landscape plan upon which the quote is based. Where landscaping has been partially completed, the remaining elements must be clearly identified on the plans.
3. Dead plant materials shall be replaced within sixty (60) days taking into consideration the season of the year and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one (1) phase, the sixty (60) day timeframe shall apply to each individual phase.
4. All landscape shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.
5. For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of eighteen (18) months following municipal approval of installation. During this guarantee period landowner shall supply water as necessary to promote successful establishment and growth.
6. All plantings required under this ordinance, including landscaping installed pursuant to an approved landscape plan, shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings succumb due to disease or environmental conditions, they shall be replaced with more suitable or appropriate species of the same type (e.g. tree, shrub, groundcover).

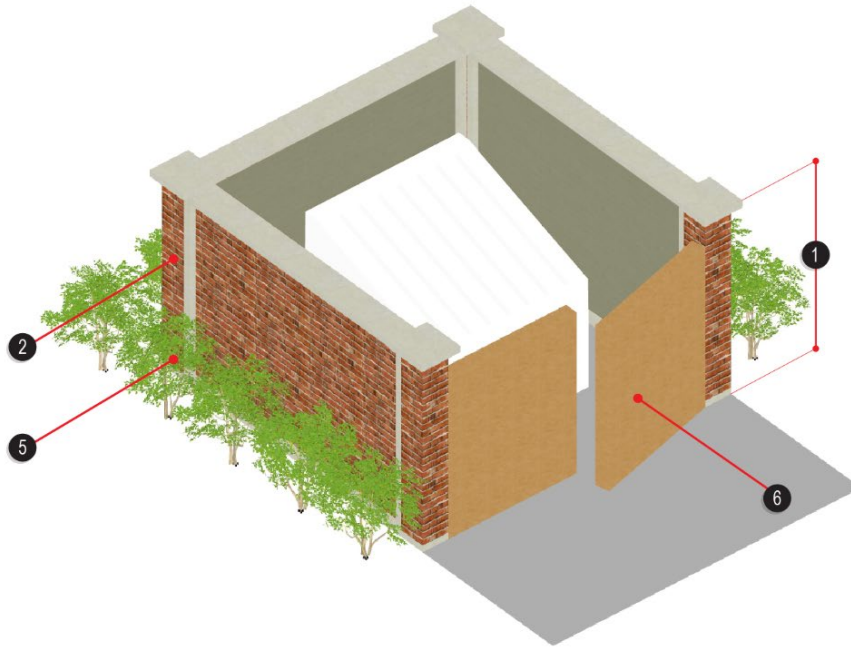
## 44-05-07. Tree Preservation.

- A. **Applicability.** All property within the Village shall require an approved tree preservation and removal plan prior to removing any existing living and healthy trees as determined by the Village Arborist with twelve (12) inches diameter or greater.
- B. **Measurement Standard.** Diameter is measured at four and a half feet (4.5') from the ground.
- C. **Requirements.**
1. The tree preservation and removal plan shall include an inventory of all trees subject to tree preservation.
  2. The plan shall indicate the location, size, species, and health of the tree as determined by a certified arborist or landscape architect.
  3. The plan shall be prepared by a certified arborist or landscape architect and approved by the Village Arborist.
  4. Every reasonable effort shall be made to incorporate trees identified in the inventory into the landscape required for the proposed development.
  5. Prior to granting approval to remove a mature, high-quality tree the Village Engineer or Village Arborist must determine that one of the following criteria apply:
    - a. The tree is dead, dying, diseased, or a threat to public health or safety.
    - b. The tree interferes with the provision of public services or is a hazard to traffic.
    - c. The location of the tree prevents development or redevelopment that cannot be designed to protect the tree.
    - d. The tree is an identified invasive species.
  6. All trees subject to tree preservation approved for removal shall be replaced in accordance with the following standards:
    - a. The trees to be removed shall be replaced within one (1) year of the date of approval and guaranteed as detailed in Section 44-05-07(C)(6)(d).
    - b. All replacement trees shall have a minimum diameter of two and one-half (2 ½) inches at the time of installation.
    - c. The trees plan shall be replaced at the rate specified in Table 44-05-07(C)(6)(d). Replacement trees may be used to satisfy the landscape requirements of this Section.
- | <b>Table 44-05-07(C)(6)(c): Tree Replacement Rate</b> |   |
|---|---|
| <i>Diameter of Tree to be Removed</i>                 | <i>Number of Replacement Trees Required</i> |
| 12-24 Inches  | 3   |
| Greater than 24 Inches                                | 4   |
7. **Fee-In-Lieu Option.** An applicant may provide a fee-in-lieu as established in the Village of Homewood fee schedule instead of the tree replacement requirements of this Section.
- D. **Trees Damaged During Construction.** In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, the property owner shall be assessed a fine for the tree based on a landscape value equation, determined by the Village Arborist. The value of a tree shall be determined by the Village Arborist in accordance with the methods developed by the Council of Tree and Landscape Appraisers in the most recent Guide for Plant Appraisal.

## 44-05-08. Screening

- A. **Applicability.** All screening requirements of Section 44-05-08 shall apply to all uses except single family detached dwellings, duplexes, or townhomes.
- B. **Grease Traps, Trash, and Recycling Receptacles.**
1. **Requirement.** Grease traps, trash, and recycling receptacles shall be screened on all four sides with solid, opaque materials, including the gate.
  2. **Location.**
    - a. Grease traps, trash, and recycling receptacle enclosures shall not occupy areas designate for required parking spaces or loading spaces.
    - b. Enclosures shall not be located in the front or exterior side yard setback, unless otherwise approved by the Director of Economic and Community Development.
  3. **Dimensions.**
    - a. Walls shall be a minimum six feet (6') and a maximum eight feet (8') tall.
    - b. Enclosures shall be of an adequate size to accommodate expected containers. The enclosure shall be designed to be expandable to accommodate future additional containers.
  4. **Materials.**
    - a. Materials used for screening shall complement the exterior building cladding materials of the primary building.
    - b. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
  5. **Landscaping.** Shrubs or native grasses shall be installed every three feet (3') along the exterior of the enclosure, with the exception of enclosure openings, to provide a softening effect.
  6. **Operations and Maintenance.**
    - a. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
    - b. Property owners shall be responsible for ensuring that grease traps, trash, and recycling receptacles be placed in the enclosure at all times other than when it is being accessed.
    - c. Access drives shall be constructed of durable, hard-surfaced materials and to a thickness to accommodate truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
    - d. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, bollards, bumpers, or other similar means.

**Figure 5.19. Grease Traps, Trash, and Recycling Receptacles**



**C. Ground or Wall Mounted Building Equipment.**

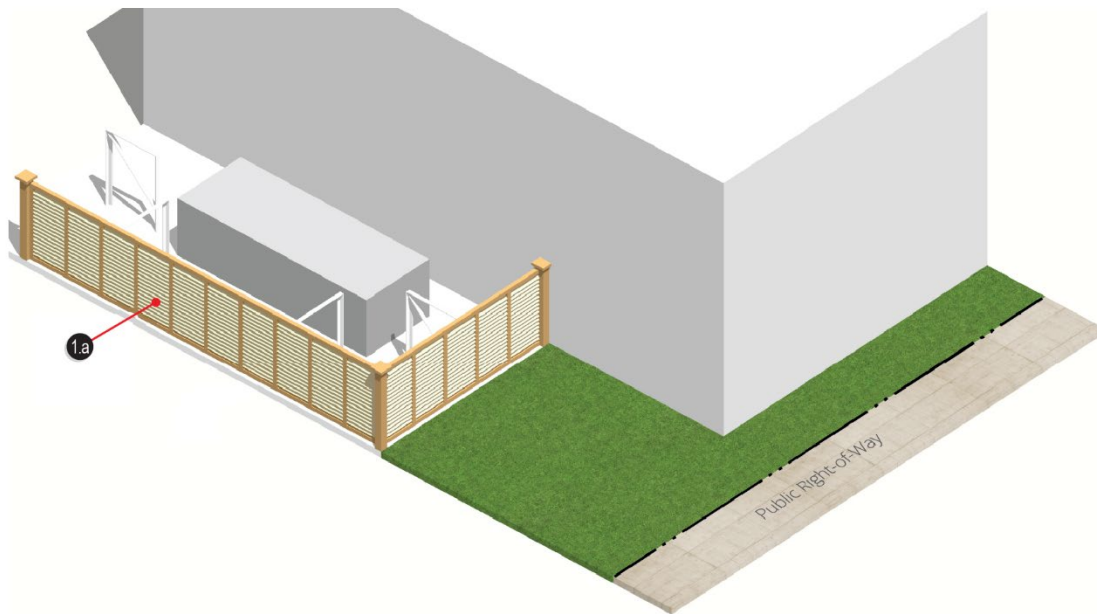
**1. Requirements.**

- a. Provide screening for all ground or wall-mounted building equipment, including but not limited to: generators, air-conditioning condensers, heat pumps, ventilation units, and any related utility structures and equipment.
- b. Tanks and / or silos accessory to a brewery, winery, and/or distillery are exempt from these requirements.
- c. Provide screening for equipment that is visible from any public right-of-way or adjacent property. Equipment that is located in an interior side or rear yard and is otherwise screened by landscaping, fence, or building or distance so that it is not visible from the right-of-way or adjacent property shall not require additional screening.
- d. Locating building equipment within the building, as practical, is encouraged in order to minimize exterior visual impacts. Ground mounted equipment is prohibited within the front yard, regardless of whether screening is provided.

**2. Materials.**

- a. Materials used for screening shall be designed and established so that the area or element being screened is no more than twenty percent (20%) visible through the screen. Evergreen hedges or non-transparent walls such as stone masonry shall be allowed.
- b. Chain-link fence or slats in chain-link fence are prohibited for meeting this requirement.

**Figure 5.20. Ground or Wall Mounted Building Equipment Screening**



D. **Roof Mounted Building Equipment.**

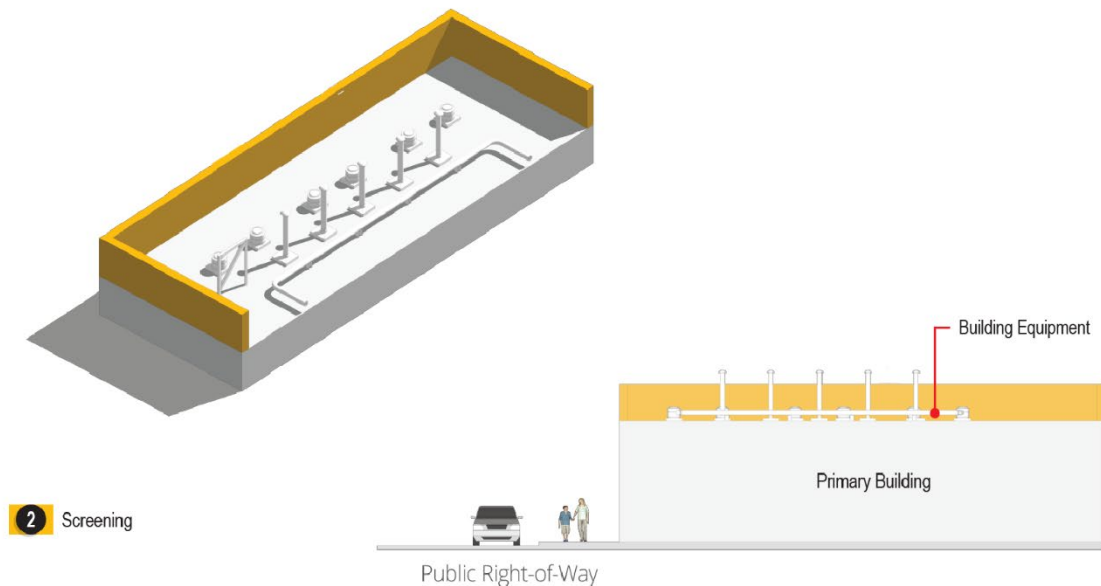
1. **Requirements.**

- a. Provide screening for all roof-mounted building equipment, including but not limited to: air-conditioning condensers, heat pumps, ventilation units, and any related utility structures and equipment.
- b. Locating building equipment within the primary building, as practical, is encouraged in order to minimize exterior visual impacts.
- c. Provide complete screening from the public view for equipment that is visible from any public right-of-way.
- d. Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.

2. **Materials.** Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.

3. **Loading Docks and Truck-Parking Areas.** Loading docks and truck-parking areas that are visible from any property in a residential district shall be completely screened from view with a Type D transition zone as specified in Table 44-05-06(H)(3).

**Figure 5.21. Roof Mounted Building Equipment Screening**



## 44-05-09. Fences

### A. General Provisions.

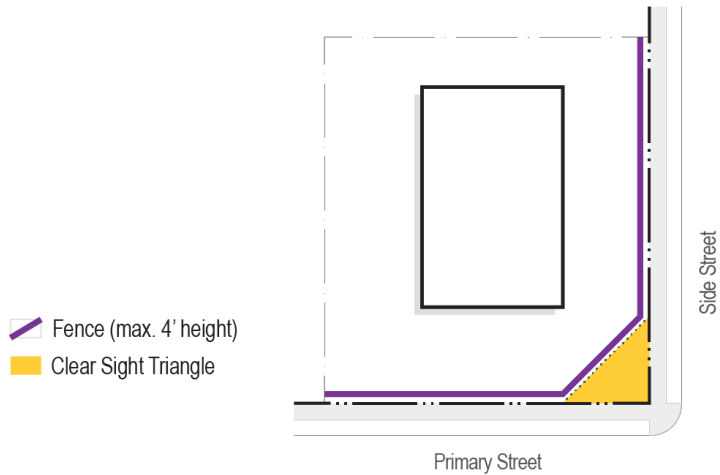
1. **Permit Required.** Prior to the erection of any fence, a fence permit shall be required as detailed in Section 10-130 of the Village of Homewood Code of Ordinances
2. **Location.** All fences shall be located outside of the clear sight triangle as detailed in Section 44-05-10 and in conformance with the placement requirements of Chapter 10.
3. **Dimensions.** Fence height shall be measured from grade to the top of the fence materials, including posts, and shall follow grade along its length. A deviance of six (6) inches shall be allowed to compensate for minor grade changes.
  - a. Exception: Ornamental caps on fence posts may be excluded from the overall height.
  - b. When placement of the fence requires installation above grade to allow for stormwater drainage, the distance from grade to the bottom of the fence may be subtracted from the overall fence height.
4. **Materials.**
  - a. Permitted fence materials shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
    - i. Wood, chemically treated or naturally resistant to decay,
    - ii. Wood Composites,
    - iii. Aluminum,
    - iv. Vinyl/PVC,
    - v. Wrought Iron,
    - vi. Chain link without slats, and
    - vii. As approved by the Director of Economic and Community Development.
  - b. Prohibited materials include: barbed wire, razor wire, or makeshift materials such as plywood or tarps.
    - i. Exception. In the M-1 and M-2 Districts, barbed wire may be utilized in interior side and rear yard fences and shall be limited to a maximum one (1) foot height, and a maximum three (3) strands of wire. The barbed wire shall not be included in the determination of fence height.

**B. Fences on Lots with Single-Family Detached, Duplex Dwellings, and Townhomes.**

**1. Front and Exterior Side Yards.**

- a. Fences in front and/or exterior side yards may have a maximum four feet (4') in height.
- b. Fences in front yards and/or exterior side yards shall be an open-style ornamental fence with a maximum of fifty percent (50%) solid.

**Figure 5.22. Front and Exterior Side Yard Fence Location on Lots With Single-Family Detached, Duplex, or Townhouses**

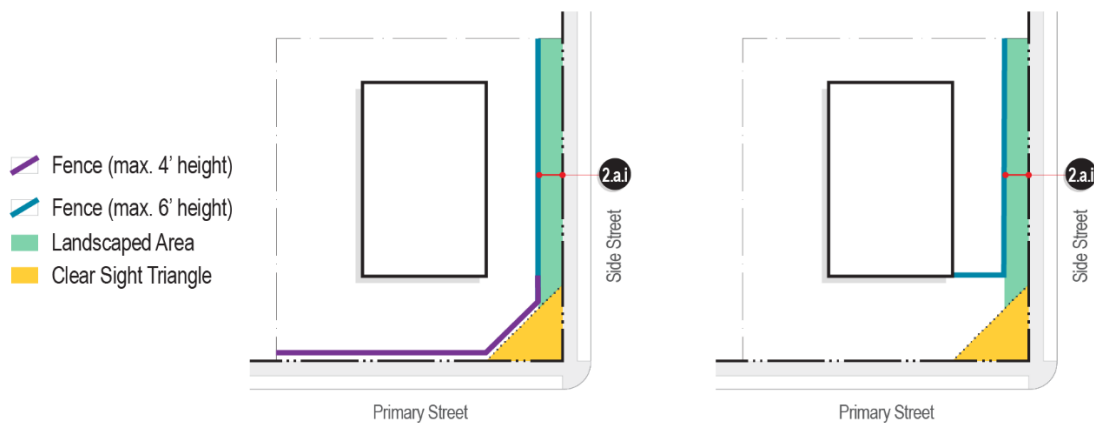




2. **Exterior Side Yard Exception.**

- a. Fences in exterior side yards may have a maximum height of six feet (6') compliant with the following:
  - i. The fence is located a minimum of three feet (3') feet from the property line; and
  - ii. The area between the fence and the property line is landscaped with a combination of shrubs, native grasses, and perennials to cover a minimum seventy-five percent (75%) of the planting bed along the full length of the fence fronting the street.
  - iii. Fences complying with these requirements may be eighty percent (80%) solid.

**Figure 5.23. Exterior Side Yard Fence Location Exception on Lots With Single-Family Detached, Duplex, or Townhome Uses**



3. **Interior Side and Rear Yards.**

- a. Fences in interior side and rear yards may have a maximum height of six feet (6').
  - b. Fences in interior side and rear yards may be one hundred percent (100%) solid.
4. Fence materials utilized in front yards and/or exterior side yards shall complement fence materials utilized in other yards.

C. **Fences on Lots with Multifamily, Mixed Use, and Nonresidential Uses.**

1. **Height.**

- a. Fences may have a maximum height of six feet (6').
- b. In the M-1 and M-2 Districts, fences may have a maximum height of eight feet (8').

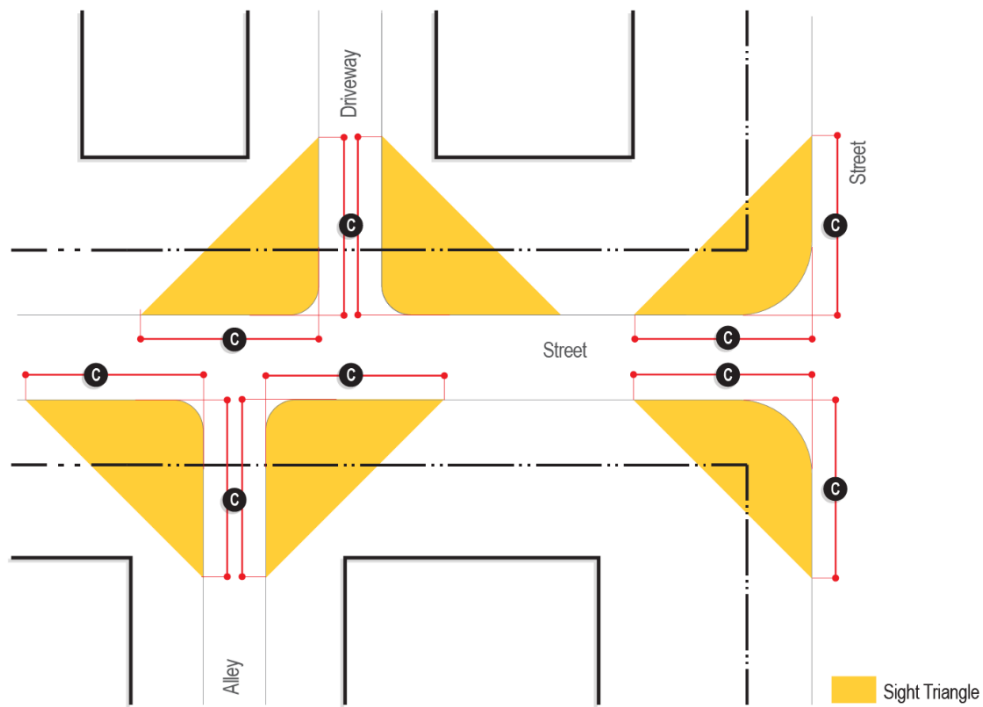
2. **Location.**

- a. Fences shall be located in rear and interior side yards only.
- b. In the M-1 District or M-2 District, fences may be also be located in exterior side yards.
- c. Ornamental fences may be located in a front or exterior side yard for parking lot perimeter screening.

## 44-05-10. Clear Sight Triangle

- A. Unobstructed visibility shall be maintained at the intersection of any driveway and right-of-way, and at the intersection of two or more streets. Such area of unobstructed visibility shall be referred to as a clear sight triangle.
- B. The clear sight triangle shall be measured perpendicular to and starting at the back of curb of each intersecting street or driveway.
- C. The minimum distance at any intersection shall be fifteen feet (15'). Greater distances may be required based on the criteria of the American Association of State Highway and Transportation Officials (AASHTO), the Illinois Department of Transportation (IDOT), and the discretion of the Village Engineer.
- D. The maximum height of any building or structure within the clear sight triangle shall be three feet (3') feet.

**Figure 5.24. Clear Sight Triangle**



## 44-05-11. Design Standards

### A. Applicability.

1. Design Standards of Section 44-05-11 shall apply to all uses except single family detached dwellings, duplexes, or townhomes.
2. The Appearance Commission shall review building elevations for compliance with the regulations herein, and conformance to the Appearance Plan, per Chapter 28, Article II of the Municipal Code.
3. All new construction and additions or alterations subject to Site Plan Review per Section 44-07-09 shall comply with the Design Standards.
4. When expanding any existing building, compliance with Design Standards shall apply to new, altered or expanded construction.
5. Buildings within a planned development that front a public right-of-way, private drive aisle, or parking on 3 or more sides, shall apply the requirements of one front and two exterior sides.

- B. **Exterior Building Materials.** Table 44-05-11(B) below details the requirements of primary exterior building materials. Openings for windows and doors shall not be included in the material calculations.

<b>Table 44-05-11(B) Allowed Exterior Building Cladding Materials</b>			
<b>Building Façade Elevation</b>	<b>Tier I</b>	<b>Tier II</b>	<b>Tier III</b>
<i>Front and Exterior Side</i>	Minimum 50%	Maximum 50%	Maximum 25%
<i>Interior Side and Rear</i>	Minimum 25%	Maximum 75%	Maximum 25%

1. **Tier I.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the Village. Tier I materials shall include:
  - a. Brick;
  - b. Natural and manufactured stone;
  - c. Terra cotta;
  - d. Architectural concrete masonry units; and
  - e. Concrete materials.
2. **Tier II.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I. These materials provide variety and design expression on the building and have scale, texture and pattern creating visual interest. Tier II materials shall include:
  - a. Siding (natural wood or composite materials) in a lap, vertical beaded or batten board, or shake application;
  - b. Composite board or fiber cement board with a maximum joint pattern of two feet (2') by four feet (4');
  - c. Architectural metal panels with a maximum joint pattern of two feet (2') by four feet (4').
3. **Tier III.** Tier III materials are medium quality materials and/or monolithic in visual appearance. These materials may require more frequent maintenance than Tier I or Tier II but provide up-front cost savings. Tier II materials contribute to variety and design expression but offer less visual interest. Tier II materials shall include:
  - a. Natural and synthetic stucco, including EIFS;

- b. Composite board or fiber cement board with a maximum joint pattern of four feet (4') by eight feet (8');
  - c. Architectural metal panels with a maximum joint pattern of four feet (4') by eight feet (8').
4. **Prohibited Materials.** The following materials are prohibited:
- a. Corrugated metal siding;
  - b. Vinyl siding; and
  - c. Unfinished concrete block, except in areas of loading docks, screened from view from the street or neighboring properties.
- C. **Façade Articulation.** Facades greater than sixty feet (60') long shall incorporate articulation to avoid large expanses of blank faces and provide visual interest. Articulation may be horizontal, vertical or a combination. Articulation should be applied in a thoughtful and cohesive manner. Elements of articulation may include:
- 1. Changes of depth of the façade such as projections and recesses;
  - 2. Architectural features such as pilasters, cornices or other ornament;
  - 3. Change in materials;
  - 4. Windows and doors;
  - 5. Awnings and canopies; or
  - 6. Public art.

**Figure 5.25. Façade Articulation**



**D. Transparency.**

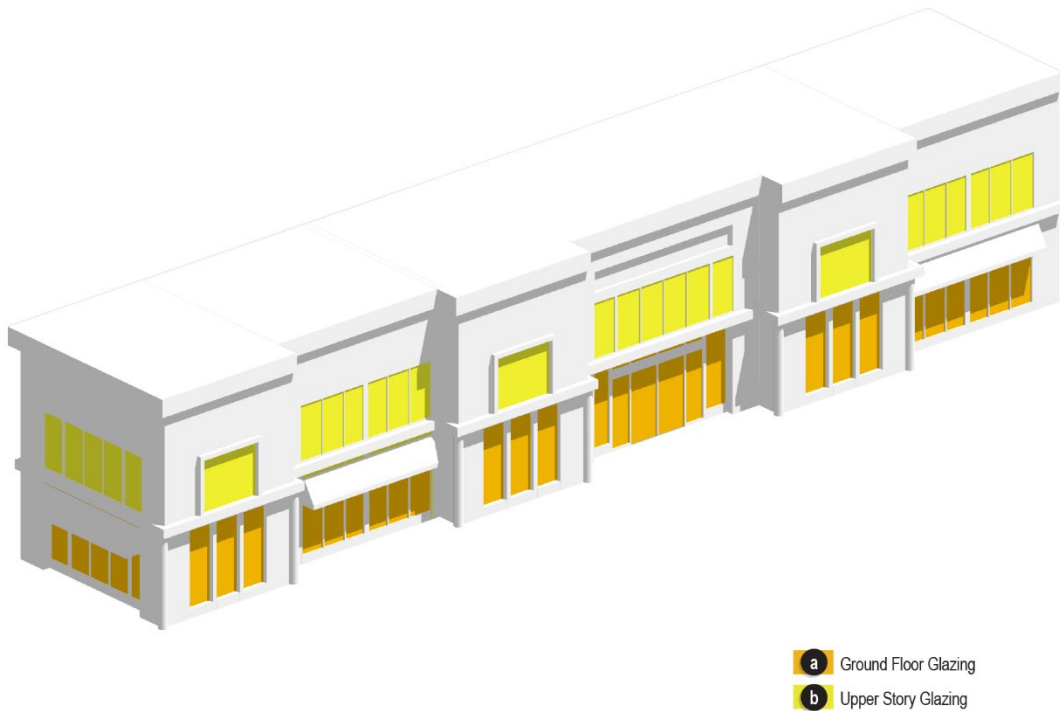
- 1. **Applicability.** All new uses in an existing development shall provide the required transparency to the extent possible within existing conditions, unless otherwise approved by the Director of Economic and Community Development.
- 2. **Requirements.**

- a. **Ground Floor Requirements.** Provide at a minimum the percentage transparent glazing required by Table 44-05-11(D)(2)(b) within a zone measured two and one-half feet (2.5') above grade to head of the first-floor doors.
  - i. **Exception.** Retailers in the B-4 zoning district with a gross floor area of fifty thousand (50,000) square feet or more shall comply with the M-1 zoning district minimum requirements.
- b. **Upper Story Requirements.** For each story above the ground floor, provide a minimum twenty percent (20%) transparent glazing per elevation.

Table 44-05-11(D)(2)(b) Ground-Floor Transparency Requirements		
Zoning District	Elevation Facing Yard	
	Front	Exterior Side
B-1 or B-2	80%	40%
B-3 or B-4	60%	30%
M-1	40%	20%

- 3. **Materials.** Glazing shall not be mirrored nor heavily tinted rendering the glass opaque.
- 4. **Maintenance.** The required transparency shall be maintained during hours of operation and shall not be obstructed by interior walls, window displays, or other permanent installations.

**Figure 5.26. Transparency Requirements**



## 44-05-12. Outdoor Lighting

- A. **Fixture Classification.** All outdoor lighting fixtures, with the exception of wall mounted accent lighting, shall either have a fixture cutoff classification of “Full Cutoff” or be fully shielded, unless otherwise expressly permitted in this ordinance.
- B. **LED Fixtures.** All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:
1. **Color Rendering.** Outdoor LED fixtures shall be rated a minimum Color Rendering Index (CRI) value of seventy (70) or higher.
  2. **Color Temperature.** Outdoor LED fixtures shall have a correlated color temperature between four thousand (4,000) and five thousand (5,000) degrees Kelvin.
- C. **Pole Mounted Outdoor Lighting.**
1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with site features and required landscape zones.
  2. **Maximum Pole Height.** Pole-mounted fixtures shall be mounted at heights above grade no greater than those specified in Table 44-05-12(C)(2).

Zoning Districts	Maximum Height
<i>R-1 and R-2</i>	10 feet
<i>R-3, R-4, B-1, and B-2</i>	25 feet
<i>All Other Zoning Districts</i>	35 feet

- D. **Wall Mounted Accent Lighting.** Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.
- E. **Outline Lighting Prohibited.** Outline lighting shall be prohibited from signs, buildings, and structures.
- F. **Maximum Light Level at Property Line.**
1. On lots adjacent to lots in a nonresidential zoning district, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be one-half (0.5) maintained foot candles at any property line.
  2. On lots adjacent to lots in a residential zoning district, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be zero (0) maintained foot candles at any property line.
- G. **BUG Rating.** Backlight Uplight Glare (BUG) ratings are a published luminaire classification system to comprehensively address light pollution from all directions. All lighting fixtures shall not exceed the following BUG rating established by Zoning District in Table 44-05-12(G).

Zoning District	BUG Ratings
<i>R-1 and R-2</i>	B2, U1, G1
<i>R-3 and R-4</i>	B2, U2, G2
<i>B-1 and B-2</i>	B3, U2, G2
<i>B-3, B-4, and Manufacturing</i>	B4, U3, G3

- H. **Light Level Measurement.**

1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.
2. **Light Meter Specifications.** Light levels shall be measured in foot candles with a direct-reading portable light meter. The meter shall:
  - a. Have cosine and color correction,
  - b. Have an accuracy tolerance of no greater than plus or minus five percent (5%), and
  - c. Have been calibrated within the last two (2) years.

#### **44-05-13. Environmental Performance**

All uses shall comply with the performance standards established in this Section unless any federal, state, county or Village law, ordinance or regulation establishes a more restrictive standard, in which event the more restrictive standard shall apply.

- A. **Noise.** No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by Noise Regulations of the State Pollution Control Board, as amended from time to time. The limits shall not apply to noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources such as, railroads and aircraft.
- B. **Glare and Heat.** Any activity or operation of any use producing glare or heat shall be conducted so that no glare or heat from the activities or operations shall be detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.
- C. **Vibration.** No earth-borne vibration from any operation of any use shall be detectable at any point off the lot on which the use is located.
- D. **Dust and Air Pollution.**
  1. Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other acceptable means. No persons shall cause or allow the emission of fugitive particulate matter across lot lines visible to an observer looking generally toward the zenith, beyond the property line.
  2. This requirement shall not apply when the wind speed is greater than twenty-five (25) miles per hour. Determination of wind speed for the purposes of this rule shall be by a one (1) hour average or hourly-recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site.
- E. **Discharge and Disposal of Radioactive and Hazardous Waste.** The discharge of fluid and the disposal of solid radioactive and hazardous waste materials shall comply with applicable Village, state and federal laws and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material shall commence without prior notice to the Village Administrator. Notice shall be given at least three (3) weeks before the operation is commenced. Radioactive and hazardous material waste shall be transported, stored and used in conformance with all applicable federal, state and local laws.

- F. **Electromagnetic Interference.** Electromagnetic interference from any operations of any use in any district shall not adversely affect the operation of any equipment located off the lot on which such interference originates.
- G. **Odors.** The release of materials intrinsically odorous, or capable of being odorous, by either bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot and constitutes a public nuisance, shall be prohibited.
- H. **Toxic Substances.** The storage, handling or transport of toxic substances shall comply with the State of Illinois Pollution Control Board requirements.
- I. **Water Pollution.** All uses shall comply with the State of Illinois Pollution Control Board Rules and Regulations, 35 Illinois Administrative Code, Subtitle C, and "Water Pollution."
- J. **Fire and Explosion Hazards.** Materials that present potential fire and explosion hazards shall be transported, stored and used only in conformance with all applicable federal, state and local laws.



# Article 6. Planned Development Standards and Procedures

44-06-01. Intent and Purpose .....	1
44-06-02. General Provisions .....	2
44-06-03. Standards for Review .....	2
44-06-04. Site Development Modification Standards.....	3
44-06-05. Procedures .....	4
44-06-06. Application Requirements.....	7
44-06-07. Effect of Approval or Denial.....	7
44-06-08. Amendments to Planned Developments .....	8

## 44-06-01. Intent and Purpose

The purpose of the regulations, standards, and criteria contained in this Article is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Article. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of Village plans and policies, including but not limited to the Comprehensive Plan and Downtown Master Plan, while departing from the strict application of the regulations of this Ordinance. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- A. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- B. To provide more efficient use of land.
- C. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
- D. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- E. To unify building and structures through design.
- F. To promote long term planning pursuant to the Village of Homewood Comprehensive Plan, Downtown Master Plan and other relevant plans and Village policies, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

## 44-06-02. General Provisions

- A. The following must be approved as a planned development in accordance with this Ordinance:
  - 1. Any development on a lot or lots greater than twenty-five thousand (25,000) square feet.
  - 2. Any development in the B-1 and/or B-2 District.
- B. Any development other than single-unit detached residential uses may be approved as a planned development.
- C. Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development solely upon an already existing planned development except to the extent such planned development has been approved as part of a development master plan.
- D. The burden of providing evidence and persuasion that any planned development is necessary and desirable shall rest with the applicant.

## 44-06-03. Standards for Review

Approval of development through the use of the planned development process will be considered by the Village only in direct response to the provision of tangible benefits from the planned development to the Village or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities; outstanding environmental, landscape, architectural, and/or site design; or the conservation of special man-made or natural features of the site. The approval of modifications to the conventional zoning and subdivision regulations is not guaranteed. No application for a planned development shall be approved unless the Village Board finds that the application meets all of the following standards:

- A. **Plan and Policy Alignment.** The planned development is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, Downtown Master Plan, and other adopted plans and policy documents of the Village.
- B. **Placemaking.** The planned development has a distinctive identity and brand that is utilized in the signs, streetscape, architecture, public gathering spaces, open spaces, etc.
- C. **Integrated Design with Identifiable Centers and Edges.** The planned development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses included function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- D. **Public Welfare.** The planned development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- E. **Compatibility with Adjacent Land Uses.** The planned development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
- F. **Impact on Public Facilities and Resources.** The planned development is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact fees as may be reasonably determined by the Village Board. These required impact fees shall be calculated in reasonable proportion to the impact of the planned development on public facilities and infrastructure.
- G. **Archaeological, Historical or Cultural Impact.** The planned development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.

- H. **Drives, Parking and Circulation.** The planned development makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.

#### **44-06-04. Site Development Modification Standards**

A. **Site Development Modifications.**

1. Site development modifications allow for a deviation from the standards of the underlying zoning district set forth outside of this Article.
2. Notwithstanding any limitations on variances which can be approved as contained elsewhere in this Ordinance, site development modifications may be approved provided the applicant specifically identifies each site development modification on the proposed site plan and demonstrates how each site development modification would be compatible with surrounding development; is necessary for proper development of the site; and is aligned with a minimum of one (1) of the modification standards detailed in Section 44-06-04(B) below.

B. **Modification Standards.** In addition to the Standards for Review established in Section 44-06-03, the following modification standards shall be considered for site development modifications. These standards shall not be regarded as inflexible but shall be used as a framework by the Village to evaluate the quality of amenities, community benefits, and design and desirability of the proposal.

1. **Landscape Conservation and Visual Enhancement.** The planned development preserves and enhances existing landscape, trees, and natural features such as rivers, streams, ponds, groves, and landforms.
2. **Sustainable Design.** The planned development is designed with demonstrable reductions in energy consumption and/or stormwater management as a result of methods of site design and building location, architectural design of individual buildings, and landscaping design.
3. **Public Gathering Space.** The planned development includes public gathering space, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of elements or features such as moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, pedestrian scale and celebratory lighting such as string or Tivoli lights. The public gathering space is integrated into the overall design of the planned development and has a direct functional or visual relationship to the main building(s) and is not of an isolated or leftover character.
4. **Mix of Uses.** The planned development is comprised of a mix of nonresidential uses and/or a mix of housing types.
5. **Universal Design.** The planned development includes buildings and site features designed with accessible features such as level access from the street and/or zero entry thresholds.
6. **High Quality Building Materials.** The planned development utilizes time and weather tested building materials that are of a higher quality than what is otherwise required by this Ordinance.

## 44-06-05. Procedures

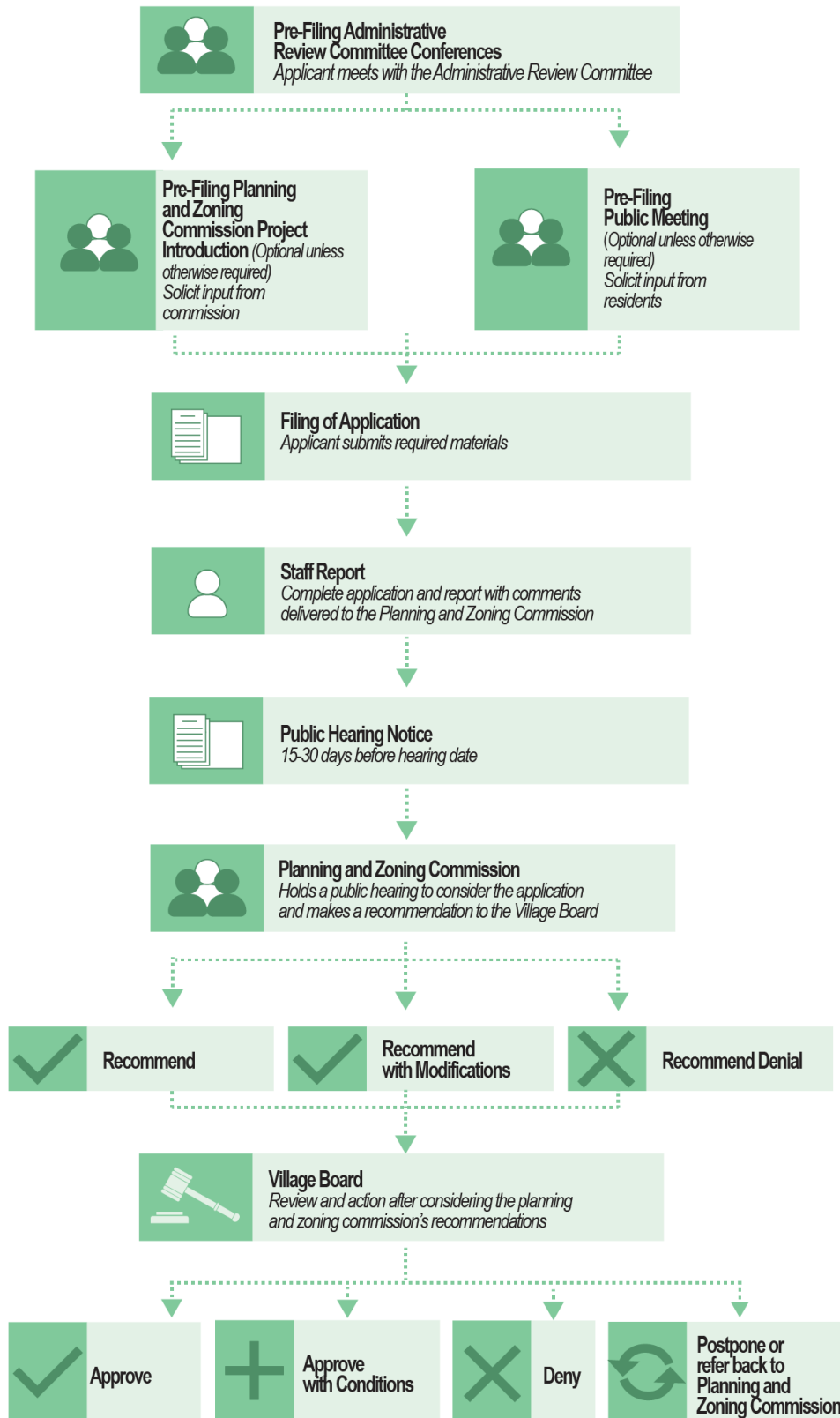
### A. Pre-Filing Review and Transmittal of Application.

1. **Pre-Filing Administrative Review Committee Conference(s).** A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a pre-filing conference(s) with the Administrative Review Committee. The purpose of the conference(s) is to help the applicant understand: Village plans and policies, including but not limited to the Comprehensive Plan and Downtown Master Plan; the Zoning Ordinance; site development modifications; the standards by which the application will be evaluated; and the application requirements.
2. **Pre-Filing Planning and Zoning Commission Project Introduction (Optional).** After the initial pre-filing conference, the prospective applicant may introduce their project to the Planning and Zoning Commission. The Planning and Zoning Commission may provide feedback to the applicant based on materials presented. Feedback from the Planning and Zoning Commission is intended to provide the applicant with an initial impression relative to the character, appropriateness, and intensity of the proposed development, prior to the applicant officially filing for a planned development. Any comments and feedback from the Planning and Zoning Commission at this meeting is non-binding. The applicant is expected to provide a brief narrative and development concept plan sufficient to communicate the character of the proposed development.
3. **Pre-Filing Public Meeting (Optional, Unless Otherwise Required).** After the pre-filing Administrative Review Committee Conference(s), the applicant may schedule a public meeting to discuss the proposed planned development and its impact on area residents. The Director of Economic and Community Development may require the applicant to conduct the public meeting at the discretion of the Administrative Review Committee. If required, meeting notice requirements will be determined by the Director of Economic and Community Development. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.
4. **Application Requirements Waiver Request.** After completing the pre-filing administrative review committee conference the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents. A final determination regarding the waiver shall be made by the Director of Economic and Community Development and given to the prospective applicant following the decision. An appeal of the determination of the Director of Economic and Community Development may be brought to the Planning and Zoning Commission for consideration.
5. **Filing of Application.** After completing the pre-filing staff conference, pre-filing Planning and Zoning Commission project introduction, and the pre-filing public meeting, the applicant may file an application for a planned development including all of the information required in Appendix A. With the exception of items that have received a waiver per Section 44-06-05(A)(4).
6. **Review For Completeness.** The Director of Economic and Community Development shall determine whether the application is complete. If the Director of Economic and Community Development determines that the application is not complete, they shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. If the Director of Economic and Community Development determines that the application is complete they shall deliver copies of the application to other appropriate Village departments or agencies for review and comment.
7. **Staff Report.** A copy of the complete application and a written report incorporating the comments of Village staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this Article shall be delivered to the Planning and Zoning Commission prior to the public hearing.
8. **Determination Not Binding.** Neither the Director of Economic and Community Development's determination that an application is complete, nor any comment made by the Director of Economic and Community Development, Village staff, or other agencies at a pre-filing conference or as part of the review process shall be intended or construed as a

formal or informal recommendation for the approval of a planned development or component part thereof, nor shall be intended or construed as a binding decision of the Village.

- B. **Action by the Planning and Zoning Commission.** Upon receipt of a completed application, the Director of Economic and Community Development will schedule a public hearing at the Planning and Zoning Commission. The Planning and Zoning Commission shall consider the proposed planned development, the staff report, and the public comment and make a recommendation to the Village Board to approve, approve with conditions, or deny the planned development based on the applicable review standards.
- C. **Action by the Village Board.** The Director of Economic and Community Development, on behalf of the Planning and Zoning Commission, shall transmit a report containing its recommendation to approve, approve with conditions, or deny the application to the Village Board. The Village Board shall consider the recommendation of the Planning and Zoning Commission and:
  - 1. Approve the application and adopt the planned development ordinance,
  - 2. Approve the application with conditions and adopt the planned development ordinance with such conditions incorporated,
  - 3. Deny the application,
  - 4. Postpone further consideration pending the submittal of additional information, including any application requirement previously waived. In postponing, the Village Board may refer the application back to the Planning and Zoning Commission for further review.
- D. **Records.** A record of all applications and determinations for action related to Planned Developments shall be kept on file in the office of the Director of Economic and Community Development and shall be available on request to any person pursuant to the Freedom of Information Act, 5 ILCS 140/1 et seq.

**Figure 6.1. Planned Development Procedure**



## 44-06-06. Application Requirements

- A. An application for a Planned Development may be filed only by the property owner, or by a lessee or agent or contract purchaser specifically authorized by the owner to file such application.
- A. An application for a planned development shall be filed with the Director of Economic and Community Development.
- B. Every application shall contain, at a minimum, the information detailed for Planned Development in the Zoning Application Requirements document in Appendix A.
- C. The application shall include a completed application form provided by the Village and supporting materials in format and quantity as required per the application instructions.
- D. All plans shall be of sufficient clarity and detail to indicate the location, nature, and extent of work proposed and demonstrate conformance with the provisions of this Ordinance and other applicable regulations.
- E. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the Village Board.
  - 1. Applications costs, as established in the Village Fee Schedule, may defray the costs of providing notice and contracting with independent professionals to review applications, as required. Such professional costs may include but are not limited to engineering, legal fees, traffic analyses, environmental impact studies, land use design, or other similarly related professional studies.
  - 2. The failure to pay such fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.

## 44-06-07. Effect of Approval or Denial

- A. Approval of the planned development application and adoption of the planned development ordinance by the Village Board authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the Village may require for the planned development. The Director of Economic and Community Development shall review applications for these permits for compliance with the terms of the planned development ordinance approved by the Village Board. No permit shall be issued for development which does not comply with the terms of the adopted planned development ordinance.
- B. **Zoning Map Amendment.** Upon approval of the planned development and adoption of the planned development ordinance by the Village Board, the Village Board shall direct the Director of Economic and Community Development to amend the zoning map to reflect the existence and boundaries of the planned development.
- C. **Expiration.**
  - 1. Subject to Section 44-06-07(D) below, the adoption of a planned development ordinance by the Village Board shall be null and void if the recipient does not file an application for a Building Permit relative to the planned development within nine (9) months after the date of adoption of the ordinance.
  - 2. Subject to Section 44-06-07(D) below, the adoption of a planned development ordinance by the Village Board shall be null and void if construction has not commenced within fifteen (15) months after the date of adoption of the ordinance.
  - 3. Subject to Section 44-06-07(D) below, the adoption of a planned development ordinance with a phasing plan by the Village Board shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
  - 4. An extension of the time requirements established in Section 44-06-07(C)(1-3) may be granted by the Village Board for good cause shown by the applicant, provided a written request is filed with the Village at least four (4) weeks prior to the respective deadline.

- D. No application for a planned development which was previously denied by the Village Board shall be considered by the Planning and Zoning Commission or the Village Board if it is resubmitted in substantially the same form and/or content within one (1) year of the date of such prior denial. The Director of Economic and Community Development shall review the application for a planned development and determine if the application is or is not substantially the same. An appeal of the determination of the Director of Economic and Community Development may be brought to the Village Board for consideration.

#### **44-06-08. Amendments to Planned Developments**

- A. **Determination.** Upon receiving a planned development ordinance amendment application, including the information required by the Director of Economic and Community Development, the Director of Economic and Community Development shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in Section 44-06-08 (B) and (C) below.
- B. **Major Amendment.** A major amendment is any proposed change to an adopted planned development that results in one (1) or more of the following changes:
1. Increase in density;
  2. Increase in the height of buildings;
  3. Reduction of open space by more than five percent (5%);
  4. Modification of the proportion of housing types;
  5. Change in the parking areas in a manner that is inconsistent with this Ordinance;
  6. Increase in the approved gross floor area by more than five hundred (500) square feet;
  7. Alteration of the alignment of roads, utilities, or drainage;
  8. Modification of any other site feature inconsistent with any standard or condition imposed by the Village Board in approving the planned development and adopting the planned development ordinance, as determined by the Director of Economic and Community Development.
- C. **Minor Amendment.** A minor amendment is any proposed change to an adopted planned development ordinance that is consistent with the standards and conditions upon which the planned development application was approved and planned development ordinance adopted, which does not alter the concept or intent of the planned development, and is not considered a major amendment as detailed in Subsection (B).
- D. **Approval Processes.**
1. A major amendment to an adopted Planned Development Ordinance shall follow the procedure set in Section 44-06-05.
  2. A minor amendment to an approved Planned Development Ordinance may be approved by the Director of Economic and Community Development.



# Article 7. Zoning Procedures

44-07-01. Zoning Procedures Responsibilities .....	1
44-07-02. General Application Requirements.....	3
44-07-03. General Review and Approval Procedures .....	5
44-07-04. Zoning Compliance Permits .....	9
44-07-05. Limited Use Permits .....	9
44-07-06. Administrative Exceptions .....	11
44-07-07. Temporary Use Permits.....	12
44-07-08. Interpretations.....	14
44-07-09. Site Plan Review .....	14
44-07-10. Zoning Text and Map Amendments .....	15
44-07-11. Special Use Permit.....	18
44-07-12. Variances.....	21
44-07-13. Administrative Appeals.....	24

## 44-07-01. Zoning Procedures Responsibilities

- A. **Village Board of Trustees.** The Village Board shall, with respect to this Ordinance, make final decisions on applications for Text and Map Amendments, Planned Developments, and Special Uses, with or without conditions, and final decisions on applications for certain Variances set forth in Section 44-07-12, with or without conditions.
- B. **Planning and Zoning Commission.**
1. With respect to this Ordinance, the Planning and Zoning Commission shall:
    - a. Hear and decide appeals of any order, requirement, decision or determination made by authorized village personnel under this Ordinance.
    - b. Hear, consider, make a written report with findings of fact and recommendations to the Village Board on all applications for Map and Text Amendments, Special Uses, Subdivisions, and Planned Developments,
    - c. Consider and render final decisions for applications through the Site Plan Review process deferred by the Administrative Review Committee,
    - d. Make recommendations to the Village Board on Variances or make final determinations for Variances as specified in Section 44-07-12,
    - e. Consider and make final decisions on Administrative Appeals,
    - f. Make decisions on other matters referred to it upon which it is required to pass under this Ordinance.
    - g. Assist in the development, review, and amendment of the comprehensive plan, as requested by the Village Board.

2. In carrying out its duties and exercising its authority, the Commission shall adhere to the following procedure:
  - a. **Testimony.** All testimony by witnesses shall be given under oath. The chairperson or, in their absence, the acting chairperson, may administer oaths. All meetings of the Planning and Zoning Commission shall be open to the public, in accordance with the State Open Meetings Law.
  - b. **Voting.** All decisions arrived at by the Planning and Zoning Commission shall require a majority vote of all members for passage or approval of the matter being considered.

**C. Director of Economic and Community Development.**

1. The Director of Economic and Community Development shall have the following powers and duties with regard to this Ordinance:
  - a. To receive, file, and forward to the Planning and Zoning Commission, all applications which the Commission is required to consider under this Ordinance.
  - b. To forward to the building inspector and department heads copies of all applications which they are required to pass under this Ordinance.
  - c. To review plans submitted by applicants for development approval in conformity with the terms of this Ordinance.
  - d. To approve applications for Zoning Compliance Permits, Limited Use Permits, Administrative Exceptions, Temporary Use Permits, and minor amendments to approved Planned Developments and Special Use Permits.
  - e. To conduct inspections of the uses of land to determine compliance with the terms of this Ordinance and other applicable ordinances.
  - f. To propose new or revised zoning regulations, as may be required from time to time, based on changes in state law, case law, market conditions, or technical standards.
  - g. To maintain permanent and current records of all zoning related ordinances and documents, including, but not limited to all Maps and Text Amendments, Special Uses, Variances, Appeals, Site Plan Review, Interpretations, and Planned Developments.
  - h. To interpret the provisions of this Ordinance.
  - i. To enforce this Ordinance and issue notices of violation.
  - j. To provide technical assistance to the Planning and Zoning Commission, Village Board, and other bodies with authority under this Ordinance.
  - k. To perform such other duties as may be required by the Village Board, including providing assistance to Village commissions, committees, and agencies.

**D. Building Inspector.**

1. The Building Inspector shall have the following powers and duties with regard to this Ordinance:
  - a. To review requests for and to issue building permits and certificates of occupancy and maintain records thereof.
  - b. To conduct inspections of buildings and structures to determine compliance with the terms of this Ordinance and other applicable ordinances.
  - c. To enforce the provisions of this Ordinance and to issue notices of violations.
  - d. To provide technical assistance to the Village Board and other bodies with authority under this Ordinance and this Code.

- e. To perform such other duties as may be requested by the Village Board, including providing assistance and advice as may be required to various commissions, committees and agencies of the Village.
- E. **Village Manager.** The Village Manager shall appoint members of the Village administration to enforce this Ordinance, to provide such clerical and technical assistance as may be required by the Planning and Zoning Commission in the exercise of their duties, and to perform such other duties as may be appropriate.
- F. **Administrative Review Committee.**
1. An Administrative Review Committee is established for the review of all Board and/or Commission approved zoning procedures and consists of the:
    - a. Director of Economic and Community Development,
    - b. Village Planner,
    - c. Director of Public Works,
    - d. Village Engineer,
    - e. Building Inspector,
    - f. Fire Chief,
    - g. Police Chief, and
    - h. Village Manager.
  2. Members of the Administrative Review Committee may delegate a member of their department to act for the committee member.
  3. The Director of Economic and Community Development shall be the chairperson.
  4. Meetings will be called by the Chairperson as needed.

## **44-07-02. General Application Requirements**

### **A. Authority.**

1. An application for any zoning procedure may be filed only by the property owner, or by a lessee or agent or contract purchaser specifically authorized by the owner to file such application.
2. An application for a text or map amendment may also be filed by the Village Board, the Director of Economic and Community Development, or the Planning and Zoning Commission.

### **B. Filing.**

1. Applications for any zoning procedure shall be filed with the Director of Economic and Community Development.
2. The application shall contain, at a minimum, the information detailed per approval type in the Zoning Application Requirements document, in Appendix A.
3. The application shall include a completed application form provided by the Village and supporting materials in format and quantity as required per the application instructions.
4. All plans shall be of sufficient clarity and detail to indicate the location, nature, and extent of work proposed and demonstrate conformance with the provisions of this Ordinance and other applicable regulations.

**C. Completeness.**

1. The Director of Economic and Community Development shall determine whether the application is complete.
2. If the application is not complete, the Director of Economic and Community Development shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied. If the deficiencies are not remedied within sixty (60) days of the initial filing, the application shall be dismissed without prejudice with no further action by the Village.
3. Once the Director of Economic and Community Development has determined that the application is complete, the application shall be scheduled for consideration at the appropriate meeting.

**D. Fees.**

1. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the Village Board.
2. The failure to pay such fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.
3. No fees shall be waived, and no fees shall be refunded except those authorized by the Village Manager or their designee in their sole discretion.
4. A current fee schedule is included in the Village Fee Schedule as adopted.

**E. Withdrawal of an Application.**

1. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a Village official, commission, or board. Such withdrawal shall be in writing.
2. Re-filing a withdrawn application shall not constitute a successive application.

**F. Successive Applications.**

1. A subsequent application shall not be reviewed or heard within one (1) year of the date of denial, unless there is substantial new evidence available or if a significant mistake of law or of fact affected the prior denial.
2. Such subsequent applicant shall include a detailed statement of the grounds justifying its consideration.
3. The Director of Economic and Community Development shall make a determination as to whether the subsequent application is seeking essentially the same relief.
4. If the Director of Economic and Community Development finds that there are no grounds for consideration of the subsequent application, they shall summarily and without hearing deny the request.

**G. Concurrent Applications.** Applications for multiple zoning actions related to a subject property may be processed concurrently. Applications for the Appearance Commission, pursuant to Chapter 28 of the Homewood Municipal Code, may be processed concurrently with an application for Zoning Action.

**H. Records.**

1. A record of all applications and determinations for zoning action shall be kept on file in the office of the Director of Economic and Community Development.
2. A record of all issued building permits and certificates of occupancy shall be kept on file in the office of the Building Inspector.

3. Pursuant to the Freedom of Information Act, 5 ILCS 140/1 et seq., record files shall be available on request to any person.

### **44-07-03. General Review and Approval Procedures**

A. **Administrative Authority.** The following Village staff shall have the authority to receive applications and make determinations for the following administrative procedures:

1. **Building Inspector.**
  - a. Building Permit
  - b. Certificate of Occupancy
2. **Director of Economic and Community Development.**
  - a. Zoning Compliance Permit
  - b. Limited Use Permit
  - c. Administrative Exception
  - d. Temporary Use Permit
  - e. Interpretations
3. **Administrative Review Committee.**
  - a. Site Plan Review

B. **Planning and Zoning Commission Authority.**

1. All public hearings for zoning procedures shall be conducted at the Planning and Zoning Commission.
2. The Planning and Zoning Commission shall make findings of fact and provide a recommendation to the Village Board of Trustees for all zoning actions in which the Village Board makes the final decision.
3. The Planning and Zoning Commission shall have final decision-making authority on Variances specifically designated in Section 44-07-12.
4. The Planning and Zoning Commission shall have final decision-making authority on Administrative Appeals pursuant to Section 44-07-13.
5. The Planning and Zoning Commission shall have final decision-making authority on Site Plan Review deferred to the Commission by the Administrative Review Committee pursuant to Section 44-07-9.
6. The Planning and Zoning Commission shall have final decision-making authority on Major Planned Development Amendments as specified in Section 44-06-08 and approved Special Use as specified in Section 44-07-11(H).
7. If the applicant has two (2) consecutive unexcused absences for a public hearing, the requested action shall be dismissed without prejudice.

C. **Village Board Authority.** The Village Board shall make the final decision for all applications for Map and Text Amendments, Special Use Permits, Planned Developments, Variances other than those expressly designated to the Planning and Zoning Commission in Section 44-07-12.

**Table 44-07-03: Zoning Procedures**

Procedure	Building Inspector	Director of Economic and Community Development	Administrative Review Committee	Planning and Zoning Commission	Village Board
<i>Building Permit</i>	D				
<i>Certificate of Occupancy</i>	D				
<i>Zoning Compliance Permit</i>		D			
<i>Limited Use Permit</i>		D			
<i>Administrative Exception</i>		D			
<i>Temporary Use</i>		D	R		
<i>Interpretation</i>		D			
<i>Site Plan Review</i>			R/D	D	
<i>Planned Development</i>					
<i>Planned Development (1)</i>				R*	D
<i>Minor Planned Development Amendment (1)</i>		D			
<i>Major Planned Development Amendment (1)</i>				R*	D
<i>Amendments</i>					
<i>Zoning Map Amendment</i>				R*	D
<i>Zoning Text Amendment</i>				R*	D
<i>Special Use Permit</i>					
<i>Special Use Permit</i>				R*	D
<i>Minor Special Use Permit Amendment</i>		D			
<i>Major Special Use Permit Amendment</i>				R*	D
<i>Variance</i>				R*	D
<i>Administrative Appeal</i>				D	
<b>Key</b>					
R = Recommending Body					
D = Decision Making Body					
* = Public Hearing Required					
<b>Notes</b>					
(1) Process specified in Article 6 Planned Development Standards and Procedures.					

**D. Public Hearing Notices.**

1. **Notice Requirements by Procedure.** Table 44-07-03(D)(1) summarize the notice requirements per Board and Commission review and approval procedure.
  - a. In the case of a comprehensive zoning text or map amendment, notice shall be in accordance with the statutes of the state.

<b>Table 44-07-03(D)(1): Notice Requirements by Procedure</b>		
<b>Procedure</b>	<b>Mailed Notice</b>	<b>Published Notice</b>
<i>Planned Development (1)</i>	●	●
<i>Major Planned Unit Development Amendment (1)</i>	●	●
<i>Zoning Map Amendment</i>	●	●
<i>Zoning Text Amendment</i>		●
<i>Special Use Permit</i>	●	●
<i>Major Special Use Permit Amendment</i>	●	●
<i>Variance</i>	●	●
<b>Key</b>		
● = Required form of notice		
<b>Notes</b>		
(1) Process specified in Article 6 Planned Development Standards and Procedures.		

2. **Mailed Notices.** The Village shall send written notification via first class mail to all occupants within two-hundred fifty feet (250') of the subject property line, as determined by the Village's records.
3. **Published Notices.** The Village shall publish notice in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant and the address of the subject property. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date.
4. **Cost of Notice.** All costs associated with mailed and published notice, as required by this Ordinance, shall be the responsibility of the applicant.

E. **Pre-Filing Staff Conference(s).** A prospective applicant, prior to submitting a formal application for zoning procedure to be decided by the Planning and Zoning Commission or Village Board, shall meet for a pre-filing conference(s) with the Director of Economic and Community Development. The purpose of the conference(s) is to help the applicant understand: Village plans and policies, including but not limited to the Comprehensive Plan and Downtown Master Plan; the Zoning Ordinance; application requirements as detailed in the Zoning Application Requirements document; and the standards by which the application will be evaluated.

F. **Recording of Documents.** The Director of Economic and Community Development shall file record documents with the Cook County Clerk - Recording Division as required by the Village in instances of subdivision, lot consolidation, amendments, Variances, ordinances, and documents otherwise required by state statutes. Recording shall be completed in a timely manner and at the expense of the applicant. Notice of all fees shall be furnished to the applicant and paid prior to the recording of documents.

**G. Building Permit.**

1. A Building Permit, as required by Chapter 10 of the Homewood Municipal Code, must be obtained before any work may commence to alter any building, structure, or land.
2. When approval by the Appearance Commission is required by Chapter 28 of the Homewood Municipal Code, the applicant shall receive approval from the Appearance Commission prior to the issuance of a building permit.

3. Prior to obtaining a building permit, a building or structure must comply with the terms of this chapter and have completed all approvals required by this Article.
4. The Building Inspector shall be responsible for determining compliance with this and all other applicable ordinances prior to the issuance of the building permit.

#### H. **Certificate of Occupancy.**

##### 1. **Applicability.**

- a. No vacant land, new structure, or existing structure undergoing addition or alteration shall be occupied or used, in part or in full, before obtaining a Certificate of Occupancy.
- b. The change of use of a building, or part thereof, shall require of a certificate of occupancy.
- c. The certificate of occupancy shall state that the building complies with all the building and health laws and ordinances and with the provisions of this Ordinance, and with state and federal licensing requirements, as applicable.
- d. The Certificate of Occupancy shall not be issued until the premises has been inspected and determined the structure is in complete compliance with the plans and specifications upon which the Building Permit was based, and any other approvals required by this Ordinance.
- e. The Building Inspector shall be responsible for determining compliance with this and all other applicable ordinances before the issuance of the certificate of occupancy.

##### 2. **Continued Occupancy of Existing Building.** Nothing in this Section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property and as required in Article 8: Nonconformities.

##### 3. **Action by the Building Inspector.**

- a. Upon passing final inspections, the Building Inspector shall issue a certificate of occupancy. The certificate of occupancy shall be dated and signed by the Building Inspector and shall identify the approved use or occupancy of the building or structure and state that the use or occupancy complies with the terms of this Ordinance.
- b. If final inspections find the building or structure non-compliant with the codes, the Building Inspector shall provide written notice to the applicant with the reasons for failing inspections and denying the certificate of occupancy.

##### 4. **Temporary and Conditional Certificate of Occupancy.**

- a. The Fire Chief may issue a temporary or conditional certificate of occupancy if all life safety codes are complied with to allow the premises to be occupied for the proposed use.
- b. Such certificate shall become final only upon full compliance with this Ordinance and this Code.



#### 44-07-04. Zoning Compliance Permits

- A. **Applicability.** A Zoning Compliance Permit must be obtained before any person may construct, move, or structurally alter any building or structure used for nonresidential purposes, or establish any new nonresidential use on a lot or within a building or structure.
- B. **Action by the Director of Economic and Community Development.** Upon receipt of a complete application, the Director of Economic and Community Development shall review the materials to ensure the application conforms with the provisions of this Article and approve, approve with conditions, or deny the application for a Zoning Compliance Permit. The Director of Economic and Community Development issue the permit or notify the applicant in writing of reasons for denial.
- C. **Expiration.** The Zoning Compliance Permit shall automatically expire without further action by the Village if the applicant fails to obtain a Certificate of Occupancy within one (1) year of the approval of the permit. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.

#### 44-07-05. Limited Use Permits

- A. **Purpose.** In order to provide flexibility and to help diversify uses within a district, specified uses are permitted in certain districts subject to the granting of a Limited Use Permit. Because of their unusual or special characteristics, Limited Uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process set forth in this Section is intended to assure compatibility and harmonious development between Limited Uses, surrounding properties, and the Village at large.
- B. **Procedures.**
  - 1. **Pre-Application Conference.** The applicant for a Limited Use permit is advised to meet with the Director of Economic and Community Development prior to submitting an application to discuss the submittal requirements, review criteria, and review process.
  - 2. **Action by the Director of Economic and Community Development.**
    - a. Upon receipt of a completed application, the Director of Economic and Community Development will review the materials to ensure the application conforms to the criteria in Subsection (C) below. Based upon their review, the Director of Economic and Community Development shall approve, approve with conditions, advance the application to a Special Use, or deny the application.
    - b. If denied, the Director of Economic and Community Development shall report the deficiencies to the applicant. The applicant shall have six (6) weeks from the date of notification of the deficiencies to correct the deficiencies; otherwise, the Limited Use Permit application will be considered abandoned without further notice from the Village.
- C. **Limited Use Permit Review Criteria.** Limited Uses are permitted within the district where designated when they comply with specific conditions and limitations as set forth in this Ordinance. The scope and operations of any Limited Use may be limited or qualified by the conditions of the subject property. A listed Limited Use that cannot meet the specific conditions and limitations set forth in this Ordinance shall not be allowed under a Limited Use permit.
  - 1. **General Criteria.** The Limited Use permit shall be approved upon a finding by the Director of Economic and Community Development that the following general criteria have been met, to the extent they may be applicable:
    - a. The proposed use will conform with or further the goals, objectives and strategies of the Village's Comprehensive Plan and other adopted plans;

- b. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Ordinance and for the district in which the use is located; however, nonconforming sites and/or buildings must be brought into conformance if required to do so pursuant to Article 8: Nonconformities, of this Ordinance;
- c. The proposed use will not substantially alter the basic character of the district in which it is located, or jeopardize the development or redevelopment potential of property within the district;
- d. The proposed use will not have a significant adverse impact on the adjacent uses or properties, or result in hazardous conditions for pedestrians or vehicles within or in close proximity to the site;
- e. The proposed use will be adequately served with public utilities, services, and facilities and not impose an undue burden above and beyond those of the Permitted Uses of the district in which it is located; and
- f. Potential negative impacts of the Limited Use on the surrounding properties have been or may be mitigated through specific setbacks, architecture, screen walls, landscaping, site arrangement or other methods required in the permit as conditions and/or limitations of permit approval. The applicant shall satisfactorily address each of the following impacts:
  - i. Traffic,
  - ii. Activity levels,
  - iii. Light,
  - iv. Noise,
  - v. Odor,
  - vi. Building type, style and scale,
  - vii. Hours of operation,
  - viii. Dust, and
  - ix. Stormwater management, drainage, and erosion control.

- 2. **Use-Specific Standards.** In addition to the general criteria for review of a Limited Use Permit listed above, certain uses, due to their unique characteristics, must also comply with the special provisions specific to those uses contained in Article 4. Use-Specific Standards of this Ordinance.

**D. Permit Transferability.**

- 1. A Limited Use Permit may be transferred to any other person to operate the same use on the same property and/or within the same building according to the same terms of the permit. A Limited Use Permit may not be transferred to any other property or other building.
- 2. The owner or operator holding the Limited Use Permit may apply in writing to the Director of Economic and Community Development, using a form provided by the Village, requesting to transfer the Limited Use Permit. The Director of Economic and Community Development shall review the request and issue a determination in writing to grant the transfer or require a new application for Limited Use Permit for further review.

- E. **Expiration.** A Limited Use Permit shall automatically expire without any further action by the Village if the use for which the permit was granted has not been established at the approved location within a period of one (1) year from the date the permit was approved, or the use for which the permit was issued has been discontinued for a period of one year or longer. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community

Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.

#### **44-07-06. Administrative Exceptions**

- A. **Purpose.** Administrative Exception is an administrative process through which certain minor Variances may be approved by the Director of Economic and Community Development. Administrative Exceptions are intended to allow a limited amount of flexibility in the siting and height of certain buildings and/or structures.
- B. **Authority.** The Director of Economic and Community Development shall have the authority to grant or deny applications for Administrative Exceptions for such circumstances as this Ordinance allows, subject to the requirements of this Section. No site plan shall be approved or building permit issued for a proposal requiring an exception to a zoning standard listed below unless an Administrative Exception is approved.
- C. **Applicability.**
1. An administrative exception to certain requirements of this Ordinance may be granted:
    - a. To permit a yard up to five (5%) less than the yard required by the applicable regulations.
    - b. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot. The maximum Variance that may be grant shall be five percent (5%).
    - c. To reduce the applicable off-street parking or loading requirements to the extent of not more than one parking space or loading space, or five percent of the spaces required by applicable regulations, whichever number is greater.
    - d. To allow any permitted nonresidential use in a residential district to exceed the floor area ratio imposed by the applicable regulations by no more than five percent of that area limit imposed by applicable regulations.
    - e. To permit the direct replacement of a stoop and stairs that encroaches into the required front or side yard with a structure of the same dimensions.
    - f. To permit an accessory structure to be located less than ten feet (10') but not less than five (5') from the principal structure, provided the accessory structure is constructed with no less than a one-hour fire resistance rating.
  2. No Administrative Exception shall be considered where the setback is five feet (5') or less.
  3. In the case of a requested addition to a structure, no exception shall be considered where the existing structure does not meet the minimum setback.
  4. No exception shall be considered for a reduction of a setback for property in the M-1 or M-2 districts if the yard in which the setback reduction is requested is adjacent to any residential use.
- D. **Procedure.**
1. **Pre-Application Conference.** The applicant for an Administrative Exception is encouraged to meet with the Director of Economic and Community Development prior to submitting an application to discuss the submittal requirements, review criteria, and review process.
  2. **Neighbor Notice.** The Village shall provide written notice to all adjacent property owners detailing the exception being requested and including the contact information of the Director of Economic and Community Development to whom protest to the Administrative Exception should be sent. If protest is received, the Director of Economic and Community Development shall elevate the Administrative Exception to a Variance per Section 44-07-12.

3. **Action by the Director of Economic and Community Development.** Upon receipt of a completed application, the Director of Economic and Community Development will review the materials to ensure the application conforms to the criteria in Subsection (E) below. Based upon their review, the Director of Economic and Community Development shall approve, approve with conditions, advance the application to a Variance, or deny the application.
- E. **Administrative Exception Review Criteria.** The Administrative Exception shall be approved if the Director of Economic and Community Development finds that the proposed exception meets the following criteria:
1. Is consistent with the Comprehensive Plan and other adopted Village plans,
  2. Is consistent with the purpose of the underlying district,
  3. Will not result in incompatible development,
  4. Will not result in adverse impacts unless adequately mitigated, and
  5. Is of a technical nature and is required to:
    - a. Compensate for an unusual condition,
    - b. Eliminate a minor inadvertent failure to comply with this Ordinance, or
    - c. To protect a sensitive resource or natural feature.
- F. **Expiration.** The Administrative Exception shall automatically expire without further action by the Village if the applicant fails to obtain a building permit within one (1) year of the approval of the Administrative Exception. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.

#### **44-07-07. Temporary Use Permits**

- A. **Applicability.** A Temporary Use Permit shall be required prior to the commencement of a Temporary Use identified in Table 44-03-04.
- B. **Action by the Director of Economic and Community Development.** Upon receipt of a completed application, the Director of Economic and Community Development will review the materials to ensure the application conforms to the criteria in Subsection (C) below. Based upon their review, the Director of Economic and Community Development shall approve, approve with conditions, or deny the application.
- C. **Temporary Use Permit Review Criteria.** To approve the issuance of Temporary Use Permit, the Director of Economic and Community Development, in consultation with the Administrative Review Committee, shall make an affirmative finding that the following criteria are met:
1. **Land Use Compatibility.** The Temporary Use must be compatible with the purpose and intent of this Ordinance and the district in which it will be located. The Temporary Use shall not impair the normal, safe, and effective operation of a permanent use on the same site. The Temporary Use shall not endanger or be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the immediate vicinity of the Temporary Use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
  2. **Compliance with Other Regulations.** A building permit, life safety inspection, or temporary certificate of occupancy may be required before any structure used in conjunction with the Temporary Use is approved, constructed, or modified. All structures and the site as a whole shall meet all applicable building code, Ordinance, and fire code standards and shall be promptly removed upon the cessation of the use or event. Upon cessation of the use or event, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices, or other evidence of the special event or use).

3. **Hours of Operation and Duration.** The duration and hours of operation of the Temporary Use shall be consistent with the intent of the event or use, and compatible with the surrounding land uses. The duration and hours of operation shall be established by the Director of Economic and Community Development at the time of approval of the Temporary Use Permit.
4. **Traffic Circulation.** The Temporary Use, as determined by the Village Engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.
5. **Off-Street Parking.** Adequate off-street parking shall be provided for the Temporary Use, as determined by the Director of Economic and Community Development, and it shall not create a parking shortage for any of the other existing uses on the site.
6. **Public Conveniences and Litter Control.** Adequate on-site restroom facilities and on-site solid waste containers may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the Village.
7. **Appearance and Nuisances.** The Temporary Use shall be compatible in intensity, appearance, and operation with surrounding land uses in the area, and shall not impair the usefulness, enjoyment, or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
8. **Signs and Attention-Getting Devices.** The Director of Economic and Community Development shall review all signage in conjunction with the issuance of the permit, although a Sign Permit is not required. The Director of Economic and Community Development may approve the Temporary Use of attention-getting devices. The number and types of signs and attention-getting devices allowed shall be evaluated on the following criteria:
  - a. Type and size of the proposed event or use,
  - b. Safety considerations (sight distance setbacks, sidewalks in area, etc.),
  - c. Lighting considerations (disturbance of nearby residents or adverse effects to traffic on adjacent streets),
  - d. Aesthetic concerns (appearance, illumination, number, and size of signs and attention-getting devices proposed).
9. **Other Conditions.** The Director of Economic and Community Development may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the Temporary Use. Conditions may include, but shall not be limited to:
  - a. Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.
  - b. If the permit applicant requests the Village to provide extraordinary services or equipment or if the Director of Economic and Community Development otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the Village a fee sufficient to reimburse the Village for the costs of these services if not provided by the applicant. This requirement shall not apply if the event or use has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

## 44-07-08. Interpretations

- A. **Purpose.** The provisions of this Ordinance, though detailed and extensive, cannot as a practical matter, address every specific situation to which may arise. The Interpretation authority established herein is not intended to add or change the essential content of this Ordinance but to allow authoritative application of that content to specific cases.
- B. **Intent.** The Director of Economic and Community Development may issue Interpretations of the provisions of this Ordinance to clarify the standards or requirements as they relate to a particular type of development on a particular property. The Interpretation does not itself authorize the establishment of a use but provides guidance for any approvals or permits required by this Ordinance, and the Interpretation shall be advisory in nature and shall not be binding upon the Planning and Zoning Commission or the Village Board in their functions under this Ordinance. The Interpretation shall specify the facts, reasons, analysis, and standards upon which the Interpretation is based. The Interpretation shall respond to the specific facts, details, and description of the proposed development as provided by the requesting party.
- C. **Action by the Director of Economic and Community Development.** Upon receipt of a request for interpretation, the Director of Economic and Community Development will issue a written Interpretation to the requesting party, and place a record on file.

## 44-07-09. Site Plan Review

- A. **Purpose.** The purpose of Site Plan Review is to certify compliance with all applicable provisions of this Ordinance, the Homewood Municipal Code, and the goals, objectives and strategies of the Village's Comprehensive Plan and other adopted plans.
- B. **Applicability.**
  - 1. Every building permit application for new construction, additions equal to or greater than twenty percent (20%) of the existing floor area of the building, and any modifications to an existing site development that alters parking or circulation shall be subject to Site Plan Review and approval.
  - 2. Site Plan Review shall not apply to:
    - a. Building permits for construction that are limited to interior remodeling, exterior modifications not impacting the site, or additions less than twenty percent (20%) of the existing floor area of the building; and
    - b. Building permits for detached single-family dwellings, duplexes, or their accessory structures.
  - 3. No building permit shall be issued unless and until site plan approval has been granted.
- C. **Action by the Administrative Review Committee.**
  - 1. Upon receipt of a completed application, the Administrative Review Committee shall review the materials to ensure conformance with the Homewood Municipal Code, Zoning Ordinance, and adopted plans.
  - 2. If areas of non-compliance are found, the Committee will issue a comment letter to the applicant, to revise and resubmit the plans for further review.
  - 3. Upon the receipt of applicable revisions, the Administrative Review Committee shall approve, approve with conditions, refer the application to the Planning and Zoning Commission for review, or deny the application.
- D. **Action by the Planning and Zoning Commission.**
  - 1. Should the Administrative Review Committee refer the application to the Planning and Zoning Commission for review, the Director of Economic and Community Development will schedule the application for consideration by the Planning and Zoning Commission in a public meeting and prepare a report to the Planning and Zoning Commission.

2. The Planning and Zoning Commission shall review the proposed site plan and any oral and written comments received at the public meeting and determine the level of compliance with the Zoning Ordinance. The Planning and Zoning Commission shall approve, approve with conditions, or deny the proposed site plan.

- E. **Expiration.** The site plan approval shall automatically expire without further action by the Village if the applicant fails to obtain a building permit within one (1) year of the approval of the site plan. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.

## 44-07-10. Zoning Text and Map Amendments

- A. **Purpose.** The regulations imposed and the districts created under the authority of this Ordinance may be amended, from time to time. The amendment process is intended to adjust this Ordinance in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. **Authority.**

1. Amendments to the regulations and districts of this Ordinance shall be in accordance with state statutes. No such amendment shall be made without a public hearing before the Planning and Zoning Commission. The Planning and Zoning Commission shall report their findings of fact and recommendations to the Village Board. The Village Board shall make final decisions on zoning text and map amendments.
2. The Director of Economic and Community Development is authorized to make minor, non-substantive additions, corrections, or deletions to verbiage and punctuation as necessary to correct typographical and editing errors incurred during the comprehensive amendment of April 2002, and any subsequent amendment to this Ordinance.

- C. **Procedure.** Upon receipt of a completed application for a zoning text or map amendment, the Director of Economic and Community Development will schedule the application for consideration by the Planning and Zoning Commission and complete the public hearing notification.

1. **Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall review the proposed amendment, any oral and written comments received at the public hearing, and responses by the applicant to the standards and make findings of fact to specify the reasons for their recommendation. The Planning and Zoning Commission shall then forward to the Village Board its findings of fact and recommendation to approve, approve with conditions, or deny the proposed amendment.
2. **Action by the Village Board of Trustees.** Following the public hearing, the Planning and Zoning Commission shall forward its findings of fact and its recommendation to the Village Board. Upon receiving the report from the Planning and Zoning Commission, the Village Board shall approve, approve with conditions, refer the matter back to the Planning and Zoning Commission for further consideration, or deny the proposed amendment. The Village Board shall make the final decision on all zoning text and map amendments.

- D. **Standards.** In making their recommendations on the map or text amendment, the Planning and Zoning Commission and Village Board shall review responses by the applicant to the standards set forth below. Not one of the standards is controlling.

1. **Zoning Map Amendments.**

- a. Does the current zoning or the proposed zoning more closely conform to the stated goals in the comprehensive plan?
- b. Have major land uses, conditions or circumstances changed since the original zoning was established?
- c. Do sites exist for the proposed use in existing districts permitting such use?

- d. Is the requested change compatible with the existing uses, development patterns and zoning of nearby properties?
- e. Does the present development of the area comply with existing ordinances?
- f. Does the existing zoning impose an unreasonable hardship or can a reasonable economic benefit be realized from uses permitted by the existing zoning?
- g. What is the extent of the diminishment of property values, if any, resulting from the current zoning?
- h. How long has the property been vacant as compared to development occurring in the vicinity?
- i. Is the property physically suitable for the zoned uses or for the proposed use?
- j. Does the proposed use satisfy a public need?
- k. Will the proposed change conflict with existing or planned public improvements or adversely impact schools, parks or other public facilities?
- l. In the vicinity, will the environment or traffic patterns be adversely affected?
- m. To what extent will the proposed change diminish property values of the surrounding properties?
- n. Will the proposed change deter the use of properties in the area or contribute to redevelopment?
- o. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the village as a whole?

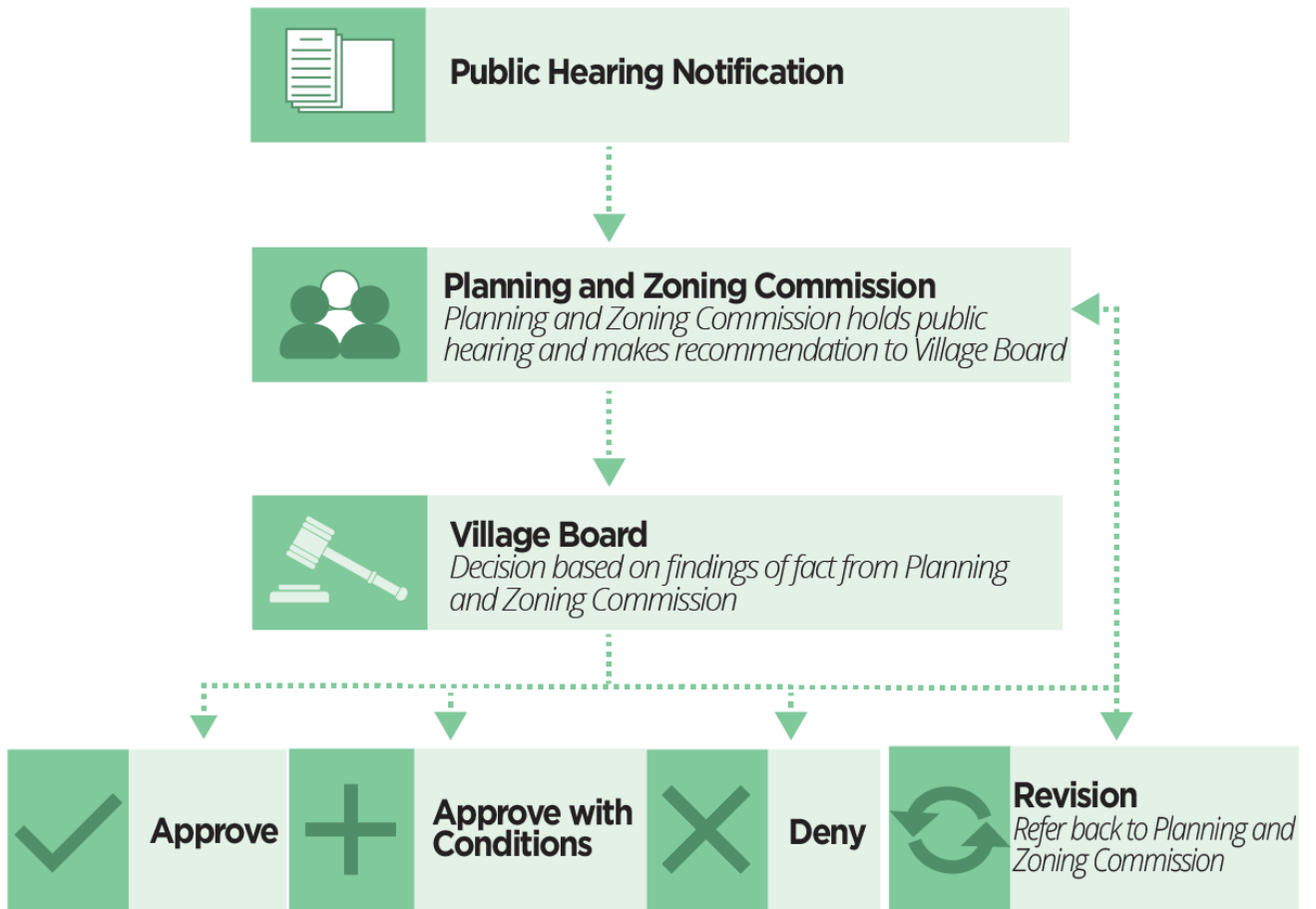
2. **Text Amendments.**

- a. Is the proposed text amendment consistent with the stated goals in the comprehensive plan?
- b. Does the proposed text amendment address a particular issue or concern for the village?
- c. Will the proposed text amendment impose an unreasonable hardship on existing uses?
- d. Have major land uses, conditions or circumstances changed since the original zoning ordinance text was established?
- e. Is the requested change compatible with the existing uses and development patterns of the community?
- f. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the village as a whole?

E. **Written Protest.** In the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged either by the owners of twenty percent (20%) of the frontage proposed to be altered, or twenty percent (20%) percent of the frontage immediately adjacent to or across an alley therefrom, or by the owners of twenty percent (20%) percent of the frontage abutting or directly opposite the frontage proposed to be altered, the amendment shall not be passed except by a favorable vote of two-thirds of the members of the Village Board. In such cases, a copy of the written protest shall be served, by the protestor, to both the applicant for the proposed amendment and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.



Figure 7.1. Zoning Text and Map Amendment Procedure



## 44-07-11. Special Use Permit

- A. **Purpose.** Special Uses encompass those uses which require a case-by-base consideration to assess the potential impact upon neighboring properties and the suitability of the proposed special use for the particular location, to serve the needs of the public. The special use process addresses these unique circumstances and regulates such uses to protect the public health, safety and welfare.
- B. **Procedure.** Upon receipt of a completed application for a special use permit, the Director of Economic and Community Development will schedule the application for consideration by the Planning and Zoning Commission and complete the public hearing notification.
1. **Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall review the application, any oral and written comments received at the public hearing, and responses by the applicant to the standards and make findings of fact to specify the reasons for their recommendation. The Planning and Zoning Commission shall then forward to the Village Board its findings of fact and recommendation to approve, approve with conditions, or deny the application.
  2. **Action by the Village Board.** Following the public hearing, the Planning and Zoning Commission shall forward its findings of fact and its recommendation to the Village Board. Upon receiving the report from the Planning and Zoning Commission, the Village Board shall approve the special use, approve the special use with conditions, refer the matter back to the Planning and Zoning Commission for further consideration, or deny the application. The Village Board shall make the final decision on all Special Uses.
- C. **Standards.** In considering an application for a special use permit the Planning and Zoning Commission and Village Board shall review the responses by the applicant to the standards set forth below. Not one of the standards is controlling.
1. Is the special use deemed necessary for the public convenience at that location?
  2. Will the special use be detrimental to the economic welfare of the community?
  3. Will the special use be consistent with the goals and policies of the comprehensive plan and other adopted plans of the Village?
  4. Is the special use at the subject property so designed, located, and proposed to be operated, that the public health, safety, and welfare will be protected?
  5. Is the special use a suitable use of the property and, without the special use, could the property will be substantially diminished in value?
  6. Will the special use cause substantial injury to the value of other property in the neighborhood in which it is located?
  7. Will the special use be consistent with the uses and community character of the neighborhood surrounding the subject property?
  8. Will the special use be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the zoning district?
  9. Will the special use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district?
  10. Does the proposed special use at the subject property provides adequate measures of ingress and egress in a manner that minimizes traffic congestion in the public streets?
  11. Is the subject property adequately served by utilities, drainage, road access, public safety and other necessary facilities to support the special use?

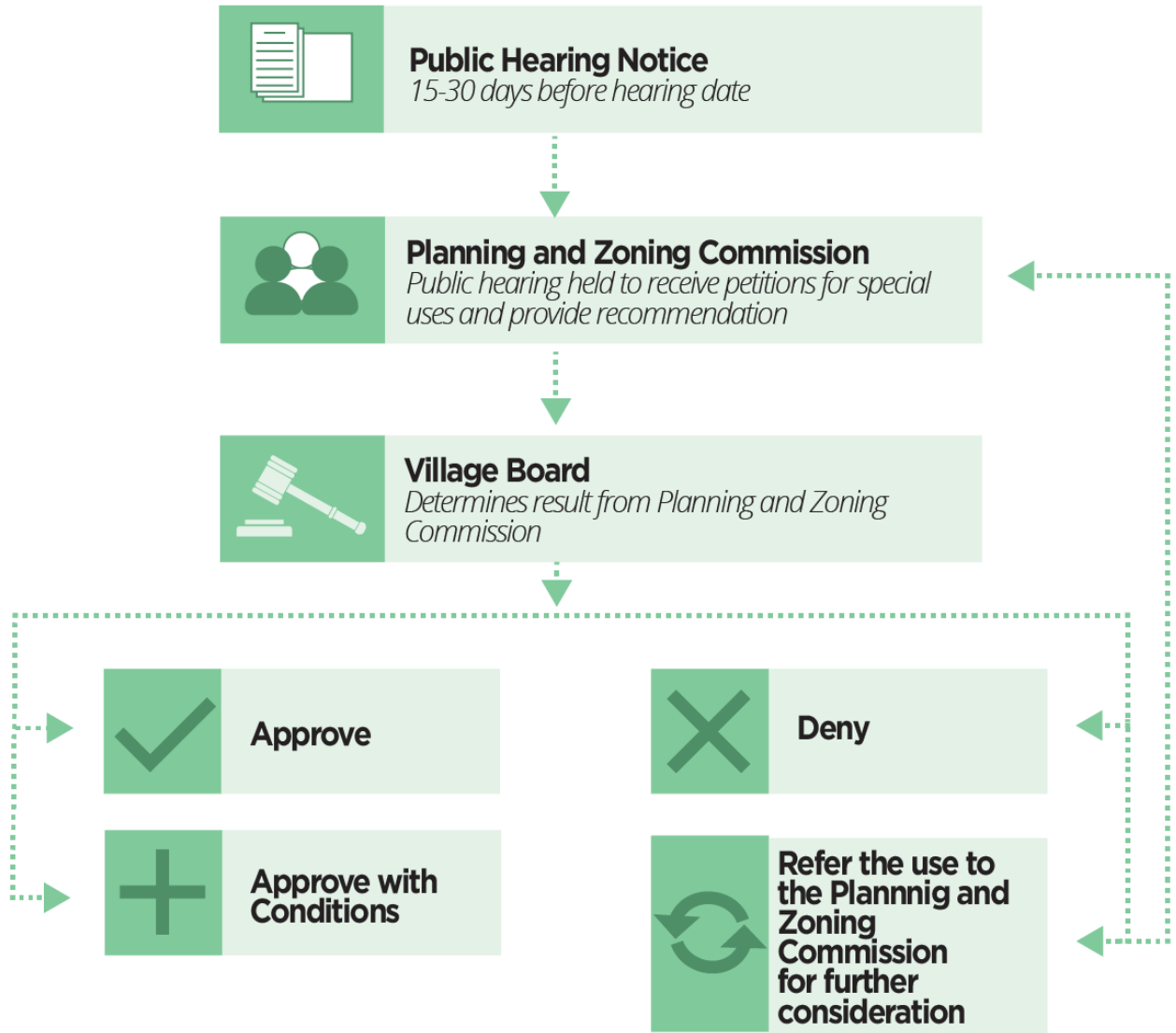
12. Will the special use have a substantial adverse effect on one or more historical, archeological, cultural, natural or scenic resources located on the parcel or surrounding properties?

- D. **Conditions.** The Planning and Zoning Commission may recommend and the Village Board may impose conditions and restrictions upon the construction, location and operation of a special use. Such conditions must be deemed necessary to comply with the standards set forth in this Ordinance, to promote the general objectives of this Article, and to minimize or reduce the injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the special use. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such special use approval.
- E. **No Presumption of Approval.** The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each proposed special use shall be evaluated on an individual basis, in relation to the standards in this Section, the standards in Article 3 of this Ordinance and the standards for the district in which it is located. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.
- F. **Limitation on Special Uses.**
1. **Expiration.** The special use approval shall automatically expire without further action by the Village if the applicant fails to obtain a building permit within one year of the approval of the special use. In applications within an existing building or structure with no alterations, the special use shall expire one year from the approval if the applicant fails to obtain the required licenses or permits for operation. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.
  2. **Permit Transfer.** A special use permit is granted to a specific property and authorizes the conduct of the special use only on the property represented on the application and is not transferable to other properties.
- G. **Expiration.** The special use permit shall automatically expire without further action by the Village if the applicant fails to obtain a building permit within one year of the approval, or the use for which the permit was issued has been discontinued for a period of one year or longer. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.
- H. **Amendments to Approved Special Use Permits.**
1. **Determination of Level of Change.** Upon receiving a completed application for a Special Use Permit amendment the Director of Economic and Community Development shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in Subsections (a) and (b) below.
    - a. **Major Amendment.** A major amendment is any proposed change to an adopted planned development that results in one (1) or more of the following changes:
      - i. Increase in the intensity of the site's use,
      - ii. Additional noise, glare, odor, or other impacts that are detectable from off-site
      - iii. Affects the subject property in a manner that inhibits its continued use or reuse, or
      - iv. Results in a change inconsistent with any standards or conditions imposed by the Village Board in approving the Specific Use Permit, as determined by the Director of Economic and Community Development.
    - b. **Minor Amendment.** A minor amendment is any proposed change to an approved Special Use Permit that is consistent with the standards and conditions upon which the Special Use Permit was approved, which does not alter the concept or intent of the Special Use Permit and is not considered a major amendment as detailed in Section 44-07-11(H)(1)(a).

c. **Approval Process.**

- i. A major amendment to an approved Special Use Permit shall follow the procedure for a Special Use Permit approval defined in Section 44-07-11.
- ii. A minor amendment to an approved Specific Use permit may be approved by the Director of Economic and Community Development.

**Figure 7.2. Special Use Permit Procedure**



## 44-07-12. Variances

- A. **Purpose.** The Variance process is designed to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships. A Variance may be granted for practical difficulties or particular hardships barring a strict application of the regulations of this Ordinance.
- B. **Authority of the Planning and Zoning Commission.** As authorized in Section 44-07-03, the Planning and Zoning Commission may make the final decision in Variance requests only in the following instances:
1. To permit a yard setback less than the yard setback required by the applicable regulations.
  2. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot. The maximum Variance that may be grant shall be ten (10) percent.
  3. To modify the applicable off-street parking or loading requirements to the extent of not more than one (1) parking space or loading space, or twenty (20) percent of the off-street parking spaces required by applicable regulations, whichever number is greater.
  4. To allow any permitted nonresidential use in a residential district to exceed the building coverage imposed by the applicable regulations by no more than ten (10) percent of that area limit imposed by applicable regulations.
  5. To allow the modification of height restrictions for fences as specified in Section 44-05-09.
- C. **Procedures.** Upon receipt of a completed application for a Variance, the Director of Economic and Community Development will schedule the application for consideration by the Planning and Zoning Commission and complete the public hearing notification.
1. **Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall review the application, any oral and written comments received at the public hearing, and responses by the applicant to the standards and make findings of fact to specify the reasons for their recommendation.
    - a. For applications pertaining to those areas of authority of the Planning and Zoning Commission granted in 44-07-03(B), the Planning and Zoning Commission shall make its findings of fact and approve, approve with conditions, refer to the Village Board for review, or deny the application.
    - b. For all other applications, the Planning and Zoning Commission shall forward to the Village Board its findings of fact and recommendation to approve, approve with conditions, or deny the application.
  2. **Action by the Village Board.** Following the public hearing, the Planning and Zoning Commission shall forward its findings of fact and its recommendation to the Village Board. Upon receiving the report from the Planning and Zoning Commission, the Village Board shall approve, approve with conditions, refer the matter back to the Planning and Zoning Commission for further consideration, or deny the application.
- D. **Standards.** In considering an application for a Variance, the decision-making authority shall review the responses by the applicant to the standards set forth below.
1. No Variance shall be granted unless findings of fact for each specific application demonstrate a true hardship and the least deviation from this Ordinance necessary, as provided in the applicant's response to each of the following standards:
    - a. Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?
    - b. Is the plight of the owner due to unique circumstances?
    - c. If granted, will the Variance alter the essential character of the locality?

2. Supplemental to the above standards, the decision-making authority shall also consider and make findings of fact on the character of the alleged hardship and the potential impacts to neighboring properties of granting the Variance, as provided in the applicant's response to each of the following standards. Not one of the standards is controlling.
  - a. Do the particular physical surroundings, shape, or topographical conditions of the subject property pose a particular hardship upon the owner, as distinguished from a mere inconvenience, under the strict application of these regulations?
  - b. Would the conditions upon which the petition for Variance is based be generally applicable to other property within the same zoning classification?
  - c. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property?
  - d. If granted, will the Variance be detrimental to the public welfare or injurious to other neighboring property?
  - e. If granted, will the Variance: impair an adequate supply of light and air to adjacent property; or substantially increase the danger of fire or otherwise endanger the public safety; or substantially diminish or impair values of neighboring property?
  
- E. **Expiration.** The approved Variance shall automatically expire without further action by the Village if the applicant fails to obtain a building permit within one year of the approval. An extension of the time requirements may be requested in writing and granted by the Director of Economic and Community Development for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.

**Figure 7.3. Planning and Zoning Commission Variance Procedure**

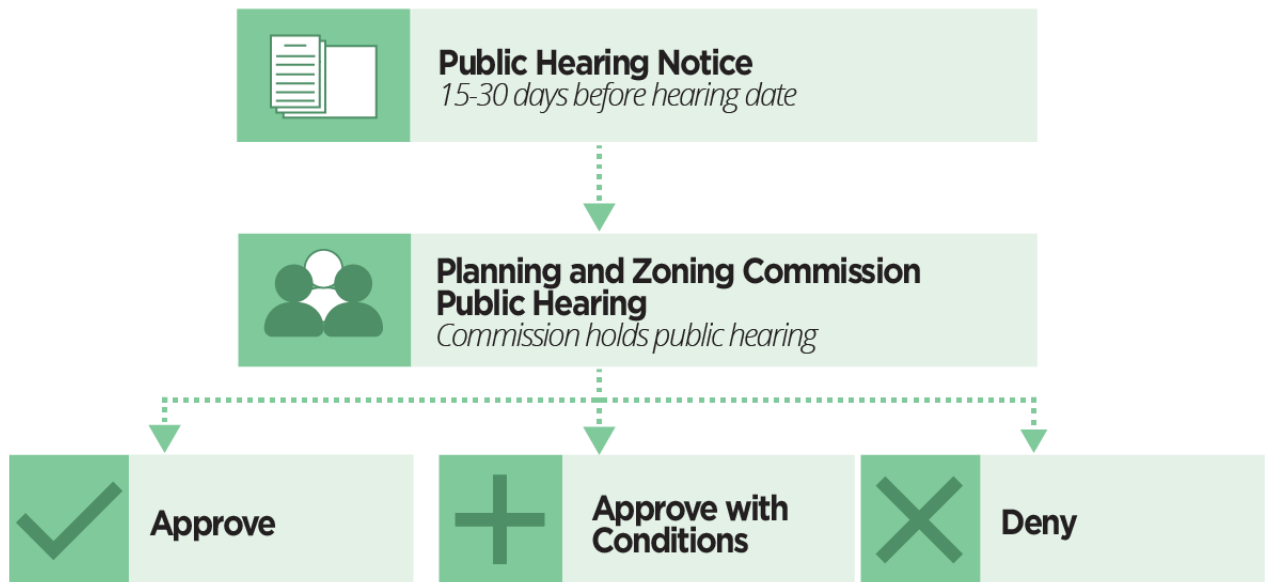
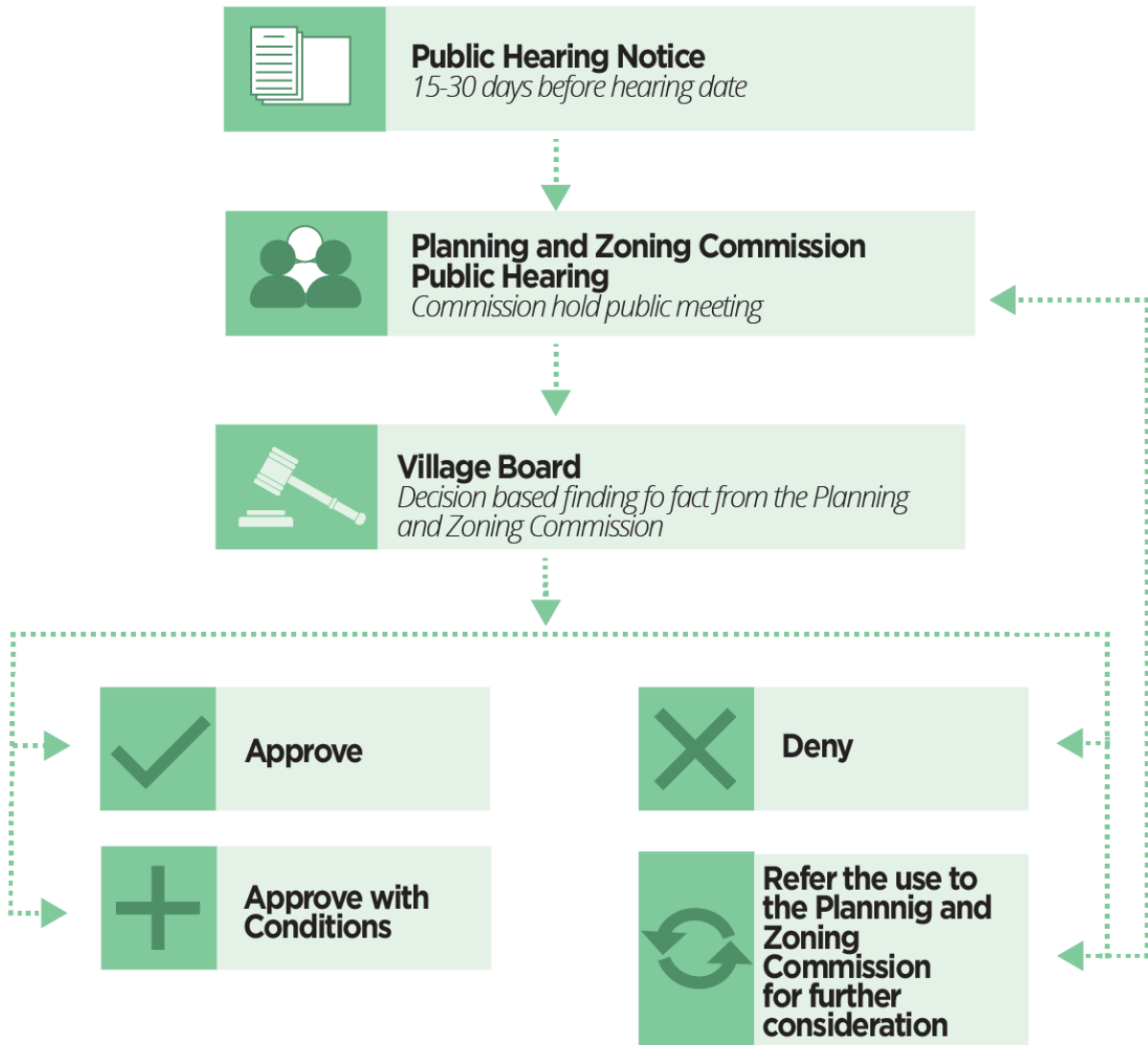


Figure 7.4. Village Board Variance Procedure

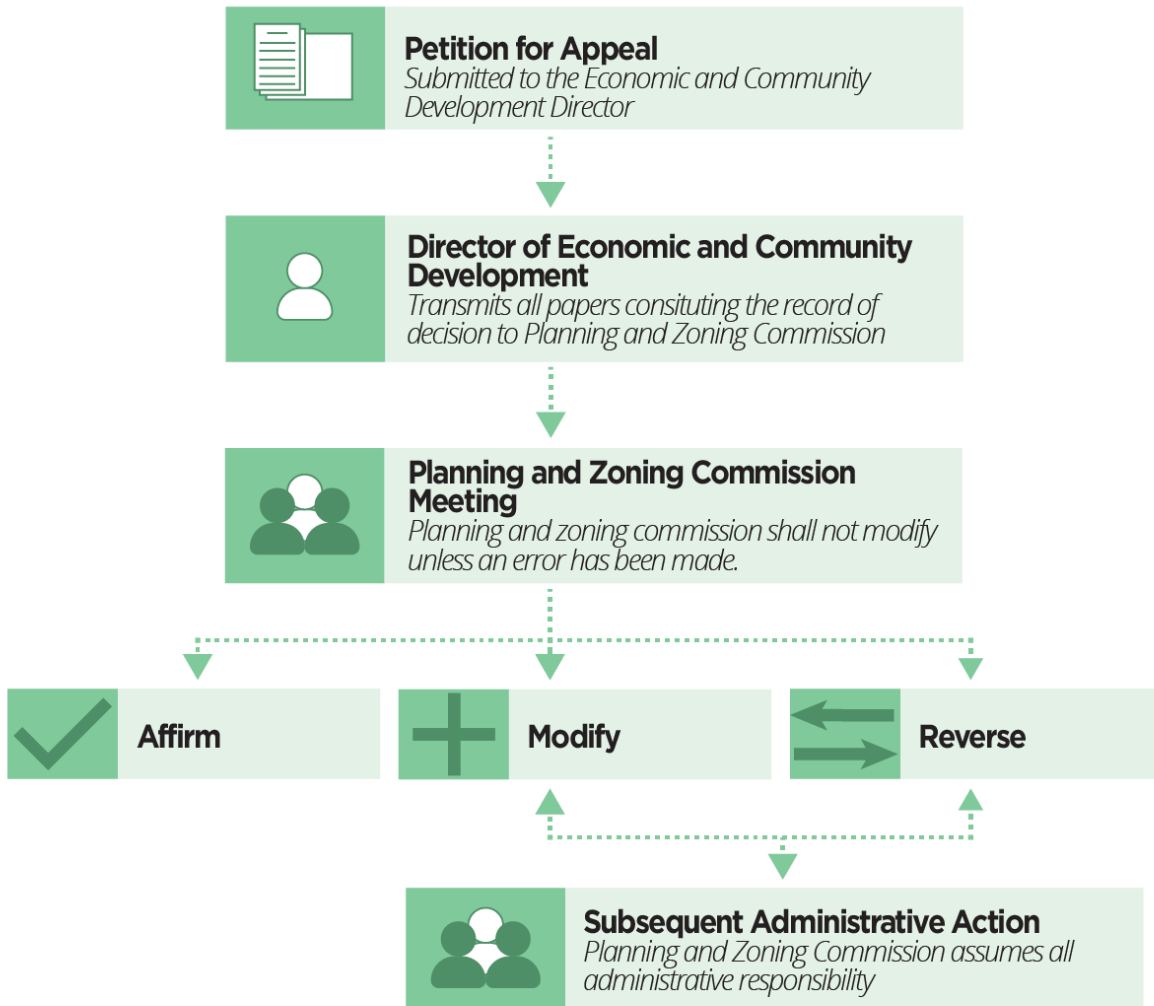


## 44-07-13. Administrative Appeals

- A. **Applicability.** An administrative appeal may be made to the Planning and Zoning Commission by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by a decision of the Building Inspector, Director of Economic and Community Development, Administrative Review Committee, or other authorized officials. The appeal process provides checks and balances on administrative authority.
- B. **Procedure.**
1. A petition for an appeal before the Planning and Zoning Commission shall be filed in writing within thirty (30) days after the date of the contested decision. The filing of the appeal shall stay any proceedings and any development permitted by the contested action, until a final decision has been rendered by the Planning and Zoning Commission, unless the stay would cause imminent peril to life or property.
  2. Upon filing of an administrative appeal, the Director of Economic and Community Development shall transmit to the Planning and Zoning Commission all the papers constituting the record of the decision. The Director of Economic and Community Development shall place the appeal on the agenda of the Planning and Zoning Commission for consideration at the earliest available meeting. The Director of Economic and Community Development shall provide the person who filed the appeal with written notice of the date, time and place of the scheduled meeting.
  3. **Action by the Planning and Zoning Commission.**
    - a. By motion, the Planning and Zoning Commission shall reverse, affirm, or modify the contested decision. In reversing, modifying or affirming the contested decision, the Planning and Zoning Commission shall have all the related powers of the administrative officer whose decision is being appealed.
    - b. The contested decision shall not be modified unless the Planning and Zoning Commission finds that an error has been made in the application or Interpretation of the terms of this Ordinance, any other related codes, ordinances or policies adopted by the Village. The contested action shall not be reversed or modified except by the concurring vote of four members of the Planning and Zoning Commission.
  4. **Further Appeal.** In the event that the contested action is reversed or modified, all subsequent administrative actions concerning the subject matter shall be in accordance with the reversal or modification by the Planning and Zoning Commission. All decisions of the Planning and Zoning Commission made pursuant to this part shall be final administrative decisions. Any appeal from such decisions shall be made to the circuit court.



Figure 7.5. Administrative Appeal Procedure



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# Article 8. Nonconformities

44-08-01. Purpose and Intent .....	1
44-08-02. General Standards of Applicability .....	1
44-08-03. Nonconforming Uses .....	2
44-08-04. Nonconforming Buildings and Structures .....	4
44-08-05. Nonconforming Lots of Record .....	5
44-08-06. Condemnation .....	6

## 44-08-01. Purpose and Intent

- A. **Purpose.** The purpose of this Article is to establish regulations for nonconforming uses, buildings, lots, and/or structures and specify those circumstances and conditions to which those nonconforming uses, buildings, lots, and/or structures must comply.
- B. **Intent.**
  - 1. The intent of this Article is to encourage the development and maintenance of appropriate groupings of compatible uses and thus to protect the public health, safety and welfare.
  - 2. The intent of the Village Board is to curtail substantial investment in nonconforming uses, buildings, lots, and/or structures and to bring about their eventual elimination in order to preserve the integrity of the zoning districts. While such nonconformities are allowed to continue, subject to the provisions of this Section and without a specific time limitation, the regulations restrict further action that would make the nonconforming use, building, lot, and/or structure more permanent as contrary to the desired eventual elimination of the nonconformity.

## 44-08-02. General Standards of Applicability

- A. **Authority to Continue.** Unless otherwise prohibited in this Ordinance, any nonconforming use, building, lot, and/or structure which existed lawfully at the time of the adoption of this Ordinance and which remains nonconforming, and any such use, building, lot, and/or structure which has become nonconforming upon the adoption of this Ordinance or of any subsequent amendments, may be continued subject to the provisions of this Article so long as it remains otherwise lawful.
- B. **Illegal Use.** Illegal uses existing on the effective date of this Ordinance is derived shall not be validated by virtue of its enactment.
- C. **Burden of Owner to Establish Legality.** The burden of establishing the legality of a nonconformity that is lawfully existing under the provisions of the Ordinance shall, in all cases, be upon the property owner of the nonconforming use, building, lot, and/or structure and not upon the Village.
- D. **Safety Regulations.** All safety regulations, including, but not limited to, building, fire, and health, shall apply to nonconforming buildings and structures.

### 44-08-03. Nonconforming Uses

This Section regulates land, buildings, or structures that, on the effective date of this Ordinance are used for purposes that are not permitted in the zoning district in which they are located.

- A. **Ordinary Repairs and Maintenance.** Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any building or structure that is devoted in whole, or in part, to a nonconforming use.
- B. **Structural Alterations.** No structural alterations shall be performed on any building or structure used for a nonconforming use, except in the following situations:
  - 1. When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of any official charged with protecting the public safety.
- C. **Expansion of Use.** A nonconforming use of land, buildings, or structures shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:
  - 1. Any extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Ordinance.
  - 2. Expansion of any building or structure devoted entirely to a nonconforming use.
  - 3. An expansion or extension of a use, or its accessory uses, to any structure, building, or land area, other than that occupied by such nonconforming use, on the effective date of the Ordinance, that caused such use to become nonconforming.
  - 4. An expansion or extension of such use, including its accessory uses, within a building and/or structure, to any portion of the floor area that was not occupied by such nonconforming use on the effective date of the Ordinance that caused such use to become nonconforming.
- D. **Relocation.** A nonconforming use of land, buildings, or structures shall not be relocated in whole, or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the use shall, due to the relocation, conform to all regulations of the zoning district in to which it is relocated.
- E. **Change of Use.** A nonconforming use shall not be changed to any use other than a use allowed within the zoning district in which the use is located. When such a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part which has been made to conform may not thereafter be changed back to a use that is not allowed. A change of use shall be deemed to occur when an existing nonconforming use has been terminated and an allowed use has commenced. Any change in use in violation of this Ordinance shall be deemed an abandonment of the lawfully existing nonconforming use.

**F. Discontinuation or Abandonment.**

1. If a nonconforming use is discontinued, or becomes vacant, and remains unoccupied for a continuous period of one hundred eighty (180) days, regardless of the intent to resume or not to terminate the use, such use shall be deemed to be abandoned and shall not be reestablished or resumed.
2. Any subsequent use or occupancy of such land, building, or structure shall comply with all regulations of the zoning district in which such land, building, or structure is located.
3. The period of such discontinuance caused by government action, natural disaster, or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this Section.

**G. Damage or Destruction.** The following standards shall apply to buildings and/or structures damaged or destroyed by any means not within the control of the property owner. In the event a building or structure is damaged or destroyed by means within the control of the owner, the building or structure shall not be altered in any fashion except to make it conforming to all requirements of this Ordinance.

1. **Replacement Value.** The replacement value of the building or structure will be based on either a sale within the prior year, an appraisal within the last two (2) years, or the amount for which the building or structure was insured prior to the date of the damage or destruction.
2. **Fifty Percent (50%) or More of Replacement Value.**
  - a. In the event that any building or structure that is devoted in whole, or in part, to a nonconforming use is damaged or destroyed, by any means not within the control of the property owner, to the extent of fifty percent (50%) or more of its replacement value, then the building or structure shall not be restored or rebuilt unless the building or structure, including foundation, and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.
3. **Less than Fifty Percent (50%) of Replacement Value.**
  - a. When such building or structure is damaged or destroyed, by any means not within the control of the property owner, to the extent of less than fifty percent (50%) of the replacement value at that time, it may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that a Building Permit for the repair or reconstruction is obtained within one (1) year of the date of damage or destruction and construction is completed within one (1) year of the issuance of the building permit.
  - b. No restoration, rebuilding, repairs, or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the building or structure in any manner.
  - c. In the event that a Building Permit is not obtained within one (1) year or if repairs are not completed within one (1) year of the issuance of the building permit, then the building or structure shall not be restored unless the building or structure and the use conforms to all regulations of the zoning district in which it is located.

#### **44-08-04. Nonconforming Buildings and Structures**

This Section regulates buildings and structures that are existing on the effective date of this Ordinance that do not conform to the yard, height, lot coverage, floor area ratio or other provisions of this Ordinance.

**A. Ordinary Repairs and Maintenance.**

1. Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any nonconforming building or structure.
2. No repairs or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the building in any manner.

**B. Structural Alterations.** No structural alterations shall be performed on any nonconforming building or structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the building or structure.
2. When the alteration will result in eliminating the nonconformity.
3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity, or increase the bulk of the building or structure in any manner.

**C. Additions and Enlargements.**

1. A building or structure, which is nonconforming with respect to its bulk, may be added to or enlarged, provided that such addition or enlargement does not increase the degree of the existing nonconformity of the building or structure.
2. In determining the extent of the allowable addition or enlargement, the nonconformity of the building or structure shall be based only upon those portions of the building having both foundation and roof.
3. A nonconforming building or structure shall not be added to or enlarged if such addition or enlargement would increase the degree of the existing nonconformity of the building or structure, such as but limited to encroaching into a required setback(s) more than the existing encroachment.

**D. Relocation.** A nonconforming building or structure shall not be relocated in whole, or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the building or structure would thereafter conform to all regulations of this Ordinance.

**E. Damage or Destruction.** The following standards shall apply to buildings and/or structures damaged or destroyed by any means not within the control of the property owner. In the event a building or structure is damaged or destroyed by means within the control of the owner, the building or structure shall not be altered in any fashion except to make it conforming to all requirements of this Ordinance.

1. **Replacement Value.** The replacement value of the building or structure will be based on either a sale within the previous year, an appraisal within the last two (2) years, or the amount for which structure or building was insured prior to the date of the damage or destruction.
2. **Fifty (50) Percent or More of Replacement Value.**
  - a. In the event that any nonconforming building or structure is damaged or destroyed, by any means not within the control of the property owner, to the extent of fifty (50) percent or more of its replacement value at that time, then the building or structure shall not be restored or rebuilt unless the building or structure, including foundation, thereafter conforms to all regulations of the zoning district in which it is located.

3. **Less than Fifty (50) Percent of Replacement Value.**

- a. In the event that any nonconforming building or structure is damaged or destroyed, by any means not within the control of the property owner, to the extent of less than fifty (50) of the replacement value at that time, it may be repaired and reconstructed, provided that no new nonconformities are created, and that existing degree of nonconformity is not increased.
- b. A Building Permit shall be obtained for such rebuilding, restoration, repair, or reconstruction within one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.
- c. In the event that the permit is not obtained within one (1) year or that repairs are not completed within one (1) year of the issuance of the building permit, then the structure or building shall not be restored unless the structure or building conforms to all regulations of the district in which it is located.

**44-08-05. Nonconforming Lots of Record**

This Section regulates lots of record, existing on the effective date of this Ordinance, which do not conform with the lot area or lot width requirements for the zoning district in which they are located. No nonconforming lot of record may be improved except in compliance with this Section.

- A. **Individual Lots of Record in the R-1 and R-2 Zoning Districts.** In the R-1 and R-2 zoning Districts, notwithstanding limitations imposed by other provisions of this Ordinance, a legally established use and its accessory building(s) and/or structure(s) may be erected on a single nonconforming lot of record, provided that the lot is in separate ownership and all other requirements of this Ordinance are met.
- B. **Lots of Record Held in Common Ownership.**
  1. If, on the effective date of this Ordinance, two or more lots of record with continuous frontage in single ownership do not meet the requirements for lot width or lot area as established by this Ordinance, the land so involved shall be considered to be a single undivided parcel for the purposes of this Ordinance.
  2. No portion of the parcel shall be used, transferred, or conveyed which does not meet the lot width and lot area requirements established by this Ordinance.
  3. No Building Permit shall be issued for the use of any lot or portion of a lot transferred or conveyed in violation of this Section.
  4. No lot shall be created by subdivision or any other means, which does not comply with all provisions of this Ordinance, unless the owner has been granted a Variance in accordance with Section 44-07-12. This provision shall not prevent the division of existing multifamily dwelling units into separate ownership, such as condominiums or fee simple townhomes.
- C. **Variance.** A Variance from this Section may be obtained to permit the separation of two (2) adjoining lots held in common ownership, provided that the Planning and Zoning Commission finds that the applicant complies with the standards for a Variance in Section 44-07-12. In addition, the applicant must comply with one (1) of the following standards:
  1. Both lots met the lot area and lot width requirements in effect at the time the applicant purchased the lots.
  2. More than fifty (50) percent of the lots within five hundred feet (500') of the subject lots have been developed as individual building sites and do not comply with either the lot width or lot area requirement for the zoning district in which they are located.
  3. The owners of the abutting lots refuse to sell or convey, at a fair market price, portions of their lots that could be added to the subject lots to render them conforming without rendering the abutting lots or structures located on such lots nonconforming.

#### **44-08-06. Condemnation**

- A. The Village, at any time, by ordinance duly enacted, and in accordance with the authority vested in it by 65 ILCS 5/11-13-17 and other state and federal laws may acquire by negotiated purchase, by condemnation, or by other means, any buildings or structures that do not conform to the Village standards.
- B. The Village may acquire, by negotiated purchase, by condemnation, or by any other means, any land which is necessary or appropriate for the rehabilitation or development of any area blighted by substandard buildings or structures.



# Article 9. Definitions

44-09-01. General Rules of Construction .....	1
44-09-02. Rules For Generic Use Definitions .....	2
44-09-03. "A" Definitions .....	2
44-09-04. "B" Definitions .....	4
44-09-05. "C" Definitions .....	5
44-09-06. "D" Definitions .....	6
44-09-07. "E" Definitions .....	7
44-09-08. "F" Definitions .....	7
44-09-09. "G" Definitions .....	8
44-09-10. "H" Definitions .....	8
44-09-11. "I" Definitions .....	9
44-09-12. "J" Definitions .....	9
44-09-13. "K" Definitions .....	9
44-09-14. "L" Definitions .....	9
44-09-15. "M" Definitions .....	11
44-09-16. "N" Definitions .....	12
44-09-17. "O" Definitions .....	12
44-09-18. "P" Definitions .....	13
44-09-19. "Q" Definitions .....	14
44-09-20. "R" Definitions .....	14
44-09-21. "S" Definitions .....	15
44-09-22. "T" Definitions .....	16
44-09-23. "U" Definitions .....	17
44-09-24. "V" Definitions .....	17
44-09-25. "W" Definitions .....	18
44-09-26. "X" Definitions .....	18
44-09-27. "Y" Definitions .....	18
44-09-28. "Z" Definitions .....	18

## 44-09-01. General Rules of Construction

The terms and words whenever used in this ordinance shall be construed as herein defined.

A. **Tense and Form.** Words used or defined on one tense or form shall include other tenses or derivative forms.

- B. **Number.** Words in the singular number shall include plural number, and words in the plural number shall include the singular number.
- C. **Gender.** Terms used in this Code, regardless of the gender specifically used, shall be deemed to include any other gender.
- D. **Person.** The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
- E. **Shall and May.** The words “shall,” “must” and “will” are mandatory in nature and establish an obligation or duty to comply with the particular provision. The word “may” is permissive.
- F. **Time.** The time, within which any act required by this ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.
- G. **Undefined Terms.** Any words not defined in this Section shall be construed as defined in standard dictionary usage.
- H. **Illustrations and Tables.** In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or-table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this ordinance.

#### **44-09-02. Rules For Generic Use Definitions**

- A. **Purpose of Generic Use Definitions.** Certain terms in this Section are defined to include many uses to eliminate overly detailed listings of uses in the zoning districts established by this Ordinance.
- B. **Components of Generic Use Definitions.** Generic use definitions include a brief list of examples of uses intended to be included within the definition; an identification (where appropriate) of certain uses that are not meant to be included by the term.

#### **44-09-03. “A” Definitions.**

- A. **Abandonment** means to cease the use of a property, intentionally or otherwise.
- B. **Abut** means to share a common lot line or zoning district boundary, without being separated by a street or alley.
- C. **Accessible** means a site or facility that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.
- D. **Accessible Ramp** means any part of an accessible route conforming to the Illinois Accessibility Code.
- E. **Accessory Structure/Building:** A subordinate structure or building attached to or detached from but located on the same lot as a principal building or use. Accessory structures and buildings include garages, sheds, gazebos, cabanas, decks, greenhouses, arbors and trellises, swimming pools, and playhouses.
- F. **Accessory Retail/Restaurant** means the use of a portion of a building for retail purposes which are customarily incidental and subordinate to the principal use of the building.
- G. **Addition or Expansion** means any of the following: an increase in the occupiable and useable floor area of a building, or the reconstruction of a building or structure which is not accompanied by a change in the use of a lot.
- H. **Adjoining** means abutting or contiguous.
- I. **Adult** means a person who has reached eighteen (18) years of age.

- J. **Adult Bookstore, Adult Novelty Store, or Adult Video Store** means an establishment having a significant portion of its sales or stock in trade one or more of the following or derives a substantial portion of its interior business or advertising to the sale or rental for any form of consideration from one or more of the following:
1. Books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical activities or areas.
  2. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
  3. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing specified sexual activities or anatomical areas and can still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering the sale or rental of some form of consideration the specified materials, which depict or describe specified anatomical activities or specified anatomical areas.
- K. **Adult Cabaret** means a public or private establishment which:
1. Features topless dancers, strippers, nude or seminude personnel, male or female impersonators, lingerie, or bathing suit fashion shows.
  2. Live entertainment characterized by the exposure of specified anatomical areas or 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 or specified anatomical area.
  3. The explicit performance or simulation of special sexual activities.
  4. Personnel who dance with one or more patrons in a state of dress or undress in a manner intended for the sexual stimulation of a patron.
  5. Features entertainers who, by reason of their appearance or conduct, perform in a manner that is designed primarily to appeal to the sexual stimulation of a patron, including, but not limited to, lap dancing and private dancing for one or more patrons.
- L. **Adult Day Care** means a center that provides for the care of adults for a period of less than 24 hours, but not overnight, where services are designed to meet the needs of adults through individual plans of care. Each facility shall, at a minimum, meet the standards and guidelines for adult day care services as provided by the National Adult Day Services Association, a unit of the National Council on the Aging, Inc.
- M. **Adult Uses** means any one or more of the following: adult arcade, adult bookstores, adult motion picture theaters, adult mini-motion picture theater, adult entertainment, adult cabarets, adult novelty stores, adult motel, adult video store and other similar uses.
- N. **Alley** means a public right-of-way with a width not exceeding twenty-four feet (24'), which affords a secondary means of access to abutting property.
- O. **Artisan Manufacturing, Assembly, Fabrication** means a small-scale businesses that produce artisan goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products.

- P. **Autobody Repair** means facilities that provide substantial motor vehicle body repair services to the shell of automobiles, major painting or undercoating services, engine rebuilding, reconditioning of motor vehicles, collision repair services, such as body, frame or fender straightening and repair, overall painting and undercoating.
- Q. **Awning** means a roof-like cover, temporary in nature, which projects from the wall of a building.

#### 44-09-04. "B" Definitions

- A. **Balcony** means a platform, which projects from the exterior wall of a building above the ground floor, exposed to the open air and has direct access to the interior of the building, which is not supported by posts or columns extending to the ground.
- B. **Bar** means and includes business establishments engaged primarily in the retail sale or distribution of alcoholic beverages to public patrons for consumption on the establishment's premises, and that includes beer bars, parlors, lounges, cabarets and nightclubs. The term may also include accessory sale of prepared food.
- C. **Basement** means a portion of a building located partly underground but having greater than four feet (4') of its clear floor-to-ceiling height above the average grade of the adjoining ground.
- D. **Bay Window** means a window which projects outward from the building, beginning at least two feet (2') above ground that does not rest on the building foundation or on the ground.
- E. **Bed and Breakfast** means an owner-occupied single-family detached dwelling where short-term lodging and meals are provided for compensation.
- F. **Boarder** means a person who rents lodging within part of a dwelling occupied by the person to whom the payments are made, with a rental period of one month or longer.
- G. **Body Piercing** means the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration of for some other nonmedical purpose.
- H. **Buildable Area** means the area of the lot enclosed within the front, side and rear yard required setbacks.
- I. **Building** means any structure with walls and roof and securely affixed to the land and having a permanent foundation, designed or intended for shelter or enclosure of persons, animals, chattels, or movable property.
- J. **Building Coverage** means the percentage of the lot occupied by principal and accessory buildings.
- K. **Building Height** means the vertical distance from grade to the highest point of the roof of the building or the highest point of the structure. Building height shall not include mechanical equipment and screening, elevator override or stair access, and any amenity space with a gross area of less than twenty-five percent (25%) of the total floor plate.
- L. **Building Material, Machinery, and Equipment Sales or Storage** means a facility primarily oriented to the receiving, holding, shipping, and/or sale of building material, machinery, and equipment for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities.
- M. **Bulk** means a composite characteristic of a given building and located upon a given lot involving the following:
  1. Size and height of building.
  2. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
  3. Lot area, lot area per dwelling unit, and lot width required.
  4. Impervious surface limits.

- N. **Business** means any occupation, employment or enterprise that occupies time, attention, labor, and/or material for compensation whether or not merchandise is sold or services are offered.

#### 44-09-05. "C" Definitions

- A. **Cannabis Dispensing Organization** means a facility operated by an organization or business that is licensed by the department of financial and professional regulation to acquire cannabis from a state-licensed cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers.
- B. **Cannabis Infuser Organization** means a facility operated by an organization or business licensed by the state department of agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.
- C. **Car Wash** means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.
- D. **Cargo Container Storage, Stacking** means a standardized, reusable vessel, that is or appears to be designed without an axle or wheels, which was:
1. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities;
  2. Designed for or capable of being mounted or moved on a rail car;
  3. Designed for or capable of being mounted on a chassis for movement by a truck trailer or loaded on a ship; or
  4. Does not include portable storage containers.
- E. **Carry-Out Facility** means a business which sells food or beverages to the consumer in a ready-to-consume state and whose operation includes serving food or beverages in paper, plastic, or other disposable containers, and does not include associated seating for dining on the premises.
- F. **Check Cashing/Pay Day Loan Store.** An establishment that provides to the customer an amount of money that is equal to the face value of the check, warrant, draft, money order or other commercial paper securing the same purpose, or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, whereby the check casher refrains from depositing a personal check written by a customer until a specific date. Such establishments may also engage in money transfers, payday advances and issuance of money orders. This use shall not include a state or federally chartered bank, savings association, credit union, industrial loan association, or rental-purchase company and shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a nominal flat fee as a service to its customers incidental to the main use of the establishment.
- G. **Child Care Center** means a DCFS-licensed agency that provides for the care of nine or more children during part of a twenty-four (24) hour day, but not overnight.
- H. **Civic Uses of Public Property** means a temporary use of public property for civic events including parades, community events open to the public.
- I. **Club or Lodge** means a nonprofit association of persons who are bona fide members paying dues that owns or leases a building, or portion thereof, the use of such are restricted to members and their guests.
- J. **Commercial Kitchen** means a kitchen that has durable equipment designed for the large-scale production of food to be sold or consumed off-site.

- K. **Community Garden** means a site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.
- L. **Conforming Structure** means a structure or building that complies with all the regulations of this chapter.
- M. **Contiguous** means adjoining or abutting.
- N. **Contractor's Trailers and Real Estate Sales Model Units** means and includes guard's trailers, construction equipment sheds, contractors' or real estate sales trailers, and similar uses incidental to a construction project and sales of homes within a newly constructed development.
- O. **Contractor Shop** means an enclosed space used for the provision of services, storage, operation and housing of equipment and fabrication of building-related products.
- P. **Coworking Space** means a space in which workers employed at different establishments engaged in professional services as defined in this Ordinance work together in a single shared space. Coworking spaces typically charge membership dues and contain office equipment for shared use including computers, internet, and printers.
- Q. **Craft Brewery** means a small-scale production facility where beer is manufactured in quantities not to exceed the limits of a Class 1 or Class 2 brewer, as defined by 235 ILCS 5/1-3.38 and 235 ILCS 5/1-3.42. A craft brewery may contain a tasting room where beer manufactured on-site is served.
- R. **Crematorium** means an establishment used for the incineration of human remains and ancillary sales related to the cremation process which includes the sale of cremation containers and vessels, or urns used for the storage of cremated remains.

#### **44-09-06. "D" Definitions**

- A. **Deck** means a structural platform without a roof directly adjacent and accessible to a principal building.
- B. **Drive-Through Facility** means and includes all retail and service facilities that accommodate the patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.
- C. **Driveway** means any impervious surface providing direct ingress to and egress from a parking space for a residential use.
- D. **Dry Cleaner, Processing On-Site** means an establishment or business maintained for the pickup, delivery, and processing of dry cleaning and/or laundry.
- E. **Dumpsters, Temporary** means a large-capacity waste receptacle one cubic yard or greater of solid metal or heavy-duty woven poly construction. The container is commonly used to handle waste disposal related to temporary activities, such as moving, remodeling, construction, and demolition projects. Temporary dumpsters do not include residential waste carts and dumpsters placed permanently on a property in a multifamily residential district for residential use and emptied on a regular weekly schedule.
- F. **Dwelling, Accessory:** A small, independent residential dwelling unit located on the same lot as a principal residential use. Accessory dwelling units may be located as a partitioned area within the principal dwelling, as a building attached to a principal dwelling unit, or as an accessory building detached from the principal building.
  - 1. **Dwelling, Accessory, Detached** means an accessory dwelling unit standalone accessory building such as a detached garage not be attached to the principal building at any point.
  - 2. **Dwelling, Accessory, Attached/Internal** means an accessory dwelling unit that is an accessory portion of or structurally attached to the principal building.

- G. **Dwelling, Duplex** means a building containing up to two (2) attached, single-family, dwellings joined to one another by a party wall or walls, and which may be stacked vertically or horizontally.
- H. **Dwelling, Multiple-Family** means a dwelling containing three (3) or more dwelling units that share a common party wall and/or floors or ceilings.
- I. **Dwelling, Single-Family Detached** means a dwelling containing one (1) dwelling unit with open space on all sides and not attached to any other dwelling unit or building.
- J. **Dwelling, Townhouse** means a building having three (3) or more dwelling units that are arranged side-by-side, joined to one another at one (1) or more sides by a party wall and with each occupying an exclusive vertical space without another dwelling unit above or below. Each dwelling has a dedicated exterior entrance.
- K. **Dwelling Unit** 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 household, and which includes cooking and sanitation facilities.

#### 44-09-07. "E" Definitions

- A. **Easement** means the right to use a designated part of property owned by another party for a specified purpose.
- B. **Eave** means the projecting lower edges of a roof extending beyond the vertical wall of a building.
- C. **Electric Vehicle Charging Station** means the equipment for charging electric-powered vehicles and the space on a site designated for its use.
- D. **Electric Vehicle Ready** means the installation of electrical panel capacity and raceway with conduit to terminate in a junction box or two-hundred-forty (240) volt charging outlet ready for the installation of charging equipment.
- E. **Exhibit Hall** means a facility designed and used for conventions, conferences and seminars, along with accessory functions such as preparation and serving of food and beverages

#### 44-09-08. "F" Definitions

- A. **Family** means one (1) or more persons, related by blood, marriage, legal guardianship, or adoption, living together as a single housekeeping unit in a dwelling unit or a group of not more than three (3) unrelated persons, living together as a single housekeeping unit in a dwelling unit. A family may include not more than two (2) caregivers, servants, boarders or guests.
- A. **Fence** means a constructed barrier partitioning, enclosing, or dividing a piece of land to prevent uncontrolled access for decorative purposes, or to screen from view from adjoining properties and streets the property or lot upon which the fence is erected.
- B. **Financial Institution** means and includes establishments whose principal use or purpose is the provision of financial services, including, but not limited to, bank facilities for tellers, automated teller machines, credit unions, savings and loan institutions, and currency exchange establishments. This use shall not include establishments whose primary purpose is to accept applications, originate, underwrite, process or service residential or commercial loans secured by mortgage on real property.
- C. **Firearm** is defined in section 1.1 of the Firearms Owners Identification Card Act, 430 ILCS 65/0.01 et seq.
- D. **Firearms Retailer** means a business that derives its principal income from the purchase, sale, or trade of firearms, with or without sale of ammunition or firearms accessories; and either physically delivers firearms to purchasers on the premises or conducts firearms sales from the premises for delivery to offsite purchasers; and is required to possess a firearms dealer license under federal law.

- E. **Floor Area, Gross** means the total enclosed floor area of the building(s) and structure(s) on a property including basements, lobbies, common area, storage areas, stairwells, restrooms, elevator shafts, hallways, equipment rooms, interior area devoted to parking, and other similar fully enclosed spaces of the building. Gross floor area does not include non-enclosed areas like plazas, loading docks, covered parking areas, balconies, and similar features. For motor vehicle sales, service, and rental uses, inventory storage shall not qualify as the basis to determine parking requirements.
- F. **Food Cart or Truck** means a motorized vehicle or trailer, equipped to cook, prepare, serve, and/or sell food.
- G. **Fuel Sales** means buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition indoor retail sales of convenience items are made. Commonly known as a gas station.

#### 44-09-09. "G" Definitions

- A. **Garage** means an accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing of the private passenger vehicles of the occupants.
- B. **Gazebo** means an accessory building consisting of a freestanding, covered open-air structure designed for recreational use and not human habitation.
- C. **Glare** means the effect produced by brightness sufficient to cause annoyance, discomfort, loss of visual performance or visibility.
- D. **Grade** means the average level of the finished surface of the ground adjacent to the exterior walls of the structure.
- E. **Greenhouse, Wholesale** means an establishment for the growing of horticultural and floricultural products on site, which are sold at wholesale.
- F. **Group Home** means a residential building housing unrelated persons, who require and receive assistance, care, or supervision by staff, and who reside together in a long-term, family-type environment as a single housekeeping unit. The term "group home" shall not include alcoholism or drug treatment centers or a facility for criminal offenders serving on work release, probationary programs or other alternatives to incarceration.
- G. **Guest** means a person who occupies, or has the right to occupy, a lodge, bed and breakfast, or dwelling accommodation for a period of thirty (30) days.

#### 44-09-10. "H" Definitions

- A. **Hard surface** means an all-weather, durable, dustless ground surface composed of asphalt or concrete, excluding a surface composed of loose gravel or stone.
- B. **Home-Based Business** means any business or commercial activity that is conducted, or proposed to be conducted, from property that is zoned for residential use and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. The list of occupations that are specifically excluded include:
  1. Bed and breakfasts,
  2. Nursing homes,
  3. Group homes.
  4. Autobody repair.
  5. Motor vehicle service.



6. Small engine and equipment repair.
  7. Animal training and boarding.
- C. **Home-Based Business, Class I** means a permit for certain home-based businesses of limited scale and impact including:
1. Art or craft studio.
  2. Dressmakers.
  3. Professional offices of a clergyman, lawyer, architect, engineer, or accountant.
  4. Teaching, such as music, art, language, or dancing, provided that it is limited to one (1) pupil at a time.
  5. Child day care homes licensed by the Illinois Department of Children and Family Services (DCFS).
- D. **Home-Based Business, Class II** means any allowed home-based business not meeting the criteria for a Class I home-based business.
- E. **Hospital** means and includes institutions providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick and injured. The term "hospital" shall not include medical offices as defined in this Ordinance.
- F. **Hotel** means a building containing lodging rooms for rent to transient guests and accessed from a common entrance lobby, and where lodging rooms do not have a doorway opening directly to the outdoors, except for emergencies.
- G. **Household Recreational Facilities** means recreation equipment or structure customarily and typically found on a residential lot that is incidental to, and associated with, a dwelling unit located on the same lot. This includes play equipment, trampolines and skateboard half pipes but does not include lawn furniture and decorations, barbecues, or satellite dishes.

#### 44-09-11. "I" Definitions

- A. **Impervious Surface Coverage** means the portion of a lot that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, patios, terraces, swimming pools. Decks composed of boards with at least one-quarter (1/4) of an inch between each individual board shall be excepted. Surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile, or any other paving material used for parking, driveways and walkways are included.

#### 44-09-12. "J" Definitions

RESERVE

#### 44-09-13. "K" Definitions

- A. **Kennel** means any lot or premises or portion thereof on which more than four dogs, cats, and other household domestic animals, over four months of age, are kept or at which more than two such animals are boarded for compensation or kept for sale.

#### 44-09-14. "L" Definitions

- A. **Landing** means the platform or floor at the top of a flight of stairs, between flights of stairs, or interrupting a flight of stairs.
- B. **Landscaping** means creating a finished grade, preserving existing vegetation, installing trees, shrubs, groundcover, grass or other plant material, and maintaining the area to present a well-kept appearance.

- C. **Laundry, Commercial** means a facility, which provides laundry and dry cleaning, services for commercial and industrial businesses but does not provide self-service or laundry services for individual needs.
- D. **Laundry, Self-Service** means a facility where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron. The term "self-service laundry" may include establishments, which provide services to wash, dry or dry clean on an individual basis, but specifically excludes commercial laundry services.
- E. **Learning Centers** means a center that provides part-time, supplemental education or instruction in a specialized area. The term includes, but is not limited to, martial arts or dance studios, tutoring, computer instruction, or music lessons.
- F. **Light Manufacturing, Assembly, Fabrication** means industrial facilities at which all operations (with the exception of loading operations) are conducted entirely within an enclosed building; not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and do not pose a significant safety hazard (such as danger of explosion).
- G. **Lighting, Cut-Off** means a light source with elements such as shields, reflectors or refractor panels which direct the light so that no light is emitted at an angle greater than ninety (90) degrees. Such angle is formed by a line drawn from the direction of rays at the light sources and a line perpendicular to the ground.
- H. **Limousine** means any motor vehicle offered to the public by a business for the purpose of carrying or transporting passengers for a fixed fee or an hourly rate. Taxicabs and personal vehicles used to transport passengers and operated under ride hailing platforms including but not limited Lyft or Uber shall be excluded from the definition.
- I. **Loading Space** means an off-street space on the same lot as the building for the temporary parking or standing of a commercial vehicle while loading or unloading merchandise or materials.
- J. **Lodging Room** means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room shall be counted as one lodging room.
- K. **Lot** means an individual parcel or tract of land located within a single block, occupied, or intended for occupancy, by one (1) principal building or principal use, and having frontage upon a street. New lot lines may be established only in accordance with the subdivision regulations of the village.
- L. **Lot Area:** The total horizontal area included within the lot lines of a lot.
- M. **Lot, Corner:** A lot which at least two (2) adjacent sides abut for their full lengths on a street.
- N. **Lot Line** means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed the street or alley line.
- O. **Lot Line, Front** means any boundary of any lot, which is along an existing or dedicated street. Where the lot abuts more than one dedicated street, the shortest of the lot lines that abut a dedicated street shall be the front lot line.
- P. **Lot Line, Rear** means that boundary of a lot, which is most distant from and is parallel, or approximately parallel, to the front lot line. If the rear lot line is less than two feet (2') in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line. On corner lots, the rear lot line shall be the boundary line opposite one of the street lot lines and established as the rear lot line at the time of application for the Building Permit.
- Q. **Lot Line, Side** means any boundary of a lot that is not a front or rear lot line.
- R. **Lot of Record** means a lot that is part of a subdivision, which was recorded, or a lot for which the description was recorded either in the office of the county recorder of deeds or in the office of the county registrar of titles prior to the effective date of the ordinance from which this chapter is derived.
- S. **Lot, Through** means a non-corner lot that abuts two streets.

T. **Lot Width** means the distance between the two side lot lines, as measured at the required front yard setback line.

#### 44-09-15. "M" Definitions

- A. **Manufactured Home** means a movable or portable dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide for complete independent living facilities, including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then expanded to provide additional cubic capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components, for repeated towing. All manufactured homes shall be in compliance with 210 ILCS 115/ Mobile Home Park Act and 430 ILCS 115/Illinois Manufactured Housing and Mobile Homes Act.
- B. **Manufactured Home Park, or Mobile Home Park** means a parcel, lot, or tract of land which has been planned and improved for the placement of manufactured homes for residential use, and which is in compliance with 210 ILCS 115/ Mobile Home Park Act and 430 ILCS 115/Illinois Manufactured Housing and Mobile Homes Act.
- C. **Maintenance/Repair** means an activity that restores or sustains the character or design of a building or structure to its previously existing, authorized, and undamaged condition. An activity that changes a building or structure beyond its pre-existing condition or extends the scope or size is not defined as maintenance or repair.
- D. **Massage Therapy** means an establishment that provides massage treatments to customers on-site.
- E. **Materials Salvage Yard/Recycling Operations** means a parcel of land where secondhand, discarded or scrap materials are bought, sold, exchanged, stored, processed, or handled. Materials include scrap iron, structural steel, rags, rubber tires, discarded goods, equipment, appliances, or machinery. The term "material salvage yard, recycling operations" also includes a site for collection, sorting, storing, and processing of paper products, glass, plastics, aluminum, or tin cans prior to shipment for remanufacture into new materials.
- F. **Medical Cannabis Cultivation Center** means a facility operated by an organization or business licensed by the state department of agriculture as a cannabis cultivation center pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., as may be amended from time to time.
- G. **Medical Office** means a building containing medical services or containing an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The office may include a pharmacy, dental and medical laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.
- H. **Mining and Aggregate Extraction** means uses that include mining, extraction, removal, blasting, stockpiling of sand, gravel, topsoil, limestone or other aggregates, including the use of equipment for any of the stated uses.
- I. **Motel** means a building containing lodging rooms rented temporarily to transient guests where access to each guest room is provided from the building's exterior.
- J. **Motor Vehicle Rental** means an establishment that rents new or used automobiles, trucks, vans, recreational vehicles, trailers, boats, or motorcycles or other similar motorized transportation vehicles. Support uses may also exist upon the same site, such as maintenance, repair, and service areas and indoor parts storage areas.'
- K. **Motor Vehicle Sales** means retail establishments that sell new or used automobiles, trucks, vans, recreational vehicles, trailers, boats, or motorcycles or other similar motorized transportation vehicles. A motor vehicle sales establishment may maintain an inventory of the vehicles for sale or lease on-site. Support uses may also exist upon the same site, such as maintenance, repair, and service areas and indoor parts storage areas.
- L. **Motor Vehicle Service** means premises for the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories, and where in addition, the following services may be rendered and sales made:
1. Sales and servicing of spark plugs, batteries, and other motor vehicle related items;

2. Tire servicing and repair;
  3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiperblades, grease retainers, wheel bearings, mirrors and the like;
  4. Greasing, lubrication and radiator flushing;
  5. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines and minor motor adjustments not involving removal of the head or crank case or racing the motor;
  6. Emergency wiring repairs; and
  7. Adjusting and repairing brakes;
  8. Painting, welding, or other body work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations shall not be permitted.
- M. **Multi-Tenant Shopping Center** means a group of three (3) or more commercial establishments including but not limited to restaurant, personal service, professional office, and retail uses planned, constructed, and co-located on a single site. Multi-tenant shopping centers contain individual tenant spaces for each commercial establishment that have a separate exterior entrance and are separated by a party wall. Off-street parking provided on-site is often shared between the uses located on the site.

#### 44-09-16. "N" Definitions

- A. **Natural Area Preserve** means a parcel or area of generally undeveloped land conserved in its natural state for the purpose of protecting flora, fauna, or other natural features for perpetuity.
- B. **Nonconforming Building** means a building that was lawfully established prior to, and existing on, the effective date of the ordinance from which this chapter is derived and that does not conform to the requirements of this ordinance for the zoning district in which it is located.
- C. **Nonconforming Lot** means a lot of record that does not meet the lot area, lot width or lot depth requirements of this ordinance for the zoning district in which it is located.
- D. **Nonconforming Structure** means a structure that was lawfully established prior to, and existing on, the effective date of the ordinance and that does not conform to the requirements of the zoning district in which it is located.
- E. **Nonconforming Use** means a use which was lawfully established prior to, and being conducted on, the effective date of the ordinance and which does not conform to the requirements of the zoning district in which it is located.

#### 44-09-17. "O" Definitions

- A. **Open Space Land** means publicly or privately held property not used for buildings or structures, which may be undeveloped or developed for active or passive recreation or resource conservation.
- B. **Outdoor Display/Sale of Merchandise.** The permanent display and/or sale of merchandise or equipment outside of an enclosed building by the occupant of the primary building of the lot.
- C. **Outdoor Fireplace** means a self-contained device made of noncombustible materials used for the burning of wood outdoors for recreational and/or heating purposes.
- D. **Outdoor Itinerant Merchants** means a person engaged, for no more than one-hundred (100) days, in the business of selling or exhibiting goods, wares, merchandise or services from a stationery location that is on or within a vacant lot or structure.

- E. **Outdoor Seating For Restaurants** means a dining area of designated size with seats or tables located outdoors of a contiguous restaurant. This seating may be in addition to the indoor seating area.
- F. **Outdoor Storage, Permanent** means land uses primarily oriented to the receiving, holding, and shipping of packaged materials as an accessory use for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.
- G. **Outline Lighting** means an arrangement of incandescent lamps or electric discharge tubing that outlines or calls attention to certain features of a building or sign including but not limited to its shape.
- H. **Owner** means the titleholder of record or, if the title is held in a trust, the beneficiary of the trust.

#### **44-09-18. "P" Definitions**

- A. **Parking Structure/Deck** means and includes public or private buildings or portion thereof composed of one (1) or more levels of floors used exclusively for the parking of motor vehicles, whether public or private. A parking structure may be totally below grade (as in an underground parking garage), or either partially or totally above grade with those levels being either open or enclosed.
- B. **Parking Lot** means public or private open areas other than a street or public right-of-way, used for the temporary storage (parking) of operable passenger automobiles and commercial vehicles, and available either for compensation, for free, or as an accommodation for clients, employees, visitors, guests, residents, or customers.
- C. **Parking Space** means an area, enclosed or unenclosed, which dedicated for the parking of an individual motor vehicle and is accessible to and from a street, alley, aisle, or driveway, or other public right-of-way by a route that does not traverse any other parking space.
- D. **Party Wall** means a wall, which is common to, but divides, buildings. Such a wall contains no openings, passage or access and extends from its footing below finished grade to the underside of the roof sheathing.
- E. **Patio** means an impervious surface at grade that is designed and intended for recreational use by people rather than as a parking space.
- F. **Pawn Shop** means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state.
- G. **Performance Standard** means a criterion to all matters of general welfare, including, but not limited to, control, noise, appearance, traffic, general housekeeping, 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.
- H. **Personal Service** means establishments which provide individual services on a frequent or recurrent basis to the consumer at the site of the business or which receives from/returns to the customer goods that have been treated or processed at another location. Personal services shall include, but shall not be limited to, chiropractic clinics, garment repair, tailor shops, and similar establishments.
- I. **Place of Assembly, Indoor Commercial**, means an enclosed building wherein individuals or groups of people gather for an attraction or service used for commercial purposes, such as but not limited to, recreation establishment, theaters, ice rinks, art galleries, live performance theaters, learning centers, clubs or lodges, exhibit halls and experiential retail where merchandise for sale is accessory to the principal use as a gathering place structured around an activity including but not limited to art, live music, or visual displays.

- J. **Place of Assembly Indoor Non-Commercial** means a building wherein individuals or groups of people gather for an attraction or service not used for commercial purposes such as but not limited to, community centers, learning centers, clubs or lodges, exhibit halls, civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.
- K. **Place of Assembly, Outdoor Commercial** means premises wherein individuals or groups of people gather outside a building for an attraction or service used for commercial purposes, such as but not limited to, outdoor recreation establishment, miniature golf courses, and ice rinks.
- L. **Place of Assembly, Outdoor Non-Commercial** means premises wherein individuals or groups of people gather outside a building for an attraction or service not used for commercial purposes such as but not limited to, community centers, fraternal or civic organizations.
- M. **Plat of Survey** means a scaled plan stamped by a licensed state surveyor, that delineates the form, size and location of a parcel of land, shows the shape, position and dimensions of all existing structures on the parcel, includes the names of adjoining streets and the location of the survey monuments or stakes, and contains the legal description of the parcel.
- N. **Play House** means a freestanding structure, exclusively for the use of children, with a maximum height of fourteen feet (14') and an area not to exceed one hundred forty-four (144) square feet.
- O. **Porch** means a structure that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves.
- P. **Portable Temporary Storage Container** means a vessel, container, or unit owned, rented, or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include POD-type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, cargo containers or commercial trailers used by construction or other uses in the regular performance of their business.
- Q. **Principal Building** means a building in which the principal use of the lot is conducted.
- R. **Printing and Publishing** means any printing, copying, blueprinting, or graphic design business using offset presses/duplicator, or high-speed copier/duplicators. Offset presses/duplicators shall be limited to a maximum printed sheet size of twelve inches (12") by eighteen inches (18").
- S. **Professional Office** means business uses, with little direct contact with customers present at the office, which is engaged in the processing, manipulation or application of business information or professional expertise. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. This use shall include, but not be limited to, professional offices for nonprofit organizations, accounting, insurance, investment services, computer services, architecture, engineering, legal services, real estate services, and doctors' and dentists' offices, but not medical offices as defined in this Ordinance.
- T. **Public Property** means property owned by the federal government, the state, the county, a township, the village, a school or park district, or any other separate taxing body.

#### 44-09-19. "Q" Definitions

RESERVE

#### 44-09-20. "R" Definitions

- A. **Recreational Vehicle** means and includes, but is not limited to, travel trailers, motor homes, camping trailers, hauling trailers, boats, all-terrain vehicles, jet skis, or other similar personal recreational vehicles. They may be towed by a car or a truck, carried by a pickup truck or self-propelled. The term shall not include manufactured homes.

- B. **Research and Development** means and includes facilities for basic and applied laboratory research or experimental study, testing or analysis in the natural sciences, including educational activities incidental or accessory to such research. The term "research and development " shall include, but not be limited to, biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfers, and radiation research, but not facilities for the manufacture or sale of products, except those incidental to research activities.
- C. **Residential Building** means a building arranged, designed, used or intended to be used for residential occupancy by one or more households. Residential buildings include, but are not limited to, the following types: single-family detached dwellings, duplex dwellings, townhouses, and multiple-family dwellings.
- D. **Restaurant** means an establishment at which food is sold for consumption on the premises to patrons seated within an enclosed building located on the premises.
- E. **Retail** means the sale of goods, products, or materials directly to a consumer. This shall include, but not be limited to, establishments that sell appliances, books, clothing, computers, electronics, eyeglasses, floral arrangements, furniture, groceries or specialty foods, hardware, jewelry, leather goods, medical supplies, office supplies, pets, toys, and music sale. The term shall not include restaurants or personal service establishments.

#### 44-09-21. "S" Definitions

- A. **Salon and Spa Establishments** means any establishment where cosmetology services including hair care, nail care, and skin care are provided for compensation or access to saunas, steam baths, heated bathing rooms, and other amenities are provided for the purpose of bathing, cleaning, or relaxation.
- B. **Self-Storage** means enclosed storage facilities containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of household goods or personal property.
- C. **Senior Housing, Dependent** means housing/accommodations, other than a single-family dwelling, and services designed and staffed to provide housing and services along the continuum of an elderly person's needs, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.
- D. **Senior Housing, Independent** means a multifamily dwelling the occupancy of which is limited to persons who are fifty-five (55) years of age or older (or if two persons occupy a unit, at least one shall be fifty-five [55] years or older). The definition of the term "senior housing, independent" does not include group homes or senior housing, dependent as defined in this Ordinance.
- E. **Setback** means a line on a lot that is parallel to the lot line at a distance from such lot line equal to the yard setback dimension specified in the regulation for the zoning district in which such lot is located.
- F. **Shed** means an accessory structure used primarily for storage purposes.
- G. **Sign** means a name, identification, description, display or illustration which is affixed to, or painted on, or represented directly, or indirectly, upon a building, structure or parcel of land and which directs attention to an object, product, place, activity, person, institution, organization or business. This definition of the term "sign" does not include such items excluded from the definition in Chapter 30 of the Homewood Municipal Code.
- H. **Site Plan** means a plan, to scale, depicting the locations and dimensions of uses and structures proposed for a parcel of land, showing how the intended use relates to the surrounding area, streets, utilities, open space and major landscape features.
- I. **Solar Energy Collection System, Canopy** means a solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.



- J. **Solar Energy Collection System, Ground** means a solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site.
- K. **Solar Energy Collection System, Roof** means a solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.
- L. **Specified Anatomical Areas** means:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola.
  2. Human genitals in a discernable turgid state, even if completely and opaquely covered.
- M. **Specified Sexual Activities** means:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Actual, or simulated, acts of human masturbation, sexual intercourse, sodomy, bestiality, oral copulation or flagellation.
  3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.
  4. Excretory functions as part of, or in connection with, any of the activities set forth in this definition.
- N. **Story** means the space in a building included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling or roof above it. A basement shall be counted as a story.
- O. **Street** means a right-of-way not less than twenty-four feet (24') wide, which affords the primary means of access to abutting property. Synonyms may include avenue, place, road, terrace, court, lane, or parkway.
- P. **Street, Arterial** means a street designated as a principal arterial in the comprehensive plan.
- Q. **Street, Collector** means a street designated as a minor arterial in the comprehensive plan.
- R. **Street Level** means the story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.
- S. **Street, Local** means a street, which is not an arterial or collector street.
- T. **Structure** means any improvement which requires at least semi-permanent location on the ground or attachment to a building having a permanent location on the ground. The term "structure" includes, but is not limited to, buildings, signs, and fences.
- U. **Structural Alterations** means any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls which does not increase any exterior dimension.
- V. **Subdivision** means the division of any tract or parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or for building development, whether immediate or future. The definition of the term "subdivision" includes resubdivision, and lot consolidation.

#### **44-09-22. "T" Definitions**

- A. **Tattoo Studio/Body Piercing Facility** means any place or premises, whether public or private, temporary or permanent in nature or location, where the practices of tattooing or body piercing, whether for profit or not for profit, are performed.



- B. **Temporary Use** means existing for a period of not more than six (6) months.
- C. **Tent** means a temporary structure or enclosure for the purpose of shelter or protection, the roof and sides of which are constructed of fabric or other pliable material.
- D. **Theater** means an indoor commercial place of assembly where motion pictures or live performances are offered for public viewing, for admission where money is received.
- E. **Toxic Substance** means a substance (liquid, solid, or gaseous) which, by reason of an inherent deleterious property, can be injurious to living organisms of plants, animals or human beings.
- F. **Trailer** means a wheeled vehicle that is designed or used to transport an apparatus, equipment, object, or series of objects and is drawn by another vehicle.
- G. **Transition Zone** means a strip of land with landscaping, fences or walls located between two uses, or between one use and a public right-of-way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or on the public right-of-way.
- H. **Transportation Station/Terminal** means and includes facilities or locations where the principal use is the handling, receiving, and transfer of passenger train or bus traffic, and may include charter businesses, accessory loading and unloading, and storing or transfer of freight and other equipment used to accomplish the foregoing activities.

#### 44-09-23. “U” Definitions

- A. **Underlying Zoning** means a standard zoning district classification, which may be combined with an overlay district for the purpose of development regulation specificity. The underlying district regulations shall apply unless expressly superseded by an overlay district provision.
- B. **Use** means the purpose or activity for which the land, structure or building is designed, arranged, intended, occupied or maintained.
- C. **Use, Accessory** means a subordinate use, which is clearly, and customarily incidental to the principal use of a building or premise, and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.
- D. **Use, Limited** means any use that is designed in this Ordinance as a Limited Use in the district in which it is located. Due to special characteristics limited uses require additional review and evaluation to be located property with respect to their effects on surrounding properties, but do not require the level of Village discretion needed for a Special Use.
- E. **Use, Permitted** means any use that is designated in this Ordinance as a Permitted Use in the district in which it is located.
- F. **Use, Principal** means the main use of a given property, structure or building as distinguished from a subordinate or accessory use.
- G. **Use, Special** means those uses, which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the neighborhood and the village, require individual consideration of their location, design, configuration, or operation at the particular location proposed.
- H. **Utility Uses** means facilities and structures necessary for the delivery of services including water, sanitary sewer, electricity, natural gas, and telecommunications. Utility uses may include employment facilities associated with the delivery of such services.

#### 44-09-24. “V” Definitions

- A. **Variance** means limited relief from the requirements of this chapter granted to a particular property with special circumstances where strict application of those requirements will create a practical difficulty or particular hardship prohibiting

the use of land in a manner otherwise allowed under this chapter. Such limited relief does not change the underlying zoning of the parcel.

- B. **Veterinary Clinic** means an establishment for the care, observation, and treatment of small animals, including domestic pets undergoing veterinary treatment.

#### **44-09-25. “W” Definitions**

- A. **Warehouse, Distribution** means buildings or a portion of a site used for the storage or distribution of goods and merchandise to retailers, nonresidential users, or to other wholesalers. The term shall not include transportation stations/terminals or light manufacturing assembly, and fabrication, as defined in this ordinance.

#### **44-09-26. “X” Definitions**

RESERVE

#### **44-09-27. “Y” Definitions**

- A. **Yard** means a required open, unoccupied space on a lot, unobstructed from the ground to the sky, except for those encroachments allowed under Section 44-03-03.
- B. **Yard, Established Front**, means on blocks located within R-1 or R-2, when the median depth of two (2) or more front yards within one-hundred fifty feet (150') of the lot line of the subject lot is greater than the required front yard for that district, the subject lot shall provide a required front yard not less than such median depth, but in no case shall the required front yard exceed sixty feet (60').
- C. **Yard, Front** means a yard extending from the front lot line to the front setback line. On corner lots and through lots, both street lot lines are considered front lot lines without regard to location of the main entrance of the principal building.
- D. **Yard, Rear** means a yard extending from the rear setback line to the rear lot line.
- E. **Yard, Side** means a yard extending along the side lot line to the side setback line and located between the front and rear yards.
- F. **Yard, Exterior Side** means a yard extending along the side lot line adjoining a public street and located between the front and rear yards.

#### **44-09-28. “Z” Definitions**

- A. **Zoning District** means one of the districts into which this chapter has divided the Village, as set forth on the zoning map.
- B. **Zoning Map** means the Zoning Map of the Village adopted by the Board of Trustees, as well as any amendments adopted thereto.
- C. **Zoning Map Amendment** means a procedure whereby the zoning district of a parcel or parcel(s) is changed on the Village of Homewood Zoning Map.
- D. **Zoning Text Amendment** means a procedure whereby the text of a Section or Article of the Zoning Ordinance is changed. Zoning text amendments can include text additions or deletions or both.