



Planning Commission/Zoning Board of Appeals

**Meeting Agenda
February 21, 2018**

7:00 P.M. Village Hall, 10 S Municipal Drive

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- a) January 25, 2018 Special Meeting

IV. PUBLIC HEARING

- a) Petition #18-003 Zoning Ordinance Text Amendment -- Cleanup
Applicant: Village of Sugar Grove

V. NEW BUSINESS

- a) Planning Commission/Zoning Board of Appeals Meeting Guide discussion

VI. OLD BUSINESS

VII. COMMISSIONER COMMENTS AND MISCELLANEOUS INFORMATION

VIII. ADJOURNMENT

**VILLAGE of SUGAR GROVE
PLANNING COMMISSION/ZONING BOARD of APPEALS
MINUTES of January 25, 2018 SPECIAL MEETING**

1. **CALL TO ORDER**

The meeting of the Sugar Grove Planning Commission / Zoning Board of Appeals (ZBA) was called to order at 7:00 p.m. by Chairman Ochsenschlager in the Sugar Grove Public Library Meeting Room.

2. **ROLL CALL**

Planning Commission/ZBA members present:

Irv Ochsenschlager, Jim Eckert, John Guddendorf,
Gregory Wilson, Larry Jones, James White, and Rebecca
Sabo

Absent: None

Also present: Walter Magdziarz, Community Development Director
Renee Hanlon, Planning & Zoning Administrator

3. **APPROVAL OF MINUTES**

Commissioner Jones moved, Commissioner Guddendorf seconded, to approve Minutes of the January 17, 2018 Meeting of the Planning Commission. Motion passed by unanimous voice vote.

4. **NEW BUSINESS:**

a. Petition 17-022: Zoning to M-1 with a Special Use for CCDD Operation

Applicant: Heartland Recycling

Chairman Ochsenschlager opened the meeting with a history of the hearing process for this petition and the process by which the petition will continue to the Village Board. He reminded the audience that the proceedings were for the Planning Commission deliberation and no public testimony will be taken.

Commissioner White began by questioning the petitioner about the exact contents of the fill that they plan to bring to the site.

Joe Violini, Heartland Recycling, responded that the contents of the fill will be limited to rocks, bricks, and dirt.

Commissioner Guddendorf entered the conversation to clarify how loads with mixed materials will be handled.

Mr Violini responded that Heartland will not accept loads of mixed materials.

Tom Enno, Alpha Environmental, entered the conversation to restate the process by which loads of fill are certified and how they are handled on site by Heartland Recycling employees.

Commissioner Eckert questioned the petitioner about their intended hours of operation.

Duggan, attorney, read the intended hours of operation from the submitted Operations Plan.

Commissioner White asked the petitioner to restate their operations plan and in particular what equipment will be used on site.

Mr Violini stated that the equipment used on site will consist of: bulldozer, street sweeper, wheel loader, screening equipment, water tank truck, truck scale. All equipment will be portable.

Commissioner Sabo asked the petitioner to walk her through a day at the facility.

Mr Violini stated that in an average day approximately forty (40) trucks will enter the facility and dump loads of clean fill on the property and approximately ten (10) trucks will enter the site and leave with a load of sand that had been processed on site.

Commissioner Sabo followed up by asking the petition what his time frame for completion of the reclamation project will be.

Mr Violini responded that the annexation agreement will allow for ten (10) years; however, he believes that reclamation will be complete within five (5) years.

Commissioner Guddendorf questioned where the water used in the screening operation will come from.

Mr Duggan responded that the water will come from the existing pond on the property and by the time the pond is filled, the sand extraction operation will have been completed.

Commissioner White asked for an explanation of the proposed stormwater management of the site.

Randall Bus, Cemcon, walked the Commission through an explanation of the stormwater plan.

Commissioner Eckert asked how this system will impact the low lying farm field to the north of this site.

Mr. Bus responded that it will have no impact and Heartland Recycling is agreeable to repairing existing farm tiles on the adjacent property.

Commissioner Eckert continued with a discussion of the portable wheel wash proposed on the property. The conversation was concluded by asking the petitioner if they were willing to install a grease trap on the property to collect grease and other contaminants from trucks at the wheel wash station.

Mr. Bus affirmed that the petition will take a look at adding a grease and oil separator.

Commissioner Eckert questioned the petitioner about the finished grades proposed for the property.

Mr. Bus stated that the finished grade will be less than thirty (30) feet above Harter Road and the property will gently slope from Harter to the highest finished grade.

Commissioner Guddendorf asked how much of the land will be stripped at any one time.

Mr. Violini responded that no more than five (5) acres at any given time will be stripped and that reclamation will occur as they go through the site.

Commissioner Eckert revisited the issue of hours of operation.

Mr. Violini explained that Heartland Recycling has met with the school about working out a delivery schedule to avoid peak school bus travel times.

Commissioner Eckert concluded his questioning by stating that it is his opinion that the entry to the site is located such that it is very difficult to see traffic from the east and that he is concerned that slow moving trucks may cause accidents leaving the site.

Commissioner White asked staff to speak to bus congestion at this location.

Community Development Director Magdziarz explained that approximately seventy (70) school buses travel through this intersection daily. The peak time for bus congestion is a very short period in the morning around 7:50 and a longer period around 2:30 in the afternoon.

Commissioner White asked the petitioner if they had any plans to request variation from the Kane County Stormwater Ordinance.

Mr. Bus responded in the negative.

Commissioner Guddendorf questioned the petition about the existing wells and pond on the property and whether or not they had conducted any baseline water testing.

Mr. Enno provided the Commissioners materials depicting area well information that he had analyzed. He explained that this property has a shallow sand and gravel aquifer which is confined by a sixty (60) foot deep layer of clay. Beyond the clay layer is the deep aquifer from which area residential wells are drawing water. He further explained that any contaminate that makes it to the shallow aquifer must percolate through the clay layer before it reaches the deep aquifer. The rate that water travels through the clay layer is ten (10) to the minus eight (8) centimeters per second. He further explained that if a contaminant enters the shallow aquifer and settled into the clay layer, it would take fifty (50) years for the contaminant to work its way through the clay to the deep aquifer.

Commissioner Eckert asked Mr. Enno what the response from Heartland Recycling would be if the monitoring wells produced a contaminated sample.

Mr. Enno responded that Heartland Recycling would complete a thorough investigation and remediate the contamination.

Commissioner White asked Mr. Enno to elaborate on the remediation process.

Mr. Enno explained that remediation may take any of three (3) forms: the contaminated soil could be extracted from the property, a berm may be installed to confine the contaminated soil, or, if an organic contaminate is discovered, the soil might be injected with a compound that would eliminate the contaminant.

Commissioner Sabo asked Mr. Enno if it is at all possible for a contaminant to find its way onto the site.

Mr. Enno responded that it is not impossible; however, Heartland Recycling can be trusted with the prescreening process and that they have agreed to place monitoring wells on the property. These monitoring wells will alert Heartland Recycling to a potential problem early enough that there would be plenty of time to remediate the situation before any area wells were contaminated.

Commissioner Guddendorf stated his concern about the amount of water the sand and gravel processing operation may draw from the aquifer and its effect on the capacity of area residential wells. He requested that a condition be added to prohibit Heartland from utilizing well water in their processing operation.

Commissioner Jones asked the petitioner to explain the recent news report that published findings from the Illinois Environmental Protection Agency analysis of CCDD facilities in the state and the conclusion that these operations have a high potential for contamination.

Mr. Enno provided a lengthy explanation of the IEPA testing methods used. He further stated that the Heartland Aurora facility was found to have elevated Iron and Selenium levels. Mr. Enno stated that elevated Iron poses no threat to human health and the elevated Selenium levels were false. He explained that this round of testing was for all potential contaminants and usually only suspected contaminants are tested.

Commissioner Jones followed up by asking how one determines which contaminants will be tested.

Mr. Enno restated the process through which fill material is tested and certified before entering the site. He further explained the training that employees of the Heartland Recycling site will undergo so that they can identify potentially contaminated fill.

Commissioner Jones continued the conversation by asking if it is possible for testing to fail to identify certain contaminants on site.

Mr. Enno responded that it is possible; however it is not something that he has encountered while working with CCDD sites. He further stated that when the IEPA tested all eighty five (85) CCDD sites in Illinois, they found only elevated Iron, Selenium, and Manganese. He concluded his comments by stating that after comprehensive testing, IEPA found no contaminants levels that are of concern.

Commissioner Sabo entered the conversation to ask Mr. Enno to clarify his statements based on her interpretation of the IEPA results and the numerous contaminants that were found at the CCDD facilities.

Mr. Enno responded by stating that the article was sensationalized journalism.

Commissioner Jones asked Mr. Enno if the answers he previously gave were valid answers in light of Ms. Sabo's evidence to the contrary.

Mr. Enno responded that his interpretation that the IEPA results were not of concern was due to conversations he has had with the head of the organization and other professionals in the field.

Commissioner Sabo stated her concern that Mr. Enno and other Heartland Recycling representative have understated the potential for groundwater contamination that may result from this operation. She continued by thanking the petitioner and experts for providing information to the Commission and their participation in the process.

Commissioner Jones continued his line of questions by turning to the potential effects the use may have on the air quality in the area.

Mr. Violini stated that the previously submitted photographs of the Aurora facility were taken on a foggy day and that facility never produces as much dust as it appears the facility is producing in the photographs submitted to the Planning Commission.

Commissioner Jones followed up by asking if the CCDD operation will produce dust in an equivalent amount to land preparation for a new subdivision.

Mr. Violini answered that their operation will produce less dust than the land preparation operation for a new subdivision. He further explained that the buffer of natural vegetation around the perimeter of the property will capture most dust that is produced so that little fugitive dust will be produced.

Commissioner White questioned Mr. Enno about the information that he submitted to the Planning Commissioners. Specifically, if he took into account information about shallow residential wells in the area.

Mr. Enno contended that his analysis was based on limited self-reported information.

Commissioner White asked staff to clarify whether or not variations from the Zoning Ordinance were being requested.

Director Magdziarz stated to no variation were being sought by the petitioner.

There being no further questions by Commissioners, Chairman Ochsenschlager instructed the Commission on the matter of Findings of Fact.

Charmain Ochsenschlager read each of the four (4) standards for rezoning which must be satisfied in order to recommend approval of the Zoning request.

The Commissioners discussed each standards and agreed that each of the four (4) standards for rezoning had been satisfied by the petitioner.

Commissioner White moved to recommend that Village Board adopt the Planning Commission finding of fact and approve the zoning of the property to A-1 Agriculture. The motion was seconded by Commissioner Guddendorf. The motion passed by unanimous voice vote.

Chairman Ochsenschlager read each of the nine (9) standards which must be satisfied in order to recommend approval for the Special Use of the property.

The Commissioners discussed each standard and agreed that some of the standards were met; however, there were standards that were not met. The Commissioners found deficiencies in meeting the following standards:

The petitioner failed to establish that this operation will not be hazardous to the existing neighborhood uses. The Commissioners stated their concern that this operation poses a threat and has the potential to contaminate the area groundwater supply.

The petitioner failed to establish that this operation will not produce excessive traffic and noise. The Commissioners stated their concern that this operation will result in excessive traffic at the intersection of Harter Road and Sugar Grove Parkway. This excessive traffic will conflict with the school bus and passenger vehicles accessing nearby Harter Middle School. Potential excessive noise is anticipated as a consequence of this operation as well and will have a detrimental effect on the enjoyment of neighboring residential property and Harter Middle School campus. Lastly, the petitioner failed to establish that the filling of the open water feature on this property is desirable for the community. The Planning Commissioner believe the wetlands on the property to be a scenic feature of the property which should not be destroyed.

Finding that the petitioner failed to meet the standards for Special Use, Commissioner White moved to recommend the Village Board adopt the Planning Commission finding of fact and deny petition #17-022 requesting a Special Use Permit to operate a clean construction demolition debris land reclamation at this location. The motion was seconded by Commissioner Sabo. The motion was approved by unanimous voice vote.

Chairman Ochsenschlager opened the floor to questions from the audience.

An anonymous audience member asked for further clarification of the annexation process.

Chairman Ochsenschlager restated the annexation process and announced that the Village Board will be taking up this matter at a public hearing scheduled for February 5, 2018 beginning at 6:00p.m. at the Village of Sugar Grove Fire Department.

5. ADJOURNMENT

There being no further business, Commissioner Eckert moved that the meeting of the Planning Commission be adjourned. Commissioner Wilson seconded the motion. The motion passed by unanimous voice vote.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,
Renee Hanlon
Recording Secretary



COMMUNITY DEVELOPMENT DEPARTMENT

A D V I S O R Y R E P O R T

TO: Planning Commission
FROM: Walter Magdziarz, Community Development Director
Renee Hanlon, Planning and Zoning Administrator
DATE: January 17, 2018
CASE FILE: 18-002 Zoning Ordinance Text Amendment—Signs

PROPOSAL

The proposed text amendment will repeal Chapter 14 *SIGNS* of the Village of Sugar Grove Zoning Ordinance and replace it with the proposed revised Chapter 14 *SIGNS*.

GENERAL INFORMATION

HEARING DATE: January 17, 2018
PROJECT NAME: Zoning Ordinance Text Amendment—Signs
PETITIONER: Village of Sugar Grove
ATTACHMENTS: Proposed Text Amendment
Sign Photos

BACKGROUND & HISTORY

In 2015, the U.S. Supreme Court handed down an opinion that changed the landscape of local sign regulations. The Court decided, after hearing the case of *Reed vs Town of Gilberts*, that local sign ordinances which regulate signs based on message content are in violation of the U.S. Constitution. Prior to *Reed*, the protection of speech, as it related to local sign ordinances, was limited to preventing local governments from banning disagreeable speech through sign ordinances. The majority opinion handed down in *Reed* greatly expanded that protection.

The sign at the center of the *Reed* case was a temporary directional sign. A local Church, which did not have a permanent home, relied upon the placement of temporary directional signs, each week, to inform members of the time and place of their worship service. The city held that the weekly placement of these signs violated the sign ordinance time limit provision for temporary direction signs. Because the sign ordinance allowed other similar temporary signs to be maintained for longer time periods, The Court found that this difference in treatment, based solely on message content, is an unfair suppression of free speech.

The Court majority opinion recognizes the importance of local sign regulations which regulated time, place, and manner of signage. The opinion also recognizes the difficulty of creating a sign ordinance which is completely content neutral. The opinion makes clear that any regulations which are not content neutral must be narrowly tailored to protect a specific public interest.

Since the current Village of Sugar Grove Sign Ordinance regulates signs based mostly on the content of their message, this text amendment is proposed to provide regulations which are not completely content neutral, but more content neutral than the current sign regulations.

The most profound differences between the regulatory content of the current sign ordinance and the proposed sign ordinance are as follow.

- The proposed sign ordinance relies mostly on sign type instead of message content to regulate signage.
- Temporary signs are not granted nonconforming status. All nonconforming temporary signs will be required to be code compliant within six (6) months of the passage of the proposed amendment.
- The proposed amendment requires a minimum post size for temporary commercial "real estate" signs and prohibits the use of rough cut plywood. The current ordinance provides no design requirements for "real estate" signs.
- The current ordinance requires that monument signs make full and continuous contact with the normal grade. The current ordinance does not require that monument signs be designed with a masonry base material. Landscape plantings around the base of the sign are not currently required. The proposed text amendment permits monument style signs with shrouded posts and a maximum open space of one (1) foot between the bottom of the sign and the natural grade. The proposed text amendment requires landscaping around the base of all monument signs. The proposed text amendment also requires the use of masonry materials for the base or supporting posts of all monument sign structures.
- The current sign ordinance prohibits pole signs as the primary identification sign on a lot nor does it require a minimum lot size or frontage for the installation of a ten (10) foot by twelve (12) foot monument style sign. Therefore, the current sign ordinance allows the same permanent freestanding sign on Sugar Grove Parkway and on Main Street. The proposed text amendment allows a pole sign to be installed as the primary signage for commercial lots that contain less than the requisite 150 feet of public street frontage for a monument sign. This will mostly apply to lots in the downtown core. The proposed ordinance will allow for a more fitting five (5) foot tall pole sign on these commercial lots.
- The proposed text amendment provides for a master sign plan. A master sign plan will be required for every new planned unit development and subdivision within the Village. This will be a way of insuring unified sign standards within planned unit developments after the developer has turned over control to individual owners and/or tenants.

EVALUATION

The Village of Sugar Grove Zoning Ordinance provides the following standards for determining the appropriateness of a text amendment:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare of the village, and complies with the policies and comprehensive land use plan and other official plans of the village.
 - *During the Comprehensive Planning Process, "Preserve Rural Character" was one of the three (3) most important issues identified. If implemented, this ordinance will balance the need for signage with the desire to maintain the rural character of the village.*
2. The trend of development in the area of the subject property is consistent with the amendment.
 - *The current trend in commercial development is the impetuous for this ordinance. Commercial signage is important for the business community in establishing their presence in the Village; however, unrestricted, signage can have a very negative impact on the overall character of the village. This text amendment is intended to create a balance between the need for commercial signage, and the right of citizens to express themselves with the need to preserve Village safety and same town atmosphere.*
3. The requested zoning permits uses which are more suitable than the uses permitted under the existing zoning classification.
 - *N/A*
4. The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.
 - *The purpose of this amendment is to balance the need for signage with the prevention of sign pollution. If implemented, this amendment will prevent the unsafe conditions that excessive, poorly designed signage creates. By guiding the design, installation, and maintenance of signage, the character of the village shall be preserved.*

PUBLIC RESPONSE

The public hearing has been properly noticed. The Community Development Department has not received inquiries nor comments regarding this petition.

STAFF RECOMMENDATION

Staff recommends the Plan Commission approve Petition #18-002 Amendment to the Village of Sugar Grove Zoning Ordinance—Signs.

SAMPLE MOTION

Based on the finding of fact, I move that the Planning Commission recommend to the Village Board approval of Petition #18-002 amending Title 11 Zoning Regulations to repeal and replace Chapter 14 *Signs* and to modify Chapter 3 *Rules and Definitions*.

Title 11 *Zoning* of the Village of Sugar Grove Municipal Code shall be amended as follows. ~~Red stricken~~ text shall be deleted. ~~Blue~~ text shall be added.

11-2-2: ZONING MAP

The boundaries of the districts listed above are as shown on the map designated as the "zoning map" for the village. A copy of this map may be found on file in the office of the ~~zoning enforcement officer~~ ~~zoning official~~. The zoning map, together with the notations, references and other matters thereon pertaining to zoning district classifications and regulations, shall be as much a part of this title as if such notations, references and other matters were specifically set forth herein in this text. (Ord. 2002-01-15B, 1-15-2002)

11-2-3: BOUNDARIES

D. Areas Not Subdivided Into Lots And Blocks:

3. This shall not apply, however, if it increases the more intensive portion of the lot by more than twenty five percent (25%). If this occurs, the entire lot shall be zoned the least intensive of the two (2) districts, unless otherwise recommended by the planning commission/~~zoning board of appeals~~ at a public hearing, and subsequently approved by the village board.

E. Interpretation: Where physical or cultural features existing on the ground deviate from those shown on the official zoning map, or in other circumstances not covered by this chapter, the ~~planning commission~~/~~zoning board of appeals~~ shall interpret the district boundaries.

11-3-2: DEFINITIONS

COMMISSION: For the purpose of this title, "commission" shall refer to the planning commission/~~zoning board of appeals~~ of the village of Sugar Grove. See definition of Planning Commission/~~Zoning Board of Appeals~~.

COMPREHENSIVE LAND USE PLAN: The plan for the long range growth and development of the village of Sugar Grove, including graphic and written proposals, as formally adopted and amended from time to time by the Sugar Grove planning commission/~~zoning board of appeals~~ and village board.

~~DEVELOPMENT REVIEW CONFERENCE: A meeting that is held between the Village staff and its consultants, representatives of the Planning Commission and other corporate officials, and representatives of all taxing bodies and the developer at the onset of a development proposal, to discuss opportunities and benefits associated with a specific project, as well as any potential impacts and proposed measures to mitigate said impacts. See definition of Plan Review Committee.~~

~~PLAN REVIEW COMMITTEE: The group that meets with a petitioner during the preapplication review stage of the zoning and site plan approval process. The committee includes Village staff and its consultants; one (1) or more representatives of the Planning Commission; and other corporate officials as determined necessary for a full review of the proposed planned development.~~

PLANNING COMMISSION/ZONING BOARD OF APPEALS: Members of the Sugar Grove's Planning Commission/Zoning Board of Appeals as constituted by ordinance and appointed by the Sugar Grove's Village President.

PLAT, PRELIMINARY: A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Commission/zoning board of appeals and Village Board for consideration and preliminary approval.

~~TRAILER, HOME OR MOBILE HOME: Any "trailer" as defined herein that is used for residential purposes.~~

VARIANCE: Permission granted by the Planning Commission/Zoning Board of Appeals to depart from the terms of this title where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship.

~~VILLAGE PLANNER: A full time staff person, or consultant appointed by the Village President, by and with the consent of the Board of Trustees, whose function, when authorized by ordinance or by the President, is the administrative review of the specific planning and zoning applications.~~

ZONING BOARD: The Village of Sugar Grove Planning Commission/Zoning Board of Appeals.

~~ZONING ENFORCEMENT OFFICER~~**ZONING OFFICIAL:** The administrative officer designed by the village board president to administer this title.

11-4-7: ACCESSORY USES, STRUCTURES, AND BUILDINGS

- A. Compliance: All accessory uses, accessory structures, and accessory buildings shall comply with the requirements of the district in which they are located. No accessory use, accessory structure, or accessory building shall be established or erected on a lot or zoning lot prior to the establishment or erection of the principal use or principal building to which it is accessory. No existing accessory use, accessory structure, or accessory building ~~may~~ shall be expanded or extended, except in compliance with all of the regulations of this title.
- B. Applicable Structures: Where an accessory building is structurally attached to a principal building it ~~must~~ shall conform to all regulations of this title applicable to the principal building.
- C. Use As A Dwelling: No accessory use, accessory structure, or accessory building ~~may~~ shall be used as a dwelling unless otherwise permitted by the village board.

A P	= =	Allowed - Permitted	D1	=	Not allowed for type 1 uses, special for type 2 uses
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S	=	Special	D2	=	Special for type 1 uses, allowed for type 2 uses
N	=	Not allowed			

	A-1	E-1	R-1	R-2	R-3	SR	B-1	B-2	B-3	BP	OR-2	M-1	I-1
Accessory uses:													
Accessory dwelling unit	S*	S*	S*	S*	S*		S*						
Commercial outdoor dining	N	N	N	N	N	N	AP	AP	AP	N	N	N	N
Commercial outdoor display	S	N	N	N	N	N	S	S	S	S	N	S	S
Commercial outdoor sales	S	N	N	N	N	N	S	S	S	S	N	S	S
Commercial outdoor storage (including vehicles, equipment, materials, etc.)	AP	N	N	N	N	N	S	AP	AP	S	N	AP	S
Drive-throughs	N	N	N	N	N	N	N	S	S	N	N	N	N
Home occupations		As per section 11-4-17 of this chapter											
Home occupations	P	P	P	P	P	P	P	N	N	N	N	N	N

Lighted recreational courts	S	S	S	S	S	S	S	S	S	S	S	N	S	S
Loading areas	A P	N	N	N	S	D1	A P	A P	A P	A P	N	A P	A P	
Recreational courts (basketball, volleyball, etc.)	A P	A P	A P	A P	A P	A P	S P	S	S	S	N	A P	A P	
Residential chicken keeping (principal use shall be single family, and valid residential chicken keeping permit issued)	A P	A P	A P	A P	A P	N	A P	N	N	N	N	N	N	
Accessory structures:														
Awnings and canopies	A P	N	A P	A P										
Balconies	A P	N	A P	A P										
Bay windows	A P	N	A P	A P										
Cart corrals	N	N	N	N	N	N	N	A P	A P	N	N	N	N	

Commercial mechanical equipment (including generators, air conditioners, etc.)	A P	N	N	N	S	D1	A P	A P	A P	A P	N	A P	A P
Decks	A P	A P	A P	A P	A P	A P	S - P	S P	S P	S P	N	S P	S P
Dispensing cabinets (including ice, propane tank, etc.)	N	N	N	N	N	N	N	A P	A P	A P	N	A P	A P
Eaves and gutters	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	N	A P	A P
Fences, walls		As per section <u>11-4-13</u> of this chapter											
Fences, walls	P	P	P	P	P	P	P	P	P	P	P	P	P
Fuel or gas tanks (including above and below ground)	S	N	N	N	N	N	N	S	S	N	N	S	S
Gardens (vegetable, crop)	A P	A P	A P	A P	A P	A P	S - P	S P	S P	S P	P	S P	S P
Hot tubs and outdoor spas	A P	A P	A P	A P	A P	A P	N P	N	N	N	N	N	N
Kennels, dog runs	A P	A P	A P	A P	A P	A P	S P	S	S	S	N	S	S

Loading docks	S	N	N	N	S	D1	A P	A P	A P	A P	N	A P	A P
Mailboxes	A P	N	A P	A P									
Nonresidential off street parking lots and drive aisles and driveways	A P	N	N	N	N	N	A P	A P	A P	A P	N	A P	A P
Ornamental towers, scenery lofts, monuments, domes, spires, steeples, and water towers	A P	N	A P	A P									
Outdoor fireplaces and ovens	A P	N	N	N									
Parking lot light poles	A P	S	S	S	A P	D2	A P	A P	A P	A P	N	A P	A P
Patios, sidewalks	A P	N	A P	A P									
Pergolas, arbors, trellises	A P	N	A P	A P									
Phone booths	N	N	N	N	N	N	N	A	A	N	N	N	N
Picnic benches	A P	N	A P	A P									

Ponds	A P	A P	A P	A P	A P	A P	S	S	S	S	N	S	S
Recreational equipment (including basketball hoops, trampolines, etc.)	A P	S	S	S	N	A P	A P						
Residential communications antennas (TV, radio, etc.) and satellite dishes, including amateur radio and commercial communications antennas which are "customer end" antennas placed at a commercial location for purposes of providing services at the same location in which it is installed	A P	N	A P	A P									

Residential mechanical equipment (including generators, air conditioners, etc.)	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	N	A P	A P
Residential off street parking areas and driveways	A P	A P	A P	A P	A P	D2	N P	N	N	N	N	N	N	N
Signs, flags, and flagpoles	As per <u>chapter 14</u> of this title													
Signs, flags, and flagpoles	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Single bay car wash	N	N	N	N	N	N	N	S	S	S	N	S	S	
Solar panels	P	P	P	P	P	P	P	P	P	P	N	P	P	
Stairs, steps	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	A P	N	A P	A P
Swimming pools	A P	A P	A P	A P	A P	A P	N	S	S	N	N	N	N	
Trash dumpster enclosures	A P	N	N	N	N	D2	A P	A P	A P	A P	N	A P	A P	
Vending machines (including pop, DVD, newspaper, etc.)	N	N	N	N	N	N	A P	A P	A P	A P	N	A P	A P	

Sheds	A P	A P	A P	A P	A P	A P	S P	S	S	S	N	S	S
Storage buildings	A P	A P	A P	A P	A P	A P	S P	S	S	S	N	S	S
Uses and buildings accessory to college, university, and school operations	N	N	N	N	N	N	S	S	S	S	N	S	S
Uses and buildings accessory to farm operations	A P	N	N	N	N	N	N	N	N	N	N	N	N

(Ord. 2016-07-05A, 7-5-2016; amd. Ord. 2016-12-13D, 12-13-2016; Ord. 2017-08-01, 8-1-2017)

All accessory uses, accessory structures, and accessory buildings may require a building permit depending on the work involved. The above list is not to be used to determine whether or not a building permit is required.

Other accessory uses, accessory structures, or accessory buildings which, in the opinion of the ~~Community Development Director~~ zoning official or his/her designee, are similar to the uses listed in this section, and are otherwise consistent with the Comprehensive Plan and zoning for the district in which said use is sought may be allowed or allowed with a special accessory use.

Items which are listed in section [11-4-8](#) of this chapter are not eligible to be treated as an accessory use, accessory structure, or accessory building.

Use of an accessory building shall not constitute a second principal building on a lot. (Ord. 2016-07-05A, 7-5-2016)

~~E. Height: No accessory use, accessory structure, or accessory building shall exceed the height of one (1) story or fifteen feet (15'), with the following exceptions:~~

~~1. Private stables shall not exceed the height of twenty five feet (25').~~

- ~~2. Uses and buildings accessory to farm operations shall not exceed the height of twenty five feet (25').~~
- ~~3. Sign and flagpole height shall be regulated by chapter 14 of this title.~~
- ~~4. Fence, wall, and trash enclosure height shall be regulated by section 11-4-13 of this chapter. Trash enclosures must be a minimum of six feet (6') in height.~~
- ~~5. Small wind energy system height shall be regulated by section 11-4-20 of this chapter.~~
- ~~6. Small solar energy system height shall be regulated by section 11-4-21 of this chapter.~~
- ~~7. Parking lot light pole height shall be regulated by chapter 12 of this title.~~
- ~~8. Chimneys, ornamental towers, scenery lofts, monuments, domes, spires, steeples, water towers, mechanical equipment, customer end antennas (residential communications antennas and commercial communications antennas insofar as said antenna is placed at the commercial location for purposes of providing services at the location in which it is installed) may be erected to their customary height, regardless of the height limitations of the zoning district in which they are located.~~
- ~~9. The height of commercial communications antennas which are not customer end antennas and are used for providing services or signals beyond the specific location in which they are installed, shall be regulated by the special accessory structure review. (Ord. 2016-12-13D, 12-13-2016)~~

~~F. Setbacks: Detached accessory buildings must be set back a minimum of five feet (5') from any property line in all zoning districts with the exception of the E-1 estate residential district. Detached accessory buildings located within the E-1 estate residential district must be set back a minimum of ten feet (10') from any lot line.~~

~~Detached accessory buildings must be located a minimum of ten feet (10') from any other building on a zoning lot.~~

~~Accessory uses, accessory structures, and accessory buildings shall be allowed in easements as follows:~~

- ~~1. The easement is a minor drainageway (only draining the immediate adjacent lots);~~
- ~~2. The easement contains no public utilities such as storm sewer, sanitary sewer, or water main; and~~
- ~~3. There shall be no construction within five feet (5') of the property line to accommodate drainage along the common lot line and allow for any future construction of minor utilities such as cable and street lighting.~~

~~G. Lot Coverage/Area/Total Number: All accessory uses, accessory structures, and accessory buildings, together with all principal buildings and principal uses and impervious surfaces shall not exceed the maximum lot coverage requirement for the district within which they are located.~~

~~Each accessory building located on a residential zoned lot may not exceed one thousand (1,000) square feet or seventy percent (70%) of the footprint of the principal building, whichever is less, unless otherwise approved pursuant to the issuance of a special accessory use.~~

~~There shall be no more than three (3) accessory buildings on any lot in the village, unless otherwise approved pursuant to the issuance of a special accessory use.~~

~~H. Surfaces: The following accessory uses and accessory structures require paved surfaces: loading areas, drive-throughs, commercial outdoor sales, commercial outdoor dining, commercial outdoor display, commercial outdoor storage, carports, cart corrals, residential off street parking areas and driveways, trash dumpster enclosures, commercial mechanical equipment, residential mechanical equipment, nonresidential off street parking areas, drive aisles, and driveways, loading docks, fuel or gas tanks, hot tubs and outdoor spas, single bay car wash, fuel canopies, guard sheds, dispensing cabinets, vending machines, and phone booths. Trash dumpster enclosures shall utilize a concrete surface.~~

~~I. Accessory Building Materials: Building materials of accessory buildings shall generally match the materials of the principal building.~~

~~J. Screening/Fencing: The following accessory uses and accessory structures require landscape screening in addition to the standard landscaping on any lot: loading areas, drive-throughs, outdoor storage, outdoor dining, trash dumpster enclosures, mechanical equipment, loading docks, single bay car washes, aboveground fuel or gas tanks, and on nonresidential lots: garages, sheds, and storage buildings. Landscape screening shall consist of one evergreen shrub (minimum 6 feet in height) for every five feet (5') in horizontal distance around the perimeter of the accessory building, accessory use or accessory structure. Additional landscaping for these accessory uses, accessory buildings and accessory structures may be required to address performance standards of the BP and M-1 districts.~~

~~Loading areas and loading docks shall be designed to be screened from view from public rights of way and other private properties by the building or wing walls.~~

~~Trash dumpsters shall be fully enclosed by masonry walls (i.e., a trash dumpster enclosure).~~

~~Cart corrals located within twenty five feet (25') of the principal building require minimum four foot (4') screening walls that match the principal building.~~

~~The following accessory uses and accessory structures require fencing: outdoor storage and aboveground fuel or gas tanks.~~

~~K. Parking: The following accessory uses and accessory buildings require parking in addition to the principal building: commercial outdoor dining, commercial outdoor sales, drive-throughs, garages, guard sheds, guest homes, greenhouses, and home occupations. Please refer to section 11-12-3 of this title for the specific requirements.~~

~~L. Minimum Size: Unless listed as an accessory use, accessory structure, or accessory building, any item under one cubic yard in size shall not be considered an accessory use, accessory structure, or accessory building.~~

~~M. Other Requirements: Any permitted or special accessory use that involves outdoor sales shall only be conducted during the regular business hours of the principal use of the zoning lot.~~

~~Dispensing cabinets, vending machines, phone booths, and similar uses are limited to designated paved areas that do not obstruct sidewalks, parking spaces, or other areas designed for other requirements as identified on an approved site plan. There may be no more than three (3) of these in total per zoning lot and they must include owner contact information.~~

~~Commercial outdoor sales, commercial outdoor display, and commercial outdoor dining shall be limited to designated paved locations as identified on an approved site plan.~~

~~Private stables for use by residents and their guests are limited to one horse for the first forty thousand (40,000) square feet of land area, and one additional horse for each additional twenty thousand (20,000) square feet of land area.~~

~~Loading areas and loading docks shall be designed and located to eliminate maneuvering in public rights of way.~~

E. Standards for All Accessory Uses, Accessory Buildings, and Accessory Structures

1. Building Permit Required. With the exception of items measuring less than one (1) cubic yard, a building permit is required prior to the placement, construction, or occupancy of any accessory use, accessory building, or accessory structure.

2. Size. Each detached accessory building or structure on a residentially zoned lot shall not exceed one thousand (1,000) square feet or seventy percent (70%) of the principal building footprint, whichever is less.

3. Height. No accessory use, accessory structure, or accessory building shall exceed the height of fifteen (15) feet, with the following exceptions:

- a. Uses and buildings accessory to farming operations shall not exceed twenty five (25) feet in height.
 - b. Private stables shall not exceed twenty five (25) feet in height.
 - c. Flagpole and sign height is regulated by chapter 14 of this title.
 - d. Small wind and solar energy systems are regulated by section 20 and section 21 of this chapter.
 - e. Parking lot pole height is regulated by chapter 12 of this title.
 - f. Chimneys, ornamental towers, scenery lofts, monuments, domes, spires, steeples, water towers, customer end antenna (residential communications antennas and commercial communications antennas insofar as said antenna is placed at the commercial location for purposes of providing services at the locations in which it is installed) shall be erected to a customary height as determined by the zoning official.
 4. Separation. Detached accessory buildings and structures shall be located a minimum of ten (10) feet from any other building or structure.
 5. Easements. An accessory use, accessory building, or accessory structure may be located within a recorded easement if the following standards are met.
 - a. The easement is a minor drainage way (only draining the immediate adjacent lots).
 - b. The easement contains no public utilities such as storm sewer, sanitary sewer, or water main.
 - c. There shall be no construction within five (5) feet of the property line to accommodate drainage along the common lot line and allow for any future construction of minor utilities such as cable and street lighting.
 6. Number. There shall be no more than three (3) accessory buildings and/or structures on a zoning lot.
 7. Building Materials. Building materials of accessory buildings and structures shall be of high quality and shall generally match the building materials of the principal building.
 8. Use. All uses conducted within accessory buildings and accessory structures shall be incidental to the principal use established on the zoning lot. No accessory use shall constitute a second principal use on the zoning lot. No accessory use, accessory building, or accessory structure shall be constructed or erected on a zoning lot prior to the construction or erection of the principal building.
- F. Additional Standards for Specific Accessory Uses, Accessory Buildings, and Accessory Structures.
1. Accessory dwelling unit.

a. The unit shall not comprise more than twenty five percent (25%) of the floor area of the principal structure.

b. The unit shall be solely occupied by no more than two (2) persons related by blood or marriage to the owner of the principal residence.

2. Commercial outdoor dining,

a. Commercial outdoor dining area shall be fully enclosed by a fence or wall which is compatible with the principal building style. An emergency egress shall be provided.

b. Off-street parking shall be provided at a rate of thirteen (13) spaces per one thousand (1,000) square feet of area devoted to commercial outdoor dining.

c. The area developed to commercial outdoor dining shall be improved with a solid surface of brick, concrete pavers or poured concrete.

d. Commercial outdoor dining area shall be operated only during regular business hours of the principal use.

3. Commercial outdoor storage.

a. The area devoted to commercial outdoor storage shall be improved with a dust free surface as required by the village engineer. The surface material shall be maintained in a manner prescribed by the village engineer.

b. The area devoted to commercial outdoor storage shall be enclosed by a solid fence at least six (6) feet in height, but no greater than eight (8) feet in height, as regulated by section 13 of this chapter. **No chain link or mesh type fence with inserted screening slats or screening fabric shall be acceptable in complying with the screening standards.** Where a commercial outdoor storage area shares a common lot line with a property zoned in a more restrictive zoning district, landscape screening of the solid fence shall be provided at the rate of three (3) shrubs per each twenty five (25) linear feet of fence. Shrubs shall be planted between the fence and the common lot line.

c. **No equipment or materials shall be stored inside the area at a height greater than the height of the fence.**

4. Drive through.

a. Regulated by chapter 12 of this title.

5. Home occupation.

a. Regulated by section 17 of this chapter.

6. Loading area.

a. Regulated by chapter 12 of this title.

7. Residential chicken keeping.

- a. Regulated by title 5 of this code.

8. Cart corral.

- a. A cart corral located within twenty five (25) feet of the principal building on a zoning lot shall be improved with four (4) foot masonry screening walls that match the primary building material of the principal building.
- b. A cart corral shall be located free of conflict with vehicular and pedestrian circulation on the zoning lot.
- c. A cart corral shall be maintained free of signage.

9. Dispensing cabinet.

- a. A dispensing cabinet shall be located on an improved concrete surface.
- b. A dispensing cabinet shall be located free of conflict with vehicular and pedestrian circulation on the zoning lot.
- c. A dispensing cabinet shall display the owner name and contact information.
- d. No more than two (2) dispensing cabinets shall be maintained on a zoning lot.

10. Loading dock.

- a. Regulated by chapter 12 of this title.

11. Fence and wall.

- a. Regulated by section 13 of this chapter.

12. Residential and nonresidential off-street parking lot, driveway and drive aisle.

- a. Regulated by chapter 12 of this title.

13. Parking lot light pole.

- a. Regulated by chapter 12 of this title.

14. Sign, flag, and flagpole.

- a. Regulated by chapter 14 of this title.

15. Solar panel.

- a. Regulated by section 21 of this chapter.

16. Trash dumpster enclosure.

- a. A trash dumpster enclosure shall be wholly maintained on a concrete surface.
- b. A trash dumpster enclosure shall be fully enclosed by masonry walls six (6) feet in height. The masonry wall material shall match the primary building material of the principal building. Landscape materials shall be installed and maintained around the perimeter of the enclosure at a rate of one (1) evergreen shrub per each three (3) linear feet.
- c. A trash dumpster enclosure shall be located free of conflict with the vehicular and pedestrian circulation of the zoning lot.

17. Vending machine.

- a. A vending machine shall be located on an improved concrete surface.
- b. A vending machine shall be located free of conflict with vehicular and pedestrian circulation on the zoning lot.
- c. A vending machine shall display the owner name and contact information.
- c. No more than two (2) vending machines shall be maintained on a zoning lot.

18. Wind turbines.

- a. Regulated by sections 20 of this chapter.

19. Private stable.

- a. The number of horses permitted is determined as follows: a minimum lot area for the keeping of one (1) horse shall be forty thousand (40,000) square feet plus twenty thousand (20,000) square feet per each additional horse.
- b. A private stable shall be located at least one hundred fifty (150) feet from the front lot line.
- c. A private stable shall be located at least one hundred (100) feet from any other lot line.

NG. Special Accessory Use Submittal And Fee: Special accessory uses shall meet the standards of regular special uses as described in section [11-13-12](#) of this title. However, a public hearing is not required. The requests **may** shall be either; approved, approved with conditions, or denied by the planning commission/zoning board of appeals without review by the village board.

11-4-8: TEMPORARY STRUCTURES AND USES

Circuses and carnivals. Circuses or carnivals, when operated or sponsored by a religious, civic, or institutional not for profit group for a period not to exceed one week. No such use **may** shall occur on a lot which will pose a safety hazard to pedestrians and motorists or

interfere with the use and privacy of adjacent property. Such use ~~may~~ shall not be located in any residential district, except on park, church, or school property, and shall comply with the yard requirements of the district in which it is located. No circus or carnival shall be operated without first obtaining a special event permit in accordance with [title 4, chapter 7](#) of this code.

Contractors' offices and equipment sheds and trailers. Contractors' offices and equipment sheds and trailers, when accessory to a construction project and only for the duration of the project while building permits are in effect and provided that such office or equipment shed or trailer is located on the premises undergoing construction. No such office, shed or trailer shall contain sleeping accommodations or cooking facilities. Such use shall be removed upon the lapse of building permits or issuance of the last occupancy certificate ~~and shall be screened from view with a fence or landscaping.~~

Film production. Film production, ~~may~~ shall be allowed up to daily for three (3) months, one time per calendar year, per applicant. No film production ~~may~~ shall occur without first obtaining a special event permit in accordance with [title 4, chapter 7](#) of this code.

Grand openings and special events. Grand openings and special events ~~may~~ shall be allowed up to daily for one week, two (2) times per calendar year, per applicant.

Group or assembly activities. Group or assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows) on private property ~~may~~ shall be allowed up to daily for two (2) weeks, three (3) times per calendar year, per applicant. No group or assembly activity ~~may~~ shall occur without first obtaining a special event permit in accordance with [title 4, chapter 7](#) of this code.

Model homes, subdivision sales offices. Model homes and subdivision sales offices, sometimes in a model home, when incidental to a new housing development. No such use ~~may~~ shall be used for sleeping or cooking purposes and ~~may~~ shall continue only until all dwelling units in the development have been sold or leased.

Fences ~~may~~ shall be located on lots used for subdivision sales offices and model homes provided that such fences comply with the provisions of section [11-4-7](#) of this chapter, except that points of access be provided as required by the zoning ~~administrator~~ official or persons, equipment and vehicles which may be required in case of emergency.

Outdoor food vendors. Outdoor food vendors, including food trucks, on private property ~~may~~ shall be allowed up to daily for nine (9) months per calendar year, per applicant. No outdoor food vendor ~~may~~ shall occur without first obtaining a special event permit in accordance with [title 4, chapter 7](#) of this code.

Portable moving and storage containers. Portable moving and storage containers (that are not vehicles), ~~may~~ shall be allowed up to daily for ten (10) days, one time per calendar year, per applicant with the exception of such containers that are used for the purposes of a village issued building or site permit which may be allowed as long as there is a valid building permit.

Temporary parking lots. Temporary parking lots ~~may~~ shall be allowed up to daily for one year, one time per calendar year, per applicant.

Trash dumpsters. Trash dumpsters ~~may~~ shall be allowed up to daily for ten (10) days, one

time per calendar year, per applicant with the exception of such dumpsters that are used for the purposes of a village issued building or site permit which **may shall** be allowed as long as there is a valid permit. (Ord. 2016-07-05D, 7-5-2016)

11-4-10: REQUIRED YARDS

D. Setback Reductions: Setback reductions for yards in any zoning district that do not exceed five percent (5%) or one foot (1'), whichever is less, of the required setbacks, **may shall** be administratively granted by the ~~community development director~~ **zoning official**. Any setback reduction which is not so granted by the ~~community development director~~ **zoning official** may proceed through the ~~regular variance~~ **variation** process as stated in section [11-13-10](#) of this title. (Ord. 2003-08-19, 8-19-2003)

11-4-12: PERMITTED YARD OBSTRUCTIONS

Balconies (must shall be 4' above grade)	P Maximum 24" into building setback	P Maximum 24" into building setback	P Maximum 24" into building setback
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Solar panels	N	P 11-4-21 requirements	P 11-4-21 requirements
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11-4-13: FENCE REQUIREMENTS

A. Residential Districts (E-1, R-1, R-2, R-3, SR): The establishment of fences in residential districts shall be regulated as follows, and conform with the provisions of [chapter 7](#) of this title:

1. Fences **may shall** be constructed and maintained in the required front yard or corner side yard with a maximum height of three feet (3'). Chainlink fences shall be prohibited in these yards.
3. Fences **must shall** be positioned so that the finished side faces away from the lot on which it is constructed.
1. Fences **may shall** be constructed and maintained in the required front yard or corner side yard with a maximum height of three feet (3'). Chainlink fences shall be prohibited in these yards.
3. Fences **must shall** be positioned so that the finished side faces away from the lot on which it is constructed

1. Fences ~~may~~ shall be constructed and maintained in the required front yard or corner side yard with a maximum height of three feet (3'). Chainlink fences shall be prohibited in these yards.
 3. Fences ~~must~~ shall be positioned so that the finished side faces away from the lot on which it is constructed.
- D. Fence Material: No fence within the ~~Village~~ village shall contain barbed wire, razor wire, electrified elements, or any components determined by the ~~Village~~village to constitute a public safety hazard.

11-4-15: NUMBER OF BUILDINGS ON A LOT

Except as ~~may~~ shall be approved as part of a planned development, not more than one principal building shall be located on a zoning lot. (Ord. 2002-01-15B, 1-15-2002)

11-4-17: HOME OCCUPATIONS

- . No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Parking shall be provided according to requirements specified in [chapter 12](#) of this title. ~~Parking spaces shall not, however, be located in a required front yard.~~

Offices, salespersons, sales representatives or manufacturers' representatives, provided, however, that no retail transactions shall be made on the premises except through telephone, facsimile or mail communication. ~~and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises~~ Deliveries to the premises shall be made in a manner and frequency that is not disruptive and in keeping with the residential neighborhood.

11-4-20: WIND ENERGY SYSTEMS

- a. In order to receive permit, small wind energy systems ~~must~~ shall be approved by a small wind certification program recognized by the American Wind Energy Association or other recognized industry association.
8. Electric: All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, ~~must~~shall be hidden or enclosed.
10. Signs: No sign, other than a warning sign or installer, owner, or manufacturer identification sign as permitted by [chapter 14](#) of this title, ~~may~~ shall be placed on any component of a small wind energy system.
1. Permitted Use: Ground mounted small wind energy systems shall only be permitted as an accessory use/structure to an existing principal use/structure and ~~must~~ shall have a nameplate capacity of less than one hundred (100) kilowatts.
2. Setbacks: A ground mounted small wind energy system ~~must~~ shall be set back:

5. Access: All ground or tower mounted electrical and control equipment **must shall** be labeled and secured to prevent unauthorized access. A tower **may shall** not have step bolts or a ladder within eight feet (8') of the ground that is readily accessible to the public.
1. Permitted Use: Principal structure mounted small wind energy systems shall be considered accessory uses/structures and **must shall** have a nameplate capacity of less than ten (10) kilowatts.
2. Setbacks: Principal structure mounted small wind energy systems **must shall** meet all principal structure setbacks and are not allowed as a permitted obstruction.
4. Size: All principal structure mounted small wind energy systems' individual blades and/or radius from rotor **may shall** not exceed five feet (5') in length.
5. Mounting Location: All principal structure mounted small wind energy systems shall be mounted upon the rear face of a sloped roof or to the side or rear facade of a structure. These systems **may shall** be attached to the roof, walls, foundation or other elevated surface of any permanent principal structure.
3. Enforcement: The community development director, or his/her designee, may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether there is any violation of this section or whether the conditions stated in the permit have been met. The community development director, or his/her designee, may issue a citation for any violation of this section. Nothing in this subsection **may shall** be construed to prevent the village of Sugar Grove from using any other lawful means to enforce this section. (Ord. 2010-06-01B, 6-1-2010)

11-4-21: SOLAR ENERGY SYSTEMS

- a. In order to receive permit, small solar energy systems **must shall** be approved by a small solar certification program recognized by the Solar Rating Certification Corporation or other recognized industry association and be installed by an experienced installer.
6. Electric: All electrical wires associated with a small solar energy system, other than wires necessary to connect the solar collector panels to the pole wiring, the pole wiring to the disconnect junction box, and the grounding wires, **must shall** be hidden or enclosed.
7. Signs: No sign, other than a warning sign or installer, owner, or manufacturer identification sign as permitted by [chapter 14](#) of this title, **may shall** be placed on any component of a small solar energy system
1. Permitted Use: Ground mounted small solar energy systems shall only be permitted as an accessory structure to an existing principal building/principal use, **must shall** be mounted on the ground and **must shall** have a nameplate capacity of less than one hundred (100) kilowatts.
2. Setbacks: A ground mounted small solar energy system with monopole support structure **must shall** be set back:

1. Permitted Use: Building mounted small solar energy systems shall only be permitted as accessory structures, ~~must shall~~ be mounted to the roof of a principal building, a garage, or a shed and ~~must shall~~ have a nameplate capacity of less than one hundred (100) kilowatts.
3. Setbacks: Building mounted small solar energy systems ~~must shall~~ meet all building setback requirements, or accessory building setback requirements in the case of garages and sheds, and are not allowed to encroach into required yards. Additionally, they ~~must shall~~ be set back a minimum of one foot (1') from all edges of the individual roof plane on which they are mounted.
6. Mounting Location: Nonflush roof mounted systems are prohibited on roof planes adjacent to front and corner side yards. Integrated and flush roof mounted systems are permitted on any roof plane, however if installed on roof planes adjacent to front and/or corner side yards they ~~may shall~~ only be installed on one plane with that plane being the highest plane.
3. Enforcement: The community development director, or his/her designee, may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether there is any violation of this section or whether the conditions stated in the permit have been met. The community development director, or his/her designee, may issue a citation for any violation of this section. Nothing in this section ~~may shall~~ be construed to prevent the village of Sugar Grove from using any other lawful means to enforce this section. (Ord. 2012-12-18, 12-18-2012)

11-4-22: TABLE OF PERMITTED USES

Use of a building, structure or land shall be allowed only in the zoning districts indicated and for the purposes specified in the following table of permitted uses. A principal use listed in the table in any district denoted by the letter "P" is permitted by right provided all other requirements of state law, this title, and all other applicable ordinances and regulations of this code have been satisfied. A principal use listed in the table of permitted uses in any district denoted by the letter "S" is a special use and permitted only subject to the provisions of section [11-13-12](#) of this title. A use of building, structure or land not indicated by either "P" or "S" is not allowed in that district, except as ~~may shall~~ be provided below:

- A. New Uses: The ~~zoning enforcement officer (officer)~~ ~~zoning official, or appointed designee,~~ may allow a land use to be considered as a permitted or special use which, though not identified by name in a zoning district list of permitted or special uses, is deemed to be similar in nature, and clearly compatible with the listed uses. The ~~officer~~ ~~official~~ shall consult the standard industrial classification (SIC) code to determine similarity or compatibility. However, such nonlisted uses shall not be approved until the application for such use has been reviewed by the village attorney.
 - B. Addition Of Nonlisted Uses To Zoning Ordinance: All nonlisted uses that ~~may shall~~ be approved ~~may shall~~ be added to the appropriate use list at the time of periodic updating and revision. The ~~officer~~ ~~zoning official~~ shall, upon approving a use not specifically listed in this title, notify the planning commission/~~zoning board of appeals~~ and village board ~~of trustees~~.
 - C. Additional Standards, Conditions And Requirements: A principal use listed in the table in any district denoted by "*" is permitted subject to satisfaction of additional standards, conditions and requirements as ~~may shall~~ be provided in section [11-4-23](#) of this chapter.
- TABLE OF PERMITTED USES

Stables, private	P*	P*	-										
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Motor vehicle parts retail									P*	P*	P*	S*				
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Motor vehicle sales									P*	S						
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Accessory dwelling unit	S*	S*	S*	S*	S*	-	S*									
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Home occupation	P*	P*	P*	P*	P*											
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Multi family dwelling above ground floor											S	S	S	S		
--	--	--	--	--	--	--	--	--	--	--	---	---	---	---	--	--

11-4-23: ADDITIONAL STANDARDS FOR SPECIFIC USES

~~Accessory dwelling unit. The unit may not comprise more than twenty five percent (25%) of the floor area of the principal structure and is solely occupied by no more than two (2) persons related by blood or marriage to the owner of the principal residence.~~

- 1. Adult uses.
 - a. ~~Must comply with~~Regulated by [chapter 15](#) of this title.
- 2. Animal husbandry.
 - a. Swine farming, feedlots, and slaughterhouses are expressly prohibited.
- 3. Cemetery. ~~The following performance standards must be met:~~

A a. Lot area of at least one (1) acre.

B b. Buildings are set back at least one hundred feet (100') from side, transition, and rear property lines.

4. Contractor's yard. ~~The following performance standards must be met:~~

A a. A principal building measuring not less than one thousand two hundred (1,200) square feet in floor area and constructed on a permanent foundation shall be located on the lot.

B b. The contractor's yard shall not include vehicle repair or any salvage operations.

C c. No vehicle shall be stored longer than one hundred eighty (180) days on site.

D d. The contractor's yard shall comply with the commercial outdoor storage requirement in section [11-4-7](#) of this chapter.

E e. The contractor's yard shall comply with the fence requirements in section [11-4-13](#) of this chapter, with a minimum solid fence height of six feet (6'). **No chain link or mesh type of fence with inserted screening slats or screening fabric shall be acceptable in complying with the screening standard.**

f. No equipment or materials shall be stored inside the yard at a height greater than the height of the screening fence.

g. That contractor's yard shall be improved with a dust free surface as required by the village engineer. The surface shall be maintained as prescribed by the village engineer.

~~Home occupation. Must comply with section [11-4-17](#) of this chapter.~~

5. Laundry services.

a. No dry cleaning processing allowed.

6. Manufacturing. Limited and heavy manufacturing. ~~operations must meet the following performance standards:~~

A a. Noise, glare, vibration, odor, etc., shall be regulated according to standards established by the Illinois Pollution Control Board of the Environmental Protection Agency, as may be amended from time to time.

7. Mining.

a. Mining operation shall be limited to ~~of~~ nonmetallic resources. Hydraulic fracturing is expressly prohibited. ~~The following minimum standards must be met:~~

Ab. Mining operations ~~must~~ shall be screened from adjoining roadways.

Bc. Emergency management plan ~~must~~ shall be submitted prior to scheduling a special use hearing.

- ~~E~~d. No open pit or shaft less than three hundred feet (300') from any public road or one hundred feet (100') from any side or rear property line.
- ~~D~~e. All buildings or structures used for the crushing, washing, mixing or storage of mined materials are located not less than two hundred feet (200') from any property line.
- ~~E~~f. A comprehensive reclamation plan ~~must shall~~ be submitted prior to scheduling of special use hearing.

8. Mobile home dwelling.

- a. A mobile home dwelling shall be permanently anchored with wheels removed.
- b. A mobile home dwelling shall be fitted with continuous concrete panel skirting.
- c. A mobile home dwelling shall be improved with permanent sewer and water services.

9. Mobile home parks. ~~See subsection 11-11-5F of this title.~~

- a. Regulated by chapter 11 of this title.

10. Motor vehicle impound yard. ~~The following performance standards must be met:~~

- ~~A~~a. A principal building shall be located on the lot.
- ~~B~~b. The towing service operator(s) utilizing the impound yard shall provide the ~~Village~~ village a copy of the operator's valid registration with the Illinois Commerce Commission.
- ~~G~~c. If proposed to be located on a lot owned by an entity other than the impound yard operator, the impound yard operator shall provide the ~~Village~~village with written authorization from the property owner.
- ~~D~~d. If proposed to be located on a lot with other uses, the impound yard operator shall provide the ~~Village~~village proof of notification to the other uses.
- ~~E~~e. The impound yard shall not include vehicle repair or any salvage operations; may include a towing service on site.
- ~~F~~f. No vehicle shall be stored longer than one hundred eighty (180) days on site.
- ~~G~~g. The impound yard operator shall have an independent and qualified consultant perform an assessment and evaluation annually to determine that pollutants from stored vehicles have not leaked into the soil or sewers, or if they have, that they have been properly remediated.
- ~~H~~h. The impound yard shall comply with the commercial outdoor storage requirements in section 11-4-7 of this chapter.
- ~~I~~. ~~The impound yard shall comply with the fence requirements in section 11-4-13 of this chapter, with a minimum fence height of six feet (6').~~

11. Motor vehicle repair shop, all classes. All motor vehicle repair shops shall be subject to the following additional requirements:

- Aa. No motor vehicle repair shop ~~may~~ shall be operated or maintained in a such a way that the shop, any vehicle being repaired in the shop, or any materials associated with the shop, are located or placed on a public or private street.
- Bb. No motor vehicle repair use ~~may~~ shall be located in any building that is used for residential purposes.
- Cc. The motor vehicle repair use shall have a minimum lot frontage of one hundred feet (100') on a public or private street and direct vehicle access to and from the public street through a commercial driveway.
- Dd. A sign identifying the motor vehicle repair use ~~must~~shall be displayed on the premises at all times.
- Ee. A valid contract with a tire disposal company is required whenever tires are discarded.
- Ff. A valid contract with a waste recycler for collecting waste oils and motor vehicle fluids is required whenever motor vehicle fluids are collected.
- Gg. A valid contract with a battery recycling company for collecting and disposing of used batteries.
- Hh. No motor vehicle repairs shall be performed before six thirty o'clock (6:30) A.M. or after eight thirty o'clock (8:30) P.M.
- Ii. Service bay doors shall not be oriented towards any adjacent residential property.
- Jj. All tires, barrels, discarded auto parts, and other outdoor storage of materials used or sold on the premises shall be screened from view from adjacent public or private streets and alleys, and adjoining properties by a solid screen barrier.
- Kk. Motor vehicle repair uses that keep vehicles that are under repair on the premises overnight or longer shall provide parking or storage space for such vehicles separate from and in addition to required off-street parking. Such parking may be located in or outside the principal building but if located outdoors the parking/storage area shall be completely screened from view from any adjoining public or private property, streets and alleys.
- Ll. All motor vehicle repair activities shall be performed in a completely enclosed building. Replacing windshield wipers, headlight and taillights, and dispensing air are exempt from this requirement.
- Mm. Accessory truck and trailer rental is prohibited.
- Nn. Accessory fuel sales, including the sale of compressed natural gas or liquefied petroleum, are prohibited; except accessory electric charging of vehicles shall be permitted.
- Oo. Outdoor public address or loudspeaker systems are prohibited.

- Pp.** Vehicles being serviced or stored for customers shall not be parked on public or private streets, alleys, sidewalks or tree banks.
- Qq.** A single bay car wash containing either manual or automatic equipment is permitted as an accessory use only when used for washing motor vehicles repaired on the premises and subject to compliance with the standards of this section (motor vehicle repair shop, all classes).
- Rr.** All outdoor illumination shall comply with the requirements of this title.
- Ss.** The motor vehicle repair use shall be provided with barriers of such dimensions and design that occupants of adjacent structures are not unreasonably disturbed, either day or night, by the movement of vehicles or the activities of the motor vehicle repair use.
- Tt.** The sale of any vehicles on the premises is permitted as an accessory use and is further limited to vehicles that have been repaired on the premises.
- Uu.** The premises of a Class I motor vehicle repair use shall not be located adjacent or across the street from any residential zoned lot.
- Vv.** The premises of a Class II motor vehicle repair use shall not be located less than one hundred fifty feet (150') from any residential zoned lot.
- Ww.** The premises of a Class III and Class IV motor vehicle repair use shall not be located less than six hundred feet (600') from any residential zoned lot.

12. Schools, performance art.

- a. In the M-1 and I-1 Districts, the following performance standards ~~must~~ shall be met:

- A1.** Shall not be located in the same building or on the same lot with any use that involves assembly, fabricating, production, processing or manufacturing activities;
- B2.** Performances on the premises shall not occur without the written approval of the Community Development Director.

13. Senior residential.

- a. ~~All uses in the SR Senior Residential District must comply with section 11-7-6 of this title. Where conflict exists, section 11-7-6 of this title supersedes.~~ Regulated by chapter 7 of this title.

14. Stables, commercial. Stables for public use. ~~The following performance standards must be met:~~

- Aa.** The total number of horses permitted on any given lot shall be determined by use of the following formula: one (1) horse for the first forty thousand (40,000) square feet of land area, and one (1) additional horse for each twenty thousand (20,000) square feet of land area, and

~~Bb.~~ Stables shall be located at least one hundred fifty feet (150') from the front lot line, and horses shall be housed, yarded and stabled at least one hundred feet (100') from any other lot line.

~~Stables, private. Stables for use by residents and their guest. The following performance standards must be met:~~

~~A. The total number of horses permitted on any given lot shall be determined by use of the following formula: one (1) horse for the first forty thousand (40,000) square feet of land area, and one (1) additional horse for each twenty thousand (20,000) square feet of land area, and~~

~~B. Stables shall be located at least one hundred fifty feet (150') from the front lot line, and horses shall be housed, yarded and stabled at least one hundred feet (100') from any residence other than that of the owner or user of the property. (Ord. 2016-12-13C, 12-13-2016; amd. Ord. 2017-08-01C, 8-1-2017)~~

11-6-1: PURPOSE AND INTENT/SPECIAL PUD PROVISIONS

E. In accordance with section [11-11-3](#) of this title, all residential subdivisions consisting of more than three (3) acres or ten (10) lots (and in certain other circumstances delineated therein) ~~must~~ shall be processed as a residential planned unit development. (Ord. 2002-01-15B, 1-15-2002)

11-6-4: BUILDING SETBACK

F. Special Provision: Notwithstanding the above, no animals or poultry shall be housed, stabled, kenneled or yarded closer than ~~two hundred fifty feet (250')~~ [one hundred \(100\) feet](#) from any residence other than that of the owner or user of the property. (Ord. 2002-01-15B, 1-15-2002)

11-6-5: HEIGHT LIMITATIONS

B. Nonresidential, Agricultural Structures: Not more than ninety feet (90'), ~~unless otherwise approved as a special use.~~

C. Special Uses: ~~As determined by the planning commission and village board as part of the special use permit¹. (Ord. 2002-01-15B, 1-15-2002)~~

11-7-1: GENERAL PROVISIONS

~~A. Lot Depth: Notwithstanding requirements set forth in individual zoning districts which follow minimum dimensions for single-family detached dwellings and two-family dwellings in any residential district shall have an average depth of at least one hundred twenty feet (120'), unless otherwise approved as part of a planned development or special use permit. (Ord. 2014-08-05B, 8-5-2014)~~

~~B. Planned Unit Developments: Lots in a subdivision may be reduced in area, width, and average lot depth below that otherwise required by regulations in the residential districts~~

~~that follow when processed as a planned development, but only when such subdivisions include open space or other amenities beyond those that would otherwise be required under the regulations of this chapter¹.~~

~~C. Screen Plantings: Where a proposed residential subdivision abuts a more intensive land use or zoning district, landscape screening shall be provided. Such screening may be accomplished through the provision of a combination of landscaped berms, a compact hedge, fence or wall, as may be recommended by the planning commission and approved by the village board, during the preliminary and final plan and/or plat review process:~~

- ~~1. Required screening shall be a minimum of five feet (5') in height, at installation.~~
- ~~2. The placement of a screen shall not impair the safety of pedestrian or vehicular traffic.~~
- ~~3. Screening shall maintain a year-round opacity not less than seventy five percent (75%).~~
- ~~4. Where screening is required, a landscape plan, prepared by a qualified landscape architect, shall be submitted with the preliminary and final plan and/or plat of subdivision, and shall show:~~
 - ~~a. Location, design, and dimensions of proposed fencing, if any.~~
 - ~~b. Location, species, size and quantity, of proposed trees and shrub plantings.~~
 - ~~c. Contours of proposed berms, if any.~~
 - ~~d. Limits of seed or sod, and identification of other ground cover, if any. (Ord. 2002-01-15B, 1-15-2002)~~

~~D. Public Utilities: Public utility and service uses shall only be allowed as a special use in residential districts. For purpose of this title, unless part of a new PUD, public utilities and service uses shall include, but are not limited to, the following:~~

~~Booster stations.~~

~~Electric substations.~~

~~Gas pressure control stations.~~

~~Railroad rights of way, excluding:~~

~~Passenger terminals.~~

~~Railroad repair shops.~~

~~Switching and marshaling yards.~~

~~Telephone exchange stations.~~

~~Towers and antennas, which are commercial in nature and are not consumer end antennas and are used for providing services or signals beyond the specific location in which they are installed, for radio, television and telephone transmitting, receiving or relay stations.~~

~~Wastewater treatment plant.~~

~~Waterworks, reservoirs, pumping stations, filtration plants and municipal wells. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2016-12-13D, 12-13-2016)~~

~~E. Environmental Corridor/Open Space System:~~

~~1. Required Dedication Of Land: Open space shall be provided for village residents in the form of parks and corridors, consistent with regulatory and policy directives of Sugar Grove. Unless otherwise approved by the village board, land, in lieu of cash, shall be provided according to the adopted land/cash ordinance, as may be amended from time to time, where parks, environmental corridors and/or other open spaces illustrated on the land use plan pass through a proposed residential subdivision. The village has determined that the dedication of land in these areas is essential for implementing the adopted environmental corridor and open space system that has been adopted as part of Sugar Grove's comprehensive land use plan to:~~

~~a. Preserve important, existing natural resources and protect critical stormwater drainage corridors.~~

~~b. Provide conveniently located recreational amenities and facilities for residents of Sugar Grove.~~

~~2. Minimum Width, Environmental Corridor: Where an environmental corridor illustrated on Sugar Grove's comprehensive land use plan passes through a proposed subdivision, a minimum width not less than two hundred feet (200') shall be set aside for this amenity. This minimum width shall be increased to incorporate "floodplain", "steep slopes", "wetlands", "high quality native plant communities", "major stands of trees", riparian zones, and/or other significant natural features as defined herein that may exist within or adjacent to these areas. The location and extent of an environmental corridor shall be determined at the time of preliminary plan and/or plat.~~

~~3. Definitions, Environmental Corridor: For the purpose of this title, the natural features comprising an environmental corridor shall be defined as follows:~~

~~FLOODPLAIN: The 100-year floodplain, as defined by the federal emergency management agency (FEMA). Floodplains generally include the wide, gently sloping areas contiguous to a river or stream channel, that are subject to inundation during a major storm event, with the average probability of occurring once every one hundred (100) years.~~

~~HIGH QUALITY NATIVE PLANT COMMUNITIES: Those areas (i.e., prairie, savanna, etc.) which have a natural area rating index (NARI) of twenty (20) or greater, utilizing the "Natural~~

Area Rating Index", by Swink and Wilhelm (1979).

~~MAJOR STANDS OF TREES: Mature woodlands that are more than one or more acres in size, and which have seventeen (17) or more deciduous trees native to Illinois per acre (as specified by Mohlenbrock, R.H., 1986, "Guide To The Vascular Flora Of Illinois", Southern Illinois University Press, Carbondale, Illinois, 507 pages), each measuring at least six inches (6") in diameter at breast height.~~

~~RIPARIAN ZONE: Natural vegetation along the edge of a stream that: modulates temperature; provides nutrient input into the stream system; provides a buffer that intercepts surface runoff, filtering out sediments and pollutants; provides erosion control through soil stabilization; and serves as habitat and mitigation corridors for wildlife who utilize the stream for food, water and cover.~~

~~STEEP SLOPES: Those land areas with slopes that equal or exceed thirty three percent (33%), or three to one (3:1).~~

~~WETLANDS: As defined through the currently applicable criteria established by the U.S. army corps of engineers.~~

- ~~4. Required Plantings: Two inch (2") caliper native trees shall be required to be planted along the perimeter of the environmental corridor greenbelt to define its limits. Tree plantings may be waived by the planning commission and village board during review of a final plan or plat, if the corridor is wooded, or includes features that may be inconsistent with required tree plantings. Where required:
 - ~~a. Not less than one tree shall be planted on each side of the environmental corridor for each thirty (30) linear feet that extends through a residential subdivision.~~
 - ~~b. Trees shall be planted in naturalistic groupings, and shall be worked into the existing landscape.~~
 - ~~c. Native grasses, wildflowers, or other native vegetation also shall be installed where necessary to stabilize slopes within the corridor, in lieu of lawn or other traditional ground cover.~~~~
- ~~5. Parks: The exact location of boundaries and park land that might be located within, or adjacent to an environmental corridor shall be determined as part of the preliminary plan or plat.~~
- ~~6. Recording: The environmental corridor shall be recorded with the final plan and/or plat of subdivision as open space to be maintained as such in perpetuity.~~
- ~~7. Required Submittals: Unless otherwise waived by the planning commission and village board, the following shall be submitted for staff review at the time of preliminary plat or plan to determine the existence, location and extent of wetlands, floodplain, native prairie, major stands of trees, steep slopes and other natural features that may fall within the environmental corridor depicted on the land use plan:
 - ~~a. Items listed below shall be included on a site plan, at a scale not less than one inch equals one hundred feet (1" = 100'), unless a larger scale is otherwise required by the village engineer:~~~~

- (1) Location of FEMA floodplain.
 - (2) Existing contours at two foot (2') intervals.
 - (3) Existing and proposed drainage system, including all discharge points, collection, conveyance, and storage facilities.
 - (4) Proposed contours, at two foot (2') intervals.
 - (5) Drainage features, stormwater management facilities, floodplain and wetland boundaries. Where wetlands exist within, or adjacent to the greenbelt, a wetland delineation report shall be submitted which includes:
 - (A) A map showing the exact location of wetlands within the development boundaries.
 - (B) An aerial photograph delineating wetland, development and watershed boundaries.
 - (C) Army corps of engineers data sheets with representative color photographs.
 - (D) Written description of the wetland(s) including a professional assessment of functional values.
 - (6) Boundaries of predominate soil types.
 - (7) Location, species and size of trees six inches (6") or greater in caliper, if any.
 - (8) Delineation of riparian zone, if any, and location, species and size of trees, six inches (6") or greater in caliper, that exist within the zone.
 - (9) Inventory and location of high quality native plant communities, if any, and a copy of the "Natural Area Rating Index" for the plant communities.
- b. Mitigation plan, if applicable, for mitigating negative effects to resources regulated by this title, which shows:
- (1) No practicable alternative exists for affecting a resource or resources.
 - (2) Impacts to existing resources have been minimized, as much as is practicable.
 - (3) Replacement of the resource or resources affected or removed.
- c. Protective covenants shall be submitted for the environmental corridor or park, which identify:
- (1) Name, address and telephone number of the individual or group responsible for maintenance of the park or greenbelt.
 - (2) Required maintenance provisions and responsibilities for these resources.
 - (3) Terms and conditions associated with the use of the land. (Ord. 2002-01-15B, 1-15-2002)

11-7-21: E-1, ESTATE RESIDENTIAL DISTRICT

A. Purpose/Special PUD Provisions: Encourage the orderly transition of land from agricultural to low density, single-family detached residential uses. Single-family detached residences within this district shall meet the demand for large lots in a rural environment, often with a rural roadway cross section. ~~In accordance with section 11-11-3 of this title, all~~ All residential ~~subdivisions~~ developments consisting of ~~more than~~ three (3) acres or ~~more or~~ ten (10) lots ~~(and in certain other circumstances delineated therein)~~ ~~must~~ shall be processed as a residential planned unit development. (Ord. 2002-01-15B, 1-15-2002)

~~2. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this district, based upon the criteria listed in chapter 13 of this title.~~

F. Yard And Setback Regulations: Every principal building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

G. Permitted Obstructions: (Rep. by Ord. 2014-01-07A, 1-7-2014) Regulated by Chapter 4 of this Title

~~2. Special Uses: Maximum height limitations shall be specified with the granting of a special use permit.~~

11-7-3: R-1, LOW DENSITY RESIDENTIAL DISTRICT

A. Purpose/Special PUD Provisions: The purpose of this zone is to provide for a diversity of single-family detached residences on larger lots that will continue the semirural character of Sugar Grove. ~~In accordance with section 11-11-3 of this title, all~~ All residential ~~subdivisions~~ developments consisting of ~~more than~~ three (3) acres or ~~more or~~ ten (10) lots ~~(and in certain other circumstances delineated therein)~~ ~~must~~ shall be processed as a residential planned unit development. (Ord. 2002-01-15B, 1-15-2002)

~~3. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use in this district, based upon the criteria listed in chapter 13 of this title.~~

F. Yard And Setback Regulations: Every principal building hereafter erected or enlarged in this district shall provide and maintain the following setbacks except as otherwise noted for permitted accessory uses and special uses:

4. Maximum Lot Coverage: Not more than forty five percent (45%) of a lot ~~can~~ shall be occupied by a principal building or accessory structures.

G. Permitted Obstructions: (Rep. by Ord. 2014-01-07A, 1-7-2014) Regulated by Chapter 4 of this Title

~~2. Special Uses: Maximum height limitations shall be specified with the granting of a special use permit.~~

11-7-4: R-2, SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT

A. Purpose/Special PUD Provisions: The purpose of this district is to provide for single-family detached residences on smaller lots, compatible within existing neighborhoods. ~~In accordance with section 11-11-3 of this title, all~~ All residential subdivisions developments consisting of ~~more than~~ three (3) acres or more or ten (10) lots ~~(and in certain other circumstances delineated therein) must~~ shall be processed as a residential planned unit development. (Ord. 2002-01-15B, 1-15-2002)

~~3. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use in this district, based upon the criteria listed in chapter 13 of this title.~~

F. Yard And Setback Regulations: Every principal building hereafter erected or enlarged in this district shall provide and maintain the following setbacks except as otherwise noted for permitted accessory uses and special uses:

4. Maximum Lot Coverage: Not more than forty five percent (45%) of a lot ~~can~~ shall be occupied by a principal building ~~or~~ and accessory structures. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2004-01-20A, 1-20-2004)

G. Permitted Obstructions: (Rep. by Ord. 2014-01-07A, 1-7-2014) Regulated by Chapter 4 of this Title.

~~2. Special Uses: Maximum height limitations shall be specified with the granting of a special use permit.~~

11-7-5: R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT

A. Purpose/Special PUD Provisions: The purpose of this zone is to provide for medium density, multiple-family development, that is compatible in scale with traditional, single-family detached homes. ~~In accordance with section 11-11-3 of this title, all~~ All residential subdivisions developments consisting of ~~more than~~ three (3) acres or more or ten (10) lots ~~(and in certain other circumstances delineated therein) must~~ shall be processed as a residential planned unit development. (Ord. 2002-01-15B, 1-15-2002)

~~3. Special Uses: Lot sizes for special uses other than those identified above shall be as specified in the special use permit based upon the criteria listed in chapter 13 of this title, unless otherwise noted for a particular use in this district. (Ord. 2014-08-05B, 8-5-2014)~~

G. Yard And Setback Regulations: Every principal building hereafter erected or enlarged in this district shall provide and maintain the following setbacks:

J. Maximum Lot Coverage: Not more than sixty percent (60%) of a lot ~~can~~ shall be occupied with a principal building and accessory structures. (Ord. 2009-12-15, 12-15-2009)

11-7-6: SR, SENIOR RESIDENTIAL DISTRICT

4. A site ~~may~~ shall not be rezoned to this district unless all site plans, building elevation plans, landscape plans, outdoor illumination plans, and signage plans are concurrently submitted for processing by the community development department and are reviewed, recommended or approved by the architectural review and resource group, plan commission, and village board

- a. Single-family detached dwellings: No more than fifty percent (50%) of a lot ~~can~~ shall be occupied with buildings, accessory structures, and impervious surfaces.
- b. Single-family attached dwellings: No more than sixty percent (60%) of a lot ~~can~~ shall be occupied with buildings, accessory structures, and impervious surfaces.
- 2. Type 2 uses: No more than seventy percent (70%) of a lot ~~can~~ shall be occupied with buildings, accessory structures, and impervious surfaces.
- ~~3. A special use is required for buildings exceeding either of the applicable height limits. (Ord. 2014-08-05B, 8-5-2014)~~
- e. Screening Of Accessory Uses/Structures/Buildings: Please refer to subsection [11-4-7J](#) of this title for this requirement. Additional screening may be requested by the ~~Village~~ village for these.
- L. Off Street Parking And Loading; All Permitted Uses: Please refer to section [11-4-7](#) and [chapter 12](#) of this title for off street parking and loading requirements.
- M. Lighting; Type 2 Uses: Please refer to ~~section 11-4-7 of this title for outdoor lighting requirements.~~ [chapter 12](#) and [chapter 18](#) of this title
- b. That the traffic and parking layout is designed so as to minimize danger and conflicts between pedestrians and motorists, and otherwise comply with the requirements ~~of section 11-12-2~~ [chapter 12](#) of this title.

11-8-1: GENERAL PROVISIONS/SPECIAL PUD PROVISIONS

- 2. The special uses listed in each district may be permitted by the adoption of a special use ordinance by the village board ~~of trustees~~, upon recommendation of the planning commission/[zoning board of appeals](#). Procedures for requesting a special use permit are set forth in [chapter 13](#) of this title.
- G. ~~Public Utilities: Public utility and service use shall only be allowed as a special use in any commercial district. For the purpose of this title, unless part of a new PUD, public utilities and service uses shall include, but not be limited to:~~
 - ~~Essential services, including: fully automated gas regulating stations; telephone exchanges; and electric substations.~~
 - ~~Towers and antennas, which are commercial in nature and are not "consumer end antennas" and are used for providing services or signals beyond the specific location in which they are installed, for radio, television and telephone transmitting, receiving or relay stations.~~
 - ~~Wastewater treatment plant.~~
 - ~~Waterworks, reservoirs, pumping stations, filtration plants and wells. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2016-12-13D, 12-13-2016)~~

~~H~~ G. Special PUD Provisions: ~~In accordance with section 11-11-3 of this title, all~~ All ~~business subdivisions commercial developments which;~~ consisting of three (3) or more acres, ~~and or~~ includes more than one type of business use, ~~or a commercial development which~~ includes residential ~~dwelling units uses~~ or institutional uses, or ~~proposes~~ more than one building ~~is proposed~~ on an individual zoning lot ~~must shall~~ be processed as a commercial planned unit development. (Ord. 2002-01-15B, 1-15-2002)

11-8-2: SITE DEVELOPMENT REQUIREMENTS

~~A. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~B. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~G~~A. Sidewalks: Five foot (5') wide, concrete walks shall be provided in all street rights of way, ~~one foot (1') off the property line, on both sides of streets~~ as required by the village engineer.

B. Street trees. One (1) two and one half (2 ½) inch caliper shade tree shall be installed in the right of way per each fifty (50) linear feet of frontage, as required by the village engineer.

~~D~~ C. Building Design/Materials:

1. B-1 District: Buildings in the B-1 district shall be constructed primarily of brick, stone, wood or stucco. Aluminum or vinyl siding shall not be allowed.
2. B-2 And B-3 Districts: Buildings in the B-2 or B-3 district shall be constructed primarily of masonry, wood, brick, stone, ~~dryvit~~ EIFS, or decorative concrete block (excluding plain concrete block), architectural steel and glass, or precast panels. Aluminum or vinyl siding shall not be allowed ~~as a primary building material~~.

~~E~~D. Roof Mounted Mechanical Equipment:

1. Screening of all heating, ventilating and air conditioning equipment shall be provided on all sides of the building that are exposed to public view.
2. Roof screens and/or parapet wall screens shall be allowed in these districts, provided they are designed to blend with the architectural style, materials and color of the building. The height of the approved screening shall be equal to the height of the tallest rooftop unit installed on the building.
3. Flues, goosenecks or other equipment that is mounted on the roof shall also be screened when heights exceed four feet (4'). (Ord. 2002-01-15B, 1-15-2002)

~~F~~ Reserved. (Ord. 2017-01-10A, 1-10-2017)

~~G~~E. Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the village, by requiring replacement trees:

1. Existing trees, six inches (6") in diameter or greater, as measured at breast height (dbh), shall be preserved, when possible, according to a tree preservation plan prepared by the developer with input from the ~~building and~~ zoning official or designee. The tree preservation plan shall show:

~~H. Outdoor Sales: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~I. Seasonal Sales: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~J. Outdoor Storage: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~K~~F. Waste Materials: No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow. (Ord. 2002-01-15B, 1-15-2002)

11-8-4: B-1, COMMUNITY SHOPPING DISTRICT

F. Yard And Setback Regulations: Every ~~principal~~ building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

11-8-5: B-2, GENERAL BUSINESS DISTRICT

G. Maximum Lot Coverage: No more than seventy percent (70%) of a lot ~~can~~ shall be occupied with buildings, accessory structures and impervious surfaces.

11-8-6: B-3, REGIONAL BUSINESS DISTRICT

G. Maximum Lot Coverage: No more than seventy percent (70%) of a lot ~~can~~ shall be occupied with buildings, accessory structures and impervious surfaces.

11-9-1: PURPOSE AND INTENT/SPECIAL PUD PROVISIONS

C. ~~In accordance with section 11-11-3 of this title, all~~ All business park developments consisting of ten (10) acres or more, or ~~propose~~ more than one building ~~is proposed~~ on an ~~individual~~-zoning lot ~~must~~ shall be processed as an ~~residential~~ industrial planned unit development. (Ord. 2002-01-15B, 1-15-2002)

11-9-5: MAXIMUM LOT COVERAGE

No more than seventy percent (70%) of a lot ~~can~~ shall be occupied with buildings, accessory structures and impervious surfaces. (Ord. 2002-01-15B, 1-15-2002)

11-9-7: OTHER STANDARDS

~~A. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~B. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~C. Off Street Loading: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~D.A.~~ Sidewalks: Five foot (5') wide concrete walks shall be provided in the right of way, as required by the village engineer.

B. Street trees. One (1) two and one half (2 ½) inch caliper shade tree shall be installed in the right of way per each fifty (50) linear feet of frontage, as required by the village engineer.

~~E.C.~~ Building Design/Materials:

~~F.D.~~ Roof Mounted Mechanical Equipment

~~G. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~H.E.~~ Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the village, by requiring replacement trees:

~~I. Outdoor Storage: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~J. F.~~ Waste Materials: No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow. (Ord. 2002-01-15B, 1-15-2002)

11-9A-1: GENERAL REQUIREMENTS

2. Prior to the issuance of a building permit for the construction of a principal building on a lot or parcel, a site plan showing building locations, setbacks, parking areas and drives, sign locations, and landscaping shall be submitted to the ~~community development department~~ zoning official. The ~~department~~ director shall forward the site plan to the village board for referral to the planning commission/~~zoning board of appeals~~ for recommendation. After receiving the planning commission's/~~zoning board of appeals~~ recommendation, the village board shall take final action. The planning commission/~~zoning board of appeals~~ may recommend and the village board may stipulate such conditions on the approval of a site plan it deems necessary to assure that the proposed development meets the purpose and intent of the office research district and does not create traffic problems or adverse environmental effects.
3. No building, structure or land within one hundred feet (100') of a residence shall be used in connection with the operation of any establishment. Off street parking spaces ~~may shall~~ be located no closer than fifty feet (50') from a residence district boundary line, and ~~must shall~~ be screened from view from the residential districts.

11-10-1: PURPOSE/SPECIAL PUD PROVISIONS

~~B. Permitted and special uses listed below are generally more intensive than those allowed in the BP, business park district, but can be accommodated in Sugar Grove, if they are so located and are regulated as to avoid adverse impacts on the residential uses and less intense nonresidential uses that define the essential character of the village.~~

~~C.B. In accordance with section 11-11-3 of this title, all~~ All manufacturing developments consisting of ten (10) or more acres, or ~~propose~~ more than one building ~~is proposed~~ on

~~an individual~~ zoning lot ~~must~~ shall be processed as an industrial planned unit development. (Ord. 2002-01-15B, 1-15-2002)

11-10-5: MAXIMUM LOT COVERAGE

No more than seventy five percent (75%) of a lot ~~can~~ shall be occupied with buildings, accessory structures and impervious surfaces. (Ord. 2002-01-15B, 1-15-2002)

11-10-7: OTHER STANDARDS

~~A. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~B. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~C. Unenclosed Loading: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~D~~A. Sidewalks: Five foot (5') wide, concrete walks shall be provided in the right of way, as required by the village engineer.

B. Street trees. One (1) two and one half (2 ½) inch caliper shade tree shall be installed in the right of way per each fifty (50) linear feet of frontage, as required by the village engineer.

~~E~~C. Building Design/Materials:

1. One hundred percent (100%) of building facades in the M-1 district facing a public right of way and fifty percent (50%) of other facades shall be constructed of masonry, brick, stone, or decorative concrete block (excluding plain concrete block), architectural steel and glass, or precast panels. Aluminum or vinyl siding shall not be allowed as a primary building material.

~~F~~D. Roof Mounted Mechanical Equipment

~~G. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~H~~E. Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the village, by requiring replacement trees:

~~I. Outdoor Storage: (Rep. by Ord. 2011-07-05B, 7-5-2011)~~

~~J~~F. Waste Materials: No materials or wastes shall be deposited upon a lot in such a form that they might be transferred off the property by natural causes or forces, such as water, wind or snow. (Ord. 2002-01-15B, 1-15-2002)

11-10A-1: PURPOSE; SPECIAL PUD PROVISIONS

~~B. Permitted and special uses listed below are generally less intensive than those allowed in the M-1 limited manufacturing district, and are intended to be used as a buffer between the M-1 district and residential uses or less intensive nonresidential uses that define the essential character of the village.~~

~~C.B.~~ ~~In accordance with section 11-11-3 of this title, all~~ All light industrial developments consisting of ten (10) or more acres, or ~~that propose~~ more than one building ~~is proposed~~ on ~~an individual~~ zoning lot ~~must~~ shall be processed as an industrial planned unit development. (Ord. 2012-02-21B, 2-21-2012)

11-10A-5: MAXIMUM LOT COVERAGE

No more than sixty five percent (65%) of a lot ~~can~~ shall be occupied with buildings, accessory structures, and impervious surfaces. (Ord. 2012-02-21B, 2-21-2012)

11-10A-7: OTHER STANDARDS

~~A. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~B.A.~~ Sidewalks: Five foot (5') wide concrete walks shall be provided in the right of way, along one side of all streets ~~as required by the village engineer.~~

B. Street trees. One (1) two and one half (2 ½) inch caliper shade tree shall be installed in the right of way per each fifty (50) linear feet of frontage, as required by the village engineer.

C. Building Design/Materials:

1. One hundred percent (100%) of building facades in the I-1 district facing a public right of way and fifty percent (50%) of other facades shall be constructed of masonry, brick, stone, or decorative concrete block (excluding plain concrete block), architectural steel and glass, or precast panels. Aluminum or vinyl siding shall not be allowed ~~as a primary building material.~~

~~E. Reserved. (Ord. 2017-01-10A, 1-10-2017)~~

~~FE.~~ Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the village, by requiring replacement trees:

11-10A-9: SUBMITTAL REQUIREMENTS

~~Six (6)~~ Three (3) sets of drawings that include the information set forth below are required for processing permitted uses on the individual lot in the I-1, Light Industrial District. [Chapter 13](#) of this title includes requirements for processing special uses and planned developments.

11-11-2: SPECIAL USE

B. Because planned unit developments are complex and of a different character than other special uses, the village has established more specific procedures and standards, and criteria for exceptions from regulations of the underlying zoning district than those included in [chapter 13](#) of this title. Procedures, standards and criteria for exceptions which follow are intended to guide the recommendations of the planning commission/[zoning board of appeals](#) and village board during their review of preliminary and final plans. (Ord. 2002-01-15B, 1-15-2002)

11-11-3: PERMITTED USES

- b. Be compatible in appearance and scale with the residential structures. They shall not be established prior to the construction of residential units, unless specifically authorized by the ~~Planning Commission~~ [planning commission/zoning board of appeals](#) and the ~~Village Board~~ [village board](#). (Ord. 2002-01-15B, 1-15-2002)
2. Residential developments in the E-1, R-1, R-2, R-3, and SR Districts shall be processed as planned unit developments when any of the following apply:
 - a. More than one (1) dwelling unit type is proposed. Unless otherwise authorized by the ~~Village Board~~ [village board](#), pursuant to recommendations of the ~~Planning Commission~~ [planning commission/zoning board of appeals](#), multi-family dwellings shall not exceed ten percent (10%) of the total number of dwelling units proposed in a residential PUD. For the purpose of this chapter, "dwelling unit type" shall mean:
 - f. A multi-family development in the R-3 District consisting of ~~five (5)~~ [three \(3\)](#) or more acres is proposed.
 1. Commercial planned unit developments ~~may~~ [shall](#) include any of the permitted or special uses ~~listed in chapter 8~~ [allowed in the B1, B2, and B3 districts of this title](#), provided it can be demonstrated that the uses proposed are compatible with one another and with adjacent land uses. Commercial developments shall be encouraged to be processed as a planned unit development in order to:
 1. An industrial planned unit development ~~may~~ [shall](#) include any of the permitted or special uses ~~listed in chapter 9 or 10 of this title~~, [allowed in the BP, OR2, M1, and I1 districts](#) provided it can be demonstrated that the uses proposed are compatible with one another and with adjacent land uses. Industrial developments shall be encouraged to be processed as planned unit developments in order to:
 - d. The planned unit development ~~would~~ [will](#) include commercial or other support services not listed in the M-1 district that warrant special consideration by the [village board](#) to assure that potential hazards associated with integrating large trucks and customers or employees in motor vehicles are minimized. (Ord. 2014-08-05B, 8-5-2014)
 3. Industrial planned unit developments shall comply with all standards of development identified in this chapter, as well as chapters 9 and 10 of this title, [as applicable](#). ~~respectively~~. (Ord. 2002-01-15B, 1-15-2002)

11-11-4: GENERAL PROVISIONS

- B. Standards: Unless otherwise approved by the village board, pursuant to recommendations of the [planning commission/zoning board of appeals](#), the following standards shall apply. Approval of exceptions from these standards is intended to be granted only when it is determined appropriate or necessary to achieve one of the objectives of section [11-11-1](#) of this chapter:
 4. Subdivided: Unless otherwise approved by the village board, only one principal building shall be constructed per parcel. Preliminary and final plats of subdivision shall be required in accordance with procedures set forth in the ~~village's~~ subdivision code, as may be amended from time to time.

5. Yards: The required yards along the periphery of a planned unit development shall be at least equal in depth to those of the underlying zoning district, or the adjacent zoning district, whichever is greater. The planning commission/[zoning board of appeals](#) may recommend greater setbacks from the boundary line of a planned unit development when determined necessary to protect the privacy of residents in both existing and proposed subdivisions.
6. Landscaping: At a minimum, the proposed planned unit development shall conform to the landscaping requirements set forth in this ~~chapter or the underlying zoning district title~~. The planning commission/[zoning board of appeals](#) may recommend landscaping in excess of these minimum standards where determined necessary to achieve the objectives set forth in this chapter.
7. Sidewalks: Sidewalks shall be constructed ~~on both sides of all streets as required by the village engineer~~ in residential, commercial, and industrial planned unit developments. In addition, walks shall be provided for convenient access for pedestrians between residential blocks and cul-de-sacs, as well as between differing land uses.
8. Public Streets:
 - a. All streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the ~~village's~~ subdivision code, as may be amended from time to time.
 - b. The planning commission/[zoning board of appeals](#) may recommend, and the village board approve, reduced rights of way or pavement width in residential subdivisions, but only in those instances where documentation is submitted that shows proposed widths will accommodate anticipated traffic associated with the planned unit development, as well as traffic that is expected to be generated by existing and planned development in the vicinity of the proposed project.
9. Vehicular Access: Points of vehicular ingress and egress to the site shall be minimized to maintain the safety and operational efficiency of ~~Sugar Grove's~~ arterial streets and collector roadways. Where possible, cross access between properties shall be provided.
10. Screening: Where a nonresidential use abuts, ~~or is across the street from~~ a residential ~~or institutional~~ use, landscape screening shall be provided. Screening shall be a minimum of six feet (6') in height, and shall include evergreen trees, not less than six feet (6') tall. Screening ~~may shall~~ also include walls, fences, berms, deciduous and ornamental trees, shrubs, or any combination thereof, in addition to the required evergreen trees.
12. Tree Replacement/Mitigation: Where determined appropriate by the planning commission/[zoning board of appeals](#), trees greater than six inches (6") in caliper, as measured six inches (6") in diameter at breast height (dbh), which are identified to be removed for construction shall be replaced in accordance with a tree replacement plan that is subject to review by the planning commission/[zoning board of appeals](#) and approval by the village board:
17. Exceptions: The planning commission/[zoning board of appeals](#) may recommend, and the village board approve, exceptions to standards and criteria as part of a planned unit development, when determined necessary to achieve the planning objectives set forth in this chapter. (Ord. 2002-01-15B, 1-15-2002)

11-11-5: RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS

A. Environmental Corridors/Open Space: Open space shall be provided for village residents in the form of parks, corridors, open space and recreational facilities, consistent with regulatory and policy directives of ~~Sugar Grove~~ the village board and the provisions of this chapter:

1. Unless otherwise recommended by the planning commission/zoning board of appeals and approved by the village board, not less than forty percent (40%) of the land within a residential planned unit development shall be reserved and designated as open space, greenbelt and/or recreational facilities.
2. Where parks and environmental corridors illustrated on the land use plan pass through a proposed residential subdivision, land, in lieu of cash, shall be provided in instances where the village board ~~of trustees~~ has determined that the dedication of land in these areas is essential for implementing the continuous environmental corridor and open space system adopted as part of the Sugar Grove comprehensive land use plan.
5. The cost for improving open space or environmental corridors, or constructing recreational facilities proposed as part of a planned unit development, shall be included in the letter of credit or other surety required for the public or quasi-public improvements as more fully described in the ~~village's~~ subdivision code.
7. No portion of a planned unit development shall be conveyed or dedicated as public open space, environmental corridor or recreational use or facility to any public body until such conveyance or dedication is reviewed by the planning commission/zoning board of appeals and approved by the village board.
 - a. The gross residential density allowed by the underlying zoning district on land proposed for open space or recreation ~~may shall~~ be transferred to the remaining net developable acreage.
 - b. The net developable acres exclude open space, recreation, environmental corridors, greenbelts, natural features and street rights of way. For the purpose of this chapter, ~~it has been assumed that~~ fifteen percent (15%) of the gross acres of a planned unit development will be set aside for street rights of way and easements.
 - a. Both the average lot size in an ~~E-Resstate~~ residential planned unit development and the maximum number of units per net acre in a low density, medium density, or high density residential planned unit development are based upon the net developable acres which remain after land for open space, recreation, and street rights of way are subtracted from the gross acreage.

Note:

1. Based upon net developable acres, which excludes at least forty percent (40%) open space reserve and ~~fifteen 45~~ percent (15%) of the total acreage for street rights of way.

Note:

1. Based upon net developable acres, which excludes at least forty percent (40%) open space reserve and ~~45-percent~~ fifteen percent (15%) of the total acreage for street rights of way.

Note:

1. Based upon net developable acres, which excludes at least forty percent (40%) open

space ~~reserve~~ and ~~15 percent~~ fifteen percent (15%) of the total acreage for street rights of way.

- C. Minimum Lot Size: Minimum lot size shall be as set forth in [chapter 7](#) of this title, unless forty percent (40%) or more of the total gross acres of a property has been set aside for: active recreational areas and/or facilities; open space; or preservation of major stands of trees, or other natural areas. The ~~Village~~ village finds that flexibility in its standards are warranted only when such amenities are proposed as part of a planned unit development.
- b. Unless otherwise recommended by the ~~Planning Commission~~ [planning commission/zoning board of appeals](#) and approved by the ~~Village Board~~ [village board](#), the net lot size for single-family detached dwellings shall not be reduced below eight thousand seven hundred fifty (8,750) square feet.
- c. The ~~Planning Commission~~ [planning commission/zoning board of appeals](#) may recommend, and the ~~Village Board~~ [village board](#) may require minimum lot sizes for single-family detached dwellings that are larger than the minimum sizes presented above, if determined necessary to achieve the objectives of the land use plan or those of this ~~chapter~~ [title](#).
- b. Unless otherwise recommended by the ~~Planning Commission~~ [planning commission/zoning board of appeals](#) and approved by the ~~Village Board~~ [village board](#), the net lot size for single-family detached dwellings, or net lot area for each single-family attached dwelling, and multi-family dwelling shall not be less than the following:
- c. The ~~Planning Commission~~ [planning commission/zoning board of appeals](#) may recommend, and the ~~Village Board~~ [village board](#) may require minimum lot sizes or net lot area for single-family and/or multi-family dwellings that are larger than minimum sizes listed above, if determined necessary to achieve the objectives of the land use plan or those of this chapter. (Ord. 2014-08-05B, 8-5-2014)
- D. Design: Dwellings in a residential planned unit development shall be designed to blend with the landscape of which they are a part. Both visual and acoustical privacy for residents shall be provided by means of site and architectural design. The ~~Planning Commission~~ [planning commission/zoning board of appeals](#) will require architectural controls to set guidelines and standards for such planned unit developments, to create harmony between the architectural style of dwellings and avoid monotony.
1. Street Tree Plantings: Not less than one (1) 2¹/₂-inch caliper shade tree [per fifty \(50\) linear feet](#) shall be installed in the rights-of-way along all streets in a residential planned unit development. Where the right-of-way is not sufficiently wide to accommodate required tree plantings, trees shall be installed in the front yard.
2. Landscape Easements: A minimum forty foot (40') landscape easement shall be installed along the perimeter of residential planned unit developments adjacent to ~~a any~~ [a any](#) public right-of-way ~~and/or lower intensive land use.~~ [any other boundary line as required by the planning commission/zoning board of appeals and village board.](#) ~~The Planning Commission and Village Board may also request a forty foot (40') landscape easement where screening from a dissimilar, or incompatible land use is required.~~ Plantings shall be sufficient in number and size to provide buffering

d. Unless otherwise approved by the ~~Village Board~~village board, the landscape easement shall be deemed common area of the residential planned unit development, and maintained by a ~~homeowner's~~ association or management agency, ~~if the project includes rental units. Where rental units are included as part of a residential planned unit development, a credentialed management agency shall be employed to manage the rental units for the life of the units.~~

3. Detention/Retention Ponds:

a. All detention and retention basins shall be suitably landscaped with a variety of plant material, so they fit within the context of their environment. Deciduous shade trees shall ~~be~~ ~~measure~~ at least two and one-half inch (2¹/₂") caliper in size, and evergreen and ornamental trees not less than six feet (6') ~~tall-in height at the time of planting.~~

b. The ~~Planning Commission~~ planning commission/zoning board of appeals and ~~Village Board~~ village board may require the construction of paths and the provision of benches around dry bottom or wet ponds, in addition to landscaping, so that they may be enjoyed by residents of the planned unit development. (Ord. 2002-01-15B, 1-15-2002)

5. Parking Lot ~~Landscaping~~:

~~a. One (1), curbed landscaped island, planted with one (1) 3-inch caliper shade tree shall be installed for each twenty five (25) off street parking spaces in parking lots constructed for multiple family dwellings in Medium Density and High Density Residential planned unit developments.~~

~~b. A minimum five foot (5') tall landscape screen shall be constructed to screen views of off street parking from properties planned, zoned or used for single family residences.~~

~~c. Parking that is visible from public rights-of-way shall be buffered by landscaping that is at least three feet (3') tall upon installation. Screening can be accomplished by walls, berms, or shrubs, in addition to the installation of not less than one (1) 3-inch shade tree for every thirty (30) linear feet of frontage.~~

~~6. Guest Parking Bays: Where guest parking is required for patio homes, two-family dwellings, townhomes, triplexes and quadplexes, a minimum five foot (5') tall landscape screen shall be installed to prevent headlight glare that may otherwise be a nuisance to residents of adjacent dwelling units. (Ord. 2002-01-15B, 1-15-2002)~~

a. Regulated by Chapter 12 of this title.

6. Each mobile home site ~~must~~ shall have frontage on a public or private street and shall have unobstructed access to that street.

7. Requirements for State license ~~must~~ shall be met per Illinois Compiled Statutes¹.

8. Adherence to tiedown requirement per Illinois Compiled Statutes².

9. Each site ~~must~~shall have separate metered connections to electrical service, water service and sewer service.

10. Each site ~~must~~ shall be improved with at least two (2) off-street parking spaces set back at least one foot (1').
11. The mobile home park ~~must~~ shall be operated by a resident manager.
12. Porches, carports, garages, sheds, awnings and additions ~~must~~ shall be constructed of compatible materials with the mobile home dwelling and meet setback requirements set forth previously in this section.
13. No temporary structures are permitted on mobile home sites.
14. Mobile home dwellings ~~must~~ shall be skirted with concrete panels.
15. An annual property maintenance inspection will be made by the ~~Village of Sugar Grove~~ zoning official or designee. All property maintenance issues ~~must~~ shall be satisfied within six (6) months of notification. In the event property maintenance issues continue, the special use for planned unit development will expire and the property will revert to the underlying E-1 zoning classification.
16. Management ~~must~~ shall institute a pest-free, water-tight garbage collection system which provides at least weekly collection and disposal by a licensed waste hauler.
17. Each mobile home dwelling ~~must~~ shall be anchored/tied down in compliance with the most restrictive industry standard. (Ord. 2016-10-18A, 10-18-2016)

11-11-6: APPLICATION AND APPROVAL

A. Administrative:

1. Application: Applications for planned unit developments shall be made on forms provided by the ~~building and zoning official~~ zoning official, and shall be accompanied by plans, drawings, documents and other information required by this ~~chapter~~ title. Applications and other required documentation shall be reviewed by the ~~building and zoning official~~ zoning official, or designee, for compliance with submittal requirements set forth herein for preapplication, preliminary or final plan review, before forwarding to the ~~Plan Review Committee, Planning Commission~~ planning commission/zoning board of appeals or ~~Village Board~~ village board.
2. Development Ordinances:
 - a. Planned unit developments shall be controlled by means of development ordinances prepared by the ~~Village Attorney~~, village attorney and adopted by the ~~Village Board~~ village board subsequent to approval of preliminary and final plans. Said development ordinances shall include graphics and other support documentation upon which ~~Village Board~~ village board approval is based. The development ordinances shall specify any conditions of approval established by the ~~Village Board~~ village board.
 - b. Ordinances approving preliminary and final plans may provide for exceptions from district regulations governing use, density, area, bulk, parking, and subdivision design standards, as determined to be desirable to achieve the objectives of the proposed planned unit development, provided such exceptions are consistent with the standards and criteria contained in this ~~chapter~~ title.

B. Preapplication Procedure:

1. Prior to the filing of an application for approval of a planned unit development, the petitioner shall contact the ~~building and zoning official~~ zoning official to arrange an informal meeting. ~~with the Planning Council (council). The council shall include: Village staff and its consultants; one (1) or more representatives of the Planning Commission; and other corporate officials as determined necessary for a full review of the proposed planned unit development.~~
2. The purpose of the preapplication meeting is to discuss how the proposed development is consistent with ~~Sugar Grove's~~ village planning and zoning objectives, as expressed in the Comprehensive Plan, and this ~~chapter~~ title. (Ord. 2002-01-15B, 1-15-2002)
3. Not less than thirty (30) days before the preapplication meeting, the petitioner shall provide ~~eight (8)~~ three (3) paper copies and a pdf copy of:
 - d. Other: Information other than that identified above may be requested by the ~~building and zoning official~~ zoning official or designee, if it is determined necessary to clearly describe the planned unit development. (Ord. 2007-08-21A, 8-21-2007)
4. ~~The planning council~~ The zoning official or designee shall evaluate the proposed concept plan and other documentation and shall advise the petitioner as to the compatibility of the planned unit development with the comprehensive plan, this zoning ordinance, subdivision control ordinance, and the goals and policies for planning of the village. Recommendations relative to a preapplication review are advisory only, and shall not constitute a waiver from the requirements contained in applicable codes and ordinances.
5. ~~The planning council~~ The zoning official or designee may, ~~at its discretion,~~ require plans and support documentation to be revised before referring the proposed planned unit development to the planning commission/zoning board of appeals and the village board. This may require additional meetings ~~between with~~ the petitioner ~~and the council~~, to assure that the proposed planned unit development conforms, to the maximum extent possible, with applicable code provisions, goals, and policies of ~~Sugar Grove~~ the village board.
6. ~~When determined desirable by the council, village staff or its consultants~~ The zoning official or designee shall prepare a written report, which shall be forwarded to the planning commission/zoning board of appeals and village board. The report shall:
 - a. Evaluate the compatibility of the planned unit development with ~~Sugar Grove's~~ comprehensive plan.
 - c. Summarize recommendations ~~by the planning council~~ regarding the proposed planned unit development.
- a. The purpose of the preliminary plan is to obtain a recommendation from the planning commission/zoning board of appeals and preliminary approval by the village board that all plans and programs which the petitioner intends to build and follow are acceptable, and that the petitioner can reasonably proceed with preparation of detailed architecture, engineering site, and landscape plans

- a. A request for preliminary plan approval, signed by the owner of record of a planned unit development, shall be submitted to the ~~building and zoning official~~ zoning official, or designee, who will forward the request to the village board ~~of trustees~~. The village board will refer the matter to the planning commission/~~zoning board of appeals~~ for public hearing, report, and recommendation.
- b. Preliminary and final plans ~~must~~ shall be filed and processed consecutively, and not simultaneously, unless the village board specifically exempts a petitioner from this requirement.
- c. Preliminary plats of subdivision may be processed along with the preliminary plan submittal, according to procedures and submittal requirements set forth in the ~~village's~~ subdivision ordinance, as may be amended from time to time.

3. Distribution Of Plans And Required Documentation:

- a. ~~Subsequent to referral by the village board, the~~ The petitioner shall file ~~twenty (20) copies~~ three (3) paper copies and a pdf copy of plans and other support documentation, as identified below, with the ~~building and zoning official~~ zoning official or designee.
- b. Once all required drawings and information have been received, the ~~building and zoning official~~ zoning official shall distribute the preliminary plan submittal to the planning commission/~~zoning board of appeals~~, ~~who shall distribute copies to other reviewers designated by the building and zoning official. This shall include, but not be limited to, the following:~~

~~(1) Planning commissioners and recording secretary.~~

~~(2) Village administrator.~~

~~(3) Village president.~~

~~(4) Chief of police.~~

~~(5) Fire chief.~~

~~(6) Village planner.~~

~~(7) Village engineer.~~

~~(8) Village attorney.~~

- c. Required plans and support documentation shall be submitted no later than ten (10) days before the regularly scheduled meeting of the planning commission/~~zoning board of appeals~~, to assure adequate time for review by members of the planning commission/~~zoning board of appeals~~, village staff and ~~its~~ village consultants.

(16) All other information determined necessary by the planning commission/~~zoning board of appeals~~ to clearly show the proposed elements of the planned unit development.

j. Traffic Impact Study: A traffic study, prepared by a traffic engineer, shall be prepared when determined necessary by the planning commission/~~zoning board of appeals~~ to:

m. Other: The planning commission/~~zoning board of appeals~~ may require preparation and submittal of the following for review and evaluation:

(3) Other information that may be required by the planning commission/~~zoning board of appeals~~.

5. Public Meeting:

a. Upon receipt of all required submittals, the ~~building and zoning official~~ zoning official, or designee, shall notify the petitioner of the next available regularly scheduled meeting of the planning commission/~~zoning board of appeals~~. At that time, the petitioner may present the proposed planned unit development to the planning commission/~~zoning board of appeals~~ for review and recommendation on an informal basis. ~~With the consent of the chairperson of the planning commission/zoning board of appeals, this informal meeting may be waived and the petition shall be scheduled for public hearing.~~

b. The village ~~planner, village engineer and village attorney~~ staff and/or village consultants shall prepare staff reports, which evaluate the proposed planned unit development for compliance with applicable codes, ordinances and the comprehensive plan:

(1) Staff reports shall be made available to the petitioner on the Friday before the scheduled meeting ~~or public hearing~~.

(2) Reports may be obtained from the ~~building and zoning official~~ zoning official or designee.

(2) Respond to questions raised by commissioners, village staff, ~~and its~~ consultants, ~~and members of the public~~

e. The petitioner shall present revised submittals to the planning commission/~~zoning board of appeals~~ at a date determined to be mutually acceptable by the commission, village staff, ~~its~~ village consultants, and the petitioner. Meetings shall be scheduled to allow the village staff and ~~its~~ village consultants a minimum of thirty (30) days to review revised submittals and to prepare supplemental reports for planning commission/~~zoning board of appeals~~ distribution. (Ord. 2007-08-21A, 8-21-2007)

f. The planning commission/~~zoning board of appeals~~ shall, after receiving a preliminary development plan complete in all respects, direct the ~~building and zoning official~~ zoning official to schedule a public hearing.

6. Public Hearing: The public hearing shall be scheduled according to procedures set forth in ~~section 11-13-9~~ Chapter 13 of this title.

7. Planning Commission's Recommendation: After the close of the public hearing, the planning commission/~~zoning board of appeals~~ shall recommend to the village board the approval, ~~approval with conditions~~, or denial of the proposed planned unit development. The recommendation may include conditions of approval intended for incorporation into final plans and supporting documentation.

8. Planning Commission's/~~Zoning Board of Appeals~~ Statement Of Findings Of Fact: The chairperson shall prepare a written statement of findings of fact, which shall be submitted to the village board with the planning commission's/~~zoning board of appeals~~ recommendation:

a. The planning commission's/~~zoning board of appeals~~ statement of findings of fact shall include, but not be limited to:

(5) A list of exhibits upon which the planning commission's/~~zoning board of appeals~~ recommendation is based.

(6) Recommendation of the planning commission/~~zoning board of appeals~~, including conditions of approval, if any.

9. Village Board Review:

a. Subsequent to receiving the planning commission's/~~zoning board of appeals~~ statement of findings of fact, the ~~building and zoning official~~ zoning official or designee shall schedule the proposed planned unit development for review by the village board.

c. The village board shall approve, approve with ~~modifications~~ conditions or disapprove the preliminary plan for the proposed planned unit development.

10. Action By The Village Board:

~~a. The preliminary plan may be disapproved by motion of the board.~~

~~b.a. If the~~ Upon approval of the preliminary plan ~~is approved~~, the village board shall authorize the village attorney to prepare a development ordinance for the preliminary plan. The ordinance shall identify all applicable exhibits and support documentation upon which village board action is based, and shall include any conditions of approval.

1. Procedure:

a. Subsequent to the adoption of the preliminary plan development ordinance, the petitioner shall file all required final plan submittals with the ~~building and zoning official~~ zoning official, or designee. The submittal shall address all conditions of approval that are set forth in the preliminary plans and development ordinance.

b. The request for final approval of a planned unit development shall be submitted to the ~~building and zoning official~~ zoning official who, upon receipt of all required submittals, will forward the request to the planning commission/~~zoning board of appeals~~ for ~~its~~ review and recommendation ~~during a scheduled public meeting~~. Final plan approval may be obtained in phases, in accordance with the petitioner's development schedule.

c. Final plats of subdivision may be processed along with the final plan submittal in accordance with the ~~village's~~ subdivision control ordinance, as may be amended from time to time.

d. Final plan submittals shall demonstrate compliance with the preliminary plan development ordinance. The petitioner shall file ~~twenty (20)~~ three (3) paper copies and a pdf copy of plans and other required supporting documentation with the ~~building and zoning official~~ zoning official.

- e. ~~Once all required drawings and information have been received, the building and zoning official shall distribute the final plan submittal to the planning commission and to other designated reviewers. (see subsection C3 of this section for list of reviewers). (Ord. 2002-01-15B, 1-15-2002)~~
- f. Required plans and documentation shall be submitted no later than thirty (30) days before the regularly scheduled meeting of the planning commission/zoning board of appeals to assure adequate time for review. (Ord. 2007-08-21A, 8-21-2007)
- a. The planning commission/zoning board of appeals shall review the final plan submittal at a public meeting, and shall recommend approval if it is in substantial compliance with the preliminary plan development ordinance. Their recommendation may include such additional conditions as **may shall** be appropriate, based on the final documentation submitted.
- b. If the final plan is substantially different from the approved preliminary plan, the planning commission/zoning board of appeals shall either:
- c. With a recommendation of approval, the commission shall submit to the village board, a written statement of findings of fact and recommendations which:
4. Action By Village Board: If the village board **of trustees** decides to approve the final development plan, it shall authorize the village attorney to prepare the final plan development ordinance. If the village board determines that the final development plan shall be disapproved, it shall do so by a motion of the board. In lieu of denial, the village board may grant the petitioner additional time to remedy any deficiencies.
6. Recording Of Final Plat: Final plats shall be recorded by **the zoning official or designee**. **The petitioner shall reimburse the village all costs associated with recording the final plat and planned unit development ordinance.** ~~the petitioner within thirty (30) days of the date of the adoption of the final planned unit development ordinance.~~
- E. Guarantees: In all cases where special use permits for a planned unit development are granted, the village board shall require such evidence and guarantees as it **may shall** determine necessary as proof that the conditions stipulated in connection with the planned unit development are being, and will be complied with. (Ord. 2002-01-15B, 1-15-2002)

11-11-7: CHANGES IN THE PLANNED UNIT DEVELOPMENT

B. Changes to a planned unit development **may shall** be made as follows:

1. Major Changes:

- a. Changes which alter the concept or intent of the planned unit development **may shall** be approved by the village board only by submission of a new final plan and final plats of subdivision for the planned unit development. All revisions shall be reviewed by the planning commission/zoning board of appeals at a public hearing, in accordance with procedures set forth in ~~section 11-13-9~~ Chapter 13 of this title.

(1) Increases in density. ~~that exceed one or two (2) units.~~

- (4) Modifications to the approved uses, and/or a change by more than ten percent (10%) in the acreage allocated to each use.
2. Minor Changes: Minor changes ~~may~~ shall be approved by the village board, after review and recommendation by the planning commission/zoning board of appeals at a scheduled public meeting, provided said changes do not alter the spirit and intent of the approved planned unit development. Minor changes include, but are not limited to:
3. Incidental Field Changes: Incidental field changes ~~may~~ shall be approved by the ~~building and zoning official~~ zoning official, after review by appropriate staff.
4. Recording: Major changes which are approved for the final planned unit development shall be recorded as amendments to the recorded copy of the final plat of subdivision(s). Major planned unit development amendments shall be recorded by the zoning official or designee. The petitioner shall reimburse the village all costs associated with recording the amended plat and planned unit development ordinance. (Ord. 2002-01-15B, 1-15-2002)

11-12-2: GENERAL PROVISIONS

- D. Time Of Completion: Off street parking and loading facilities required by this chapter shall be constructed at the time of construction, establishment, alteration, or enlargement of the building, structure or use of land for which it is required to serve. The delayed construction of up to fifty percent (50%) of the required off street parking spaces may be allowed by special use permit in accordance with the standards and procedures provided in section 11-13-12 of this title. The following additional minimum conditions ~~must~~ shall be met in order to delay construction of required off street parking facilities.
 3. A site plan, drawn to scale, shall be submitted which clearly indicates the parking spaces to be constructed and the parking spaces to be delayed. The design of all parking facilities ~~must~~ shall be in full compliance with the entirety of this title.
 4. An agreement, approved by the village attorney, for deferred parking construction ~~must~~ shall be established between the property owner and the village board, executed by all parties, and recorded in the office of the Kane County recorder.
- E. Control Of Off Site Off Street Parking Facilities: When required parking facilities are provided off site, that is on land other than the zoning lot on which the building or use served by such off site facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the off street parking facilities serve until and unless the planning commission/zoning board of appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off site parking facilities will be maintained at all times during the life of the proposed use of building.
 - a. If a vehicle is located in the corner side yard, all such vehicles ~~must~~ shall be screened from view by landscaping or other means approved by the zoning official.
 - b. All vehicles in a residential district parked in a front, rear or side yard ~~must~~ shall be on an improved surface. All vehicles in a nonresidential district parked in a front or side yard ~~must~~ shall be on an improved surface. All vehicles in a nonresidential district parked in a rear yard ~~must~~ shall be parked in accordance with the requirements of subsection H3b of this section.

Any vehicles so placed, which are subject to Illinois secretary of state licensure, ~~must shall~~ have a current Illinois registration with the Illinois secretary of state's office.

- e. Vehicles ~~may shall~~ not be used as a dwelling unit at any time while parked or stored within the village ~~of Sugar Grove~~.
2. Residential Zones: In any residential zone, the following vehicles ~~may shall~~ only be parked in a side or rear yard of any zoning lot:
 - a. Applicability: This subsection only applies to the above listed vehicles if such vehicles are subject to licensure requirements by the Illinois Secretary of State (regardless of whether any such vehicle in particular is actually licensed by the Illinois Secretary of State). Any vehicles so placed, which are subject to Illinois Secretary of State licensure, ~~must shall~~ have a current Illinois registration with the Illinois Secretary of State's Office.
 - c. Driveways: Notwithstanding this subsection H2, vehicles such as those described in said subsection ~~may shall~~ be parked in a front yard driveway for a period not to exceed a total period of time (whether continuously or in the aggregate) of seventy two (72) hours for the sole purpose of loading and unloading such vehicles within any given fourteen (14) day period.
 - d. Exemptions: The ~~Zoning official~~ zoning official, or ~~someone designated by him or her~~ designee, is authorized to exempt from the provisions of this section, a nonresident of the ~~Village~~ village who is temporarily visiting a ~~Village~~ village resident upon application for such exemption for a period not exceeding fourteen (14) days. Such exemption ~~may shall~~ only be utilized by a given applicant once per three (3) month period.
 - e. Recreational Vehicles: Recreational vehicles ~~may shall~~ be parked in the front driveway of a zoning lot only if the following conditions are satisfied beyond those exemptions otherwise provided herein:
 - (3) The owner of the recreational vehicle shall obtain a special parking permit for such use from the ~~Zoning official or someone designated by him or her~~ zoning official. (Ord. 2017-01-10A, 1-10-2017)
 - h. Parking On Existing Gravel Driveways: Notwithstanding subsections H1b and H1c of this section, residential properties in a residential zone, shall be permitted to park vehicles (which are otherwise in compliance with this section) on a gravel driveway, provided said driveway was in existence prior to April 20, 1999. Said driveway ~~may shall~~ not be expanded or changed (except for routine maintenance of the said driveway) without bringing the entire driveway into full compliance with the terms of this section, including being improved with a continuous surface of concrete, blacktop or paving stone. In order to qualify for this section, a property owner ~~must shall~~ file with the building and zoning official or his or her designee, a written statement, no later than June 1, 2001, requesting an exemption under this section and the village staff shall then determine whether said driveway qualifies for exemption (based upon the date of creation of said driveway), and if it so qualifies, shall document the approximate dimensions of said driveway.
 - a. Front And Side Yards: Notwithstanding subsections H1b and H1c of this section, properties in any zone other than a residential zone, shall be permitted to park vehicles (which are otherwise in compliance with this section) on a gravel driveway, parking lot or outdoor

storage area (as defined in the village zoning ordinance) in a front or side yard until January 1, 2004, provided said driveway was lawfully in existence prior to April 20, 1999. Said driveway ~~may shall~~ not be expanded or changed (except for routine maintenance of the said driveway) without bringing the entire driveway, in the front or side yards, into full compliance with the terms of this section, including being improved with a continuous surface of chip seal, concrete, blacktop or paving stone. In order to qualify for this section, a property owner ~~must shall~~ file with the village building and zoning official or his or her designee, a written statement, no later than June 1, 2001, requesting an exemption under this section and the village staff shall then determine whether said driveway qualifies for exemption (based upon the date of creation of said driveway), and if it so qualifies, shall document the approximate dimensions of said driveway. After January 1, 2004, no vehicles ~~may shall~~ be parked upon said front yard or side yard, unless it is improved with a continuous surface of chip seal, concrete, blacktop or paving stone, and otherwise complies with all provisions of this section and all other provisions of this code.

- b. Rear Yards: Notwithstanding subsections H1b and H1c of this section, properties in any zone other than a residential zone, shall be permitted to park commercial vehicles and equipment (which are otherwise in compliance with this section) on a gravel driveway, parking lot or outdoor storage area (as defined in the village zoning ordinance) in a rear yard. All other vehicles parked in a rear yard may be parked on a gravel driveway, parking lot or outdoor storage area (as defined in the village zoning ordinance) until January 1, 2004, when all such other vehicles ~~must shall~~ then be parked on an improved surface of continuous chip seal, concrete, blacktop or paving stone, and otherwise complies with all provisions of this section and all other provisions of this code. "Commercial vehicles and equipment" shall be defined for purposes of this subsection, only as vehicles used in the day to day delivery and/or pick up of goods and services from the business, or businesses, located on the premises, other than passenger vehicles. After January 1, 2004, vehicles ~~may shall~~ only be parked in accordance with this subsection if screening is provided for said areas where vehicles are parked. Screening requirements shall be those as defined in this title. All parking not in conformance with this subsection is prohibited. (Ord. 2017-01-10B, 1-10-2017)

11-12-3: NUMBER OF PARKING SPACES REQUIRED

- D. Excess Off Street Parking Spaces: This chapter does not prohibit the voluntary construction of additional off street parking facilities above the number required. Where twenty (20) or more parking spaces are required and more than the required number of parking spaces are constructed, the excess parking spaces shall be constructed with a permeable surface material approved by the ~~Village Engineer~~village engineer.
- E. Required Number Of Off Street Parking And Queuing Spaces: Off street parking and stacking spaces ~~must shall~~ be maintained at the rate established by use in accordance with the schedule of off street parking and queuing spaces required table of this section. If a particular use is not listed, the ~~Zoning official~~zoning official shall determine the required number of off street parking and stacking spaces for that particular use. Queuing spaces shall be designed in accordance with subsection ~~11-12-5B4~~ of this chapter. (Ord. 2017-01-10A, 1-10-2107)

Produce stands	As determined by the Planning Commission and Village Board zoning official
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Other
uses

Uses not listed in this schedule of parking requirements shall be provided according to the most similar use, as determined by the ~~Village Administrator~~—zoning official

11-12-4: ACCESSIBLE PARKING

B. Signage: Each accessible parking space shall be equipped with a sign which complies with the Illinois Accessibility Code. Signs shall be vertically mounted on a post or a wall at the front of the parking space, no more than five feet (5') horizontally from the front of the parking space and set four feet (4') from finished grade of the parking space to the bottom of the sign. The sign ~~must~~ shall be centered between the accessible parking space and the accessible aisle.

D. Access: The required access aisle ~~must~~ shall have a smooth transition with adjacent walk surfaces, either by joining at a common level or by use of a curb ramp.

11-12-5: DESIGN

Off street parking facilities shall meet the minimum design standards set forth below. Additional standards may be required by the village engineer based on unique circumstances and best engineering practices. ~~Queuing spaces shall be designed in accordance with subsection B4 of this section.~~

2. A reduction in the paved length of up to twenty four inches (24") in parking space length may be allowed where a parking space is improved with a barrier curb over which an automobile bumper ~~may~~ will hang.

4. Queuing spaces shall be provided free of conflict with any off street parking space or drive aisle. Queuing spaces ~~may~~ shall not be located within any required landscape yard nor the public right of way.

C. Circulation: Off street parking facilities ~~must~~ shall be designed to ensure the safe and efficient circulation of both vehicular and pedestrian traffic and to minimize conflict between the two.

2. An unobstructed pedestrian walkway measuring at least five feet (5') wide ~~must~~ shall be constructed to provide a pedestrian means of connection from each adjacent public right of way, through the off street parking facility to the front entrance of the principal building.

3. Where pedestrian movement is expected across main drive aisles, a pedestrian crosswalk ~~must~~ shall be delineated by pavement markings or a change in pavement material, appearance or texture.

2. Parking rows that end in an unprotected drive aisle ~~must~~ shall be separated from the drive aisle by a landscaped island measuring at least ten feet (10') in width for the length of the parking spaces.

4. Driveways that serve off street parking lots ~~must~~ shall be located perpendicular to the public street for a distance of at least twenty feet (20') onto the property. No parking space shall be located within this twenty foot (20') required transition area. (Ord. 2017-01-10A, 1-10-2017)

11-12-6: SURFACING

- D. Approaches: Approaches ~~must~~ shall be improved with a hard surface as required by the village engineer.
- E. Striping: All off street parking facilities that contain four (4) or more parking spaces ~~must~~ shall be maintained with white or yellow striping measuring at least four inches (4") in width. Each parking space, accessible loading space, loading berth and pedestrian crosswalk ~~must~~ shall be delineated by such striping.
- F. Pavement Edge Protection: All off street parking facilities that contain four (4) or more parking spaces ~~must~~ shall be improved and maintained with a six inch (6") barrier curb at all pavement edges with the following exceptions:
 2. An off street parking facility planned for expansion may be exempt from the pavement edge protection along the edge of the pavement where the expansion is planned. Along this unprotected pavement edge, the aggregate base material shall be extended at least one foot (1') beyond the pavement edge. A vehicle barrier, the design of which ~~must~~ shall be approved by the zoning official, shall be installed along the unprotected pavement edge.
- G. Drainage: All off street parking and loading facilities ~~must~~ shall be designed and constructed to provide positive drainage. Surface water shall be discharged into an adequate stormwater collection system approved by the village engineer.
- H. Maintenance: All off street parking facilities ~~must~~ shall be properly maintained in compliance with the minimum standards of this chapter. All off street parking facilities shall be maintained so that the surface is free of potholes, surface erosion, cracks, and deteriorated striping. All off street parking facilities shall be maintained free of trash and debris. (Ord. 2017-01-10A, 1-10-2017)

11-12-7: LANDSCAPING

1. Required solid screen ~~may~~ shall be provided by any one of the following:
2. Evergreen trees ~~must~~ shall be installed at six feet (6') in height. Deciduous shade trees ~~must~~ shall be installed at two and one-half inch (2¹/₂") caliper measured at four feet (4') above grade. Deciduous ornamental trees ~~must~~ shall be installed at six feet (6') in height if multibranched and not less than two inch (2") caliper, measured at four feet (4') above grade, if single stemmed.
3. Shrubs ~~must~~ shall be installed at a minimum height of twenty four inches (24"). Ornamental grass may be substituted for shrubs with approval of the zoning official.
5. All shrubs located within the sight triangle, as required in [chapter 4](#) of this title, shall be maintained to a maximum height of thirty six inches (36"). All trees located within the sight triangle ~~must~~ shall be pruned with the lowest branch measuring at least eight feet (8') from the established grade of the intersection.

2. One shade tree and six (6) shrubs shall be installed and maintained in each landscape island measuring eighteen feet (18') in length. Landscape islands that measure greater than eighteen feet (18') in length ~~must~~ shall provide one shade tree and six (6) shrubs per eighteen feet (18') or fraction thereof of length.
4. Ornamental grass may be substituted for shrubs as permitted by the ~~Zoning official~~ zoning official.
6. An organic ground cover ~~must~~ shall be maintained in the interior landscape areas. Decorative stone is prohibited.

11-12-9: SIGNAGE

Traffic control signs may be required by the ~~Village Engineer~~ village engineer for any off street parking facility. Traffic control signs ~~must~~ shall be installed in compliance with [chapter 14](#) of this title. (Ord. 2017-01-10A, 1-10-2017)

11-12-10: BICYCLE FACILITIES

- A. Number Of Bicycle Parking Spaces Required: Bicycle parking spaces ~~must~~ shall be provided at a rate of five percent (5%) of the total number of vehicle parking spaces in any off street parking facility.
- C. Surfacing: Bicycle parking facilities ~~must~~ shall be improved with a hard surface and a bicycle rack ~~must~~ shall be permanently anchored to the surface.

11-12-11: OFF STREET LOADING

- A. Required Number Of Off Street Loading Berths: Unless otherwise permitted by the ~~Zoning official~~ zoning official, loading berths shall be provided based on building square footage at the following rate:
 1. Similar Uses: If a particular use is not listed in the schedule of off street loading requirements, the ~~Zoning official~~ zoning official shall determine the loading requirements of said use by assigning the same loading facility requirements as another use which is deemed to be similar in nature to, and compatible with, said unlisted use

11-12-12: OFF STREET LOADING STANDARDS

- d. Written covenants and easements running with the land assuring the retention, maintenance, and use of said central loading facility shall be executed by the parties concerned. Such covenants and easements shall be reviewed by the Village Attorney, approved as to content and form by the ~~Village Board~~ village board, and filed in the Office of the Recorder of Deeds.

11-13-1: ORGANIZATION

1. ~~Building and~~ Zoning official.
2. Planning commission/zoning board of appeals.

~~3. Zoning board of appeals.~~

4.4 Village board of trustees.

~~5. Hearing officer.~~

11-13-2: ~~BUILDING AND~~ ZONING OFFICIAL

The ~~building and~~-zoning official, or such individual that has been, or shall be duly appointed by the village board, shall be in charge of the administration and enforcement of this chapter, and shall perform the following duties:

- F. Provide clerical and technical assistance that ~~may~~ shall be required by the planning commission/ ~~and~~ zoning board of appeals in the exercise of their duties.
- G. Initiate, at least annually, a study of the provisions of this zoning ordinance and ~~make reports of~~ recommendations ~~for change~~ zoning ordinance text amendments to the planning commission/~~zoning board of appeals~~.
- I Discharge such other duties as ~~may~~ shall be required by this chapter. (Ord. 2002-01-15B, 1-15-2002)

11-13-3: PLANNING COMMISSION/~~ZONING BOARD OF APPEALS~~

- A. Establishment: The planning commission/~~zoning board of appeals~~ of the village has been heretofore duly established, according to 65 Illinois Compiled Statutes.
- B. Jurisdiction: The planning commission/~~zoning board of appeals~~ is hereby vested with the following jurisdiction and authority with reference to this zoning ordinance:
 - 2. To review the recommendations of the ~~building and~~-zoning official as to the effectiveness of this zoning ordinance, and report its conclusions and recommendations to the village board, from time to time., ~~but no less frequently than once each year.~~
 - 4. To hear, decide, and consider all other matters referred by the village board, or upon which the planning commission/~~zoning board of appeals~~ is required to act pursuant to the provisions of this zoning ordinance, or as prescribed by applicable provisions of this code or the Illinois Compiled Statutes. (Ord. 2002-01-15B, 1-15-2002)

~~11-13-4: ZONING BOARD OF APPEALS:~~

~~A. Establishment: The zoning board of appeals of the village has been heretofore duly established, according to 65 Illinois Compiled Statutes.~~

~~B. Jurisdiction: The zoning board of appeals is hereby vested with the following jurisdiction and authority with reference to this zoning ordinance:~~

- 45. To establish a time for, conduct public hearings on, and prepare recommendations to the village board concerning applications for variations, in the manner prescribed by, and subject

to, the standards established in this zoning ordinance., ~~except for variations pursuant to section 11-13-2-1 of this chapter.~~

26. To hear and decide appeals from any final order, requirement, decision or determination made by an administrative official charged with the enforcement of this zoning ordinance.
37. To hear and decide all matters referred to it by the village board, or upon which the zoning board of appeals is required to act under this zoning ordinance, or as prescribed by applicable provisions of the Illinois Compiled Statutes. (Ord. 2006-01-03A, 1-3-2006)

11-13-6: ZONING CERTIFICATE

- A. No permit pertaining to the use of land or buildings shall be issued until the ~~building and~~ zoning official certifies in such permit that the application, with accompanying plans and specifications, conforms to:
 2. Conditions of approval which ~~may~~ shall have been required by the village board, also set forth in an adopted development ordinance.
- B. When a permit is not required by ~~Sugar Grove's~~ building code for an improvement or use, but the use or improvement requires conformance with the regulations of this zoning ordinance, an application for a zoning certificate shall be filed with the ~~building and~~ zoning official.
 2. Two (2) copies of additional drawings, drawn to scale in such form as may be prescribed by the ~~building and~~ zoning official, showing the:
- D. The ~~building and~~ zoning official may waive all or any portion of the requirements in ~~subsections C1 and C2 of~~ this section, where it is determined that the information is not necessary because of existing evidence in village records.
- E. An application for a zoning certificate shall be issued only when the application shows conformance with the regulations of this title, as ~~may~~ shall be modified by approvals or conditions granted by the village board, and included in a development ordinance.

11-13-7: OCCUPANCY CERTIFICATES

- A. No building, or addition thereto, constructed after the effective date hereof, and no addition to a previously existing building shall be occupied, and no land, unused and vacant on the effective date hereof, shall be used for any purpose, until an occupancy certificate has been issued by the ~~building and~~ zoning official. No change in use in a zoning district shall be made until an occupancy certificate has been issued, stating that the use or occupancy complies with the provisions of this zoning ordinance, or modifications thereof and conditions of approval that ~~may~~ shall be granted by the village board as part of a development ordinance.
- B. Every application for a building permit or zoning certificate shall be deemed to be an application for an occupancy permit. Every application for an occupancy certificate for a new use of land, where no building permit is required, shall be made directly to the ~~building and~~ zoning official.

1. Issued until construction has been completed, and the premises inspected and certified by the ~~building and~~ zoning official, to be in conformance with the plans and specifications upon which the zoning certificate application was based.
 2. Issued, and no addition to a previously existing building shall be occupied, until the premises have been inspected and certified by the ~~building and~~ zoning official to be in compliance with all applicable standards.
- E. An occupancy certificate shall be issued, or a written notice shall be given, to the applicant stating the reasons why a certificate cannot be issued, not later than ten (10) working days after the ~~building and~~ zoning official is notified in writing that the building or premises is ready for inspection for occupancy. (Ord. 2002-01-15B, 1-15-2002)

11-13-8: NOTICE REQUIREMENTS FOR APPEALS, VARIATIONS, AMENDMENTS AND SPECIAL USE PERMITS:

A. Publication Of Notice: No public hearing before ~~either~~ the ~~planning commission/~~ zoning board of appeals ~~or the planning commission~~ on any appeal, or request or petition for variation, amendment, planned development or special use shall be held unless the notice of time and place of the hearing is published at least once, in one or more newspapers published in the village, or if none, then in one or more newspapers with a general circulation within the village.

1. The notice shall be prepared by the ~~petitioner, and submitted to the building and~~ zoning official not less than twenty (20) days before the scheduled hearing.
2. ~~Once received, the building and~~ The zoning official shall cause said notice to be published not more than thirty (30) nor less than fifteen (15) days before the hearing. ~~The petitioner shall reimburse the village all costs associated with publication.~~

B. Notice To Adjacent Owners:

- ~~1. Each petition or application for an appeal, variation, amendment, planned development, or special use shall be prepared by the petitioner.~~
2. ~~Said petition or application~~ The zoning official or designee shall ~~compile~~ include a list of all owners, as disclosed by the records of the recorder of deeds, or as appears from the authentic tax records of Kane County, of all property within two hundred fifty feet (250') in each direction of the parcel, exclusive of road rights of way.
3. ~~Once received,~~ The zoning official or designee shall provide said list to the petitioner or applicant who shall cause notice of the public hearing to be mailed to property owners at the addresses identified on the list, not less than fifteen (15), nor more than thirty (30) days before the hearing. Said notice shall include, at a minimum, information set forth in subsection ~~11-13-9C~~ of this ~~chapter~~ section.
5. The petitioner or applicant shall furnish a copy of the notice to adjacent property owners and a written statement certifying that he or she has complied with the requirements of this section. The planning commission ~~or~~ /zoning board of appeals shall only hear a petition for variation, appeal, special use, or amendment if the petitioner or applicant furnishes the list and certificate herein described.

D. Posting: Applicants ~~or petitioners~~ for public hearing shall post a readable sign(s) provided by the village on each adjacent roadway in a number and location as determined by the ~~building and~~-zoning official not less than fifteen (15) days prior to the date before the public hearing. Sign(s) ~~must shall~~ be removed by the applicant ~~or petitioner~~ no later than three (3) days after conclusion of the hearing.

Each sign shall be displayed such that each sign face is perpendicular to the adjoining roadway. The face of the sign(s) required by this section shall be at least ~~thirty six sixteen~~ inches (~~36"16"~~) in height and ~~forty two~~ ~~twenty one~~ inches (~~42"21"~~) in length. The sign(s) shall contain the following message:

*PUBLIC NOTICE
Proposed
ZONING CHANGE
On This Property
For more information call
~~630.466.8954~~ 630.391.7220
or visit
www.sugargroveil.gov*

The jurisdiction of the planning commission ~~or~~/ zoning board of appeals to hold public hearings shall not be affected by the absence of a posted notice, if such absence is not the result of the applicant's or petitioner's act or omission. (Ord. 2016-04-05I, 4-5-2016)

E. Continuation Of Public Hearings: The ~~planning commission~~/zoning board of appeals ~~or the planning commission~~ shall hold at least one public hearing on the proposed variation, amendment, planned development, or special use. However, public hearings may be continued by ~~either~~ the ~~planning commission~~/zoning board of appeals ~~or the planning commission~~, from time to time, without further notices being published, subject to compliance with the Illinois open meetings act. (Ord. 2002-01-15B, 1-15-2002)

11-13-9: APPEALS:

A. Authority: The ~~planning commission~~/zoning board of appeals shall hear and decide upon all appeals from administrative decisions or actions related to this zoning ordinance, ~~or other codes and ordinances of the village~~, pursuant to procedures set forth herein.

B. Initiation:

1. An appeal from a final order, requirement, decision or determination to issue, not to issue, revoke, rescind or extend a permit or certificate requiring compliance with the provisions of this zoning ordinance may be taken to the ~~planning commission~~/zoning board of appeals (~~ZBA~~) by any person aggrieved, or by any officer or department of the village.
2. Such an appeal shall be taken within forty five (45) days after the decision complained of, by filing with the ~~building and~~-zoning official, and with the ~~ZBA~~ ~~planning commission/zoning board of appeals~~, a written notice of appeal specifying the grounds thereof.
3. The ~~building and~~-zoning official shall transmit to the ~~ZBA~~ ~~planning commission/zoning board of appeals~~ all papers related to the decision which led to the appeal.
- d. Written decision of the ~~building and~~-zoning official, ~~or the reason given by said officer, in support of the decision from which the appeal is taken.~~

2. An appeal shall stay all proceedings related to the action on which the appeal is based, including, but not limited to, plan review, processing of permits, or construction, unless it is demonstrated to the ~~building and~~ zoning official or the ~~planning commission/zoning board of appeals~~ ZBA that a stay would cause imminent peril to life and/or property.

D. Hearing:

1. The ~~building and~~ zoning official shall transmit the application of the appeal to the ~~planning commission/zoning board of appeals~~, who shall hold a public hearing at such time and place as shall be established by the ~~ZBA chairperson of the planning commission/zoning board of appeals~~, after due notice is provided.
2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the ~~ZBA planning commission/zoning board of appeals~~ shall prescribe.
3. Notice requirements for public hearings on appeals are set forth in ~~subsection C 11-13-8~~ of this section.

E. Decision: The ~~planning commission/zoning board of appeals~~ shall reach its decision within a reasonable period of time after the conclusion of the hearing of the appeal:

1. The ~~ZBA planning commission/zoning board of appeals~~ may affirm or may reverse, wholly or in part, or may modify the order, requirement, decision, or determination ~~as, in its opinion, ought to be made in the premises being~~ appealed.
2. Records of all actions of the ~~planning commission/zoning board of appeals~~ ZBA, relative to appeals, shall be maintained by the village.
3. The decision of the ~~planning commission/zoning board of appeals~~ ZBA shall be a final administrative decision, based on the evidence presented at the hearing of the appeal. A concurring vote of four (4) shall be required for reversal of or modification of the order, requirement, decision or determination of the ~~building and~~ zoning official. (Ord. 2002-01-15B, 1-15-2002)

11-13-10: VARIATIONS

B. Authority: The village board shall decide variations from the provisions of this title that are in harmony with its general purpose and intent, and shall vary them only in the specific instances where the planning commission ~~or~~ zoning board of appeals has made a finding of fact based on the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this zoning ordinance.

C. Authorized Variations:

1. Village Board: The village board ~~may shall~~ grant variations from the regulations of this title upon recommendation by the plan commission ~~or~~ zoning board of appeals after due notice and hearing as set forth in ~~subsection E of this section and~~ section 11-13-8 of this chapter.
2. Planning Commission/zoning board of appeals: The planning commission/zoning board of appeals ~~may shall~~ recommend variations from the regulations of this title be granted in

connection with a planned unit development, but only in accordance with the standards set out in ~~sections 11-11-4 and 11-11-5 of this title, subsection 11-13-12F of this chapter, and section 11-16-13~~ chapters 11, 13, and 16, as applicable, of this title. (Ord. 2016-04-051, 4-5-2016).

~~3. Zoning Board Of Appeals:~~ The ~~planning commission/zoning board of appeals~~ ~~may shall~~ recommend variations from the regulations of this title be granted, but only in accordance with the standards set out in this section, and ~~may shall~~ be granted only in the following instances and in no others:

m. To vary the height of buildings used exclusively for agricultural purposes which are located within the A1 district.

n. To vary the height of residential buildings located within the SR district.

2. Application: An application for a variation shall be filed with the ~~building and~~ zoning official, who shall forward such application to the ~~planning commission/zoning board of appeals~~ for processing in accordance with applicable statutes of the state and provisions of this zoning ordinance. The application shall be accompanied by:

d. A description of the proposed variation, including a dimensioned site plan or plat, unless specifically waived by the ~~building and~~ zoning official. The ~~planning commission/zoning board of appeals~~ may, however, overrule such waiver and require the submission of a dimensioned site plan before making their findings and recommendations.

1. The ~~building and~~ zoning official shall transmit the application to the ~~planning commission/zoning board of appeals~~ who shall hold a public hearing at such time and place as shall be established by the ~~chairperson of the planning commission/zoning board of appeals~~ after due notice is provided.

2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the ~~planning commission/zoning board of appeals~~ shall prescribe.

1. Standards: The ~~planning commission/zoning board of appeals~~ shall not recommend, and the village board shall not vary, the provisions of this title, unless it shall find that the:

2. Recommendation Guidelines: For the purpose of supplementing the above standards, the ~~planning commission/zoning board of appeals~~, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish, the following:

3. Conditions And Restrictions: In granting a variation, the ~~village board zoning board of appeals~~ is authorized to impose such conditions and restrictions upon the subject premises as ~~may shall~~ be necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

1. Statement: Within one hundred twenty (120) days after the close of the hearing on a proposed variation, the ~~planning commission/zoning board of appeals~~ shall prepare a written statement of findings of fact and recommendations, and shall submit this statement to the village board. The findings of fact shall specify the reason or reasons for recommending

approval, approval with conditions, or denial of the proposed variation, and shall address how the variation does, or does not comply with standards set forth in subsection F of this section, or in the case of a planned unit development, sections [11-11-6](#) and [11-16-13](#) of this title.

2. Approval: The [planning commission/zoning board of appeals](#) is not required to recommend for approval the full variation requested. The [planning commission/zoning board of appeals](#) may recommend, and the village board may approve, a variation of less extent than that contained in the request.
3. Majority Vote: A concurring vote of a majority of those members present at the meeting of [the planning commission/zoning board of appeals](#), with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for variation.
5. Notice Of Decision: No variation shall be granted, except by ordinance duly passed and approved by the village board, after public hearing and written findings of fact and recommendation from the [planning commission/zoning board of appeals](#). The terms of relief granted shall be specifically addressed in said ordinance. Any ordinance granting a variation shall provide that the variation granted shall be valid for a period of no more than twelve (12) months, unless a building permit for the erection or alteration of a building is obtained within such period and such erection or alteration is started within said period and proceeds to completion in accordance with the terms of the ordinance.
6. Recommendation: The recommendation of the [planning commission/zoning board of appeals](#) shall not be final, but shall be forwarded to the village board in accordance with 65 Illinois Compiled Statutes 5/11-13-14.1(C)1.
7. Recording Of Variations: Prior to the issuance of any building permit, certificate of occupancy or any related development or construction approval, the [zoning official or designee shall cause the ordinance granting the variation shall to](#) be recorded in the office of the Kane County recorder of deeds. [The petitioner or applicant shall reimburse the village all costs associated with recording the ordinance.](#)

H. General Provisions:

1. Effect Of Denial Of A Zoning Variation: No application for a zoning variation which has been denied wholly or in part by the village board shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the [planning commission/zoning board of appeals](#) and village board.
3. Amendments: A request for changes in the specific nature of the approved variation or changes to any conditions attached to an approved variation ~~must~~ shall be processed as a new variation application, including all requirements for fees, notices and public hearings.
- b. The ~~hearing-body~~ [village board](#) is authorized to extend the expiration period for good cause on up to two (2) separate occasions, by up to six (6) months each. Requests for extensions ~~must~~ shall be submitted to the ~~building-and~~ [zoning official](#) before the variation expires. No hearings, notices or fees are required for extensions.

11-13-11: AMENDMENTS

1. Amendments ~~may~~ shall be granted to:

B. Authority: The village board ~~may~~ shall, after receiving a recommendation from the planning commission/~~zoning board of appeals~~ in the manner hereinafter set forth, approve, approve with conditions, or deny a text or a map amendment, pursuant to the procedures set forth herein.

C. Initiation: Amendments may be proposed by the village board, the planning commission,~~the~~ /zoning board of appeals, or any property owner or interested person or organization.

D. Processing: A petition or application for an amendment shall be filed with the ~~building and~~ zoning official, and shall include at least the following information:

(7) Location map showing:

(A) Property lines and streets.

(B) Such other items as the ~~building and~~ zoning official ~~may~~ shall require.

1. The ~~building and~~-zoning official shall transmit the application to the planning commission/~~zoning board of appeals~~, who shall hold a public hearing at such time and place as shall be established by the ~~chairperson of the planning~~ commission/~~zoning board of appeals~~, after due notice is provided.

2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the ~~planning~~ commission/~~zoning board of appeals~~ shall prescribe.

F. Standards: The planning commission/~~zoning board of appeals~~ shall not recommend, nor the village board grant an amendment to alter the zoning district boundary lines, unless it shall determine, based upon the evidence presented to the planning commission/~~zoning board of appeals~~ in each specific case, that:

G. Decision:

1. Within one hundred twenty (120) days after the close of the hearing on a proposed amendment, the planning commission/~~zoning board of appeals~~ shall prepare a written statement of findings of fact and recommendations and submit this statement to the village board. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed text or map amendment. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2004-06-01D, 6-1-2004)

2. The village board ~~of trustees~~ ~~may~~ shall, by ordinance, grant, or grant with modification, a text or map amendment. If an application is not acted upon by the village board within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.

3. The planning commission/~~zoning board of appeals~~ may recommend, and the village board may approve, conditions and restrictions upon the premises benefited by an amendment as ~~may~~ shall be necessary to comply with the standards set forth in ~~subsection F of this section~~chapter. Changes in restrictions or conditions shall be processed in the manner established by this chapter for amendments.

4. A concurring vote of a majority of those members of the planning commission/[zoning board of appeals](#) present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for an amendment. (Ord. 2002-01-15B, 1-15-2002)
5. In those instances where the ~~corporate-authorities~~ [village board](#) do not concur with a recommendation of the planning commission/[zoning board of appeals](#) to deny a map or text amendment, the favorable vote of two-thirds ($\frac{2}{3}$) of the members of the ~~corporate-authorities~~ [village board](#) shall be necessary to grant an ordinance granting the amendment. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2004-06-01E, 6-1-2004)
6. No amendment shall be granted except by ordinance duly passed and adopted by the village board, after public hearing and written recommendation from the planning commission/[zoning board of appeals](#). (Ord. 2002-01-15B, 1-15-2002)

H. Written Protest:

1. A map or text amendment shall not be passed except by a favorable vote of two-thirds ($\frac{2}{3}$) of the members of the ~~corporate-authorities~~[village board](#) in the case of a written protest against any proposed text amendment or map amendment when said protest is signed and acknowledged by the owners of twenty percent (20%) of the: (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2004-06-01E, 6-1-2004)

11-13-12: SPECIAL USES

- B. Authority: The village board ~~may~~ [shall](#), after receiving a recommendation from the planning commission/[zoning board of appeals](#) in the manner hereinafter set forth, approve, approve with conditions, or deny a special use, pursuant to the procedures set forth herein.
- D. Processing: A petition or application for a special use permit shall be filed with the ~~building and zoning official~~[zoning official](#), and shall include at least the following information:
 - i. Other information as determined by the planning commission/[zoning board of appeals](#) as necessary for determining if the proposed special use meets the intent and requirements of this zoning ordinance.

E. Hearing:

1. The ~~building and~~-zoning official shall transmit the application for a special use to the planning commission/[zoning board of appeals](#), who shall hold a public hearing at such time and place as shall be established by the [chairperson of the planning commission/zoning board of appeals](#), after due notice is provided.
2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the [planning commission/zoning board of appeals](#) shall prescribe.

F. Standards:

1. The planning commission/[zoning board of appeals](#) shall not recommend, nor the village board approve a special use, unless it shall find, based upon the evidence presented to the planning commission/[zoning board of appeals](#) in each specific case, that the special use:

2. The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations ~~may shall~~ be modified, in each instance, by the village board ~~of trustees~~, pursuant to the recommendations of the planning commission/~~zoning board of appeals~~. (Ord. 2002-01-15B, 1-15-2002)

G. Decision:

1. Within one hundred twenty (120) days after the close of the hearing on a proposed special use, the planning commission/~~zoning board of appeals~~ shall prepare a written statement of findings of fact and recommendations and submit this statement to the village board. Said findings of fact shall address how the proposed special use does, or does not comply with the standards set forth in ~~subsection F of this section~~chapter. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2004-06-01D, 6-1-2004)
2. The village board ~~of trustees may shall~~, by ordinance, grant, or grant with modification, a requested special use. If an application is not acted upon by the village board within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.
3. The planning commission/~~zoning board of appeals~~ ~~may shall~~ recommend, and the village board ~~may shall~~ approve, conditions and restrictions upon the premises benefited by a special use as ~~may shall~~ be necessary in their opinion to:
 - a. Comply with the standards set forth in ~~subsection F of this section~~chapter.
4. No special use shall be granted, except by ordinance duly passed and adopted by the village board after public hearing and written recommendation from the planning commission/~~zoning board of appeals~~:
 - a. Without further public hearing, the village board ~~may shall~~ grant, deny or amend the recommendation for special use.
 - b. Every special use which is granted by ordinance of the village board shall be accompanied by findings of fact, and shall refer to any exhibits containing plans and specifications of the proposed special use, which shall remain a part of the permanent records of the planning commission/~~zoning board of appeals~~.
5. A concurring vote of a majority of those members of the planning commission/~~zoning board of appeals~~ present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for a special use.

H. Recording Of Special Use. Prior to the issuance of any building permit, certificate of occupancy or any related development or construction approval, the zoning official or designee shall cause the ordinance granting the variation to be recorded in the office of the Kane County recorder of deeds. The petitioner or applicant shall reimburse the village all costs associated with recording the ordinance.

I. ~~H.~~ General Provisions:

2. Effect Of Denial Of A Special Use: No application for a special use which has been denied wholly or in part by the village board shall be resubmitted for a period of twelve (12) months

from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the planning commission/zoning board of appeals and village board.

4. Amendments: A request for changes in the specific nature of the approved special use or changes to any conditions attached to an approved special use **must shall** be processed as a new special use application, including all requirements for fees, notices and public hearings.
- b. The ~~hearing body~~village board is authorized to extend the expiration period for good cause on up to two (2) separate occasions, by up to six (6) months each. Requests for extensions **must shall** be submitted to the ~~building and~~-zoning official before the special use approval expires. No hearings, notices or fees are required for extensions.

11-13-13: TIME LIMITATIONS

B. Map Amendments:

1. In any case where a map amendment has been granted, and no building permit for development has been applied for within eighteen (18) months, the planning commission/zoning board of appeals **may shall** initiate a public hearing, after due notice according to section ~~11-13-98~~ of this chapter has been given, and written notice sent to the applicant at the address contained in the application.
2. Within forty five (45) days of the close of the hearing, the planning commission/zoning board of appeals shall prepare and submit findings of fact and recommendations to the village board that such map amendment shall be permanently affirmed or repealed, or that the property subject to said map amendment be reclassified by another map amendment to a more appropriate district classification. (Ord. 2002-01-15B, 1-15-2002)

11-13-14: FEES

- B. The approved schedule of fees shall be filed and posted in the office of ~~the building and zoning official,~~ the zoning official and may be altered or amended by the village board, from time to time.

11-13-15: ENFORCEMENT AND PENALTIES

- C. In the event that any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this zoning ordinance, the village attorney, in addition to other remedies, **may shall** institute any proper action or proceedings in the name of the village to:

11-16-2: DEFINITION AND SIZE LIMITATION

A "planned development district" is a tract of land which includes two (2) or more principal uses that would require classification of the tract into two (2) or more standard zoning districts and which is developed as a unit under single ownership or under single, unified or coordinated control of its planning and development. A planned development district **must shall** include at least five hundred (500) acres of contiguous property., or two hundred (200) acres if at least sixty percent (60%) of the two hundred (200) acres is used for commercial uses; provided that after establishment of a planned development district in accordance with

the procedures set forth in this chapter, contiguous property of any size may be added to such district; and, provided further, that properties separated by highways, streets, public ways or railroads or other public utility rights of way ~~may~~ shall be deemed contiguous for the purpose of qualifying as a planned development district. All procedures required by this chapter for the establishment of a planned development district shall be applicable to the addition of property to an existing planned development district, and any provision of this chapter or of any other ordinance of the village of Sugar Grove which refers to the establishment of a planned development district shall, with respect to such added property, be deemed to refer to the adoption by the village board of the zoning amendment adding such property to a planned development district. (Ord. 2007-08-21A, 8-21-2007)

11-16-2-1: ADDITIONAL ~~RESIDENTIAL~~ PLANNED DEVELOPMENT DISTRICT ~~SPACE~~ REQUIREMENTS

- A. Environmental Corridors/Open Space: Open space in ~~residential~~ planned development districts shall be provided ~~for village residents~~ in the form of parks, corridors, open space and recreational facilities, consistent with regulatory and policy directives of ~~Sugar Grove~~ the village land use plans, subdivision ordinance and the provisions of this chapter:
1. Unless otherwise reviewed by the planning commission/zoning board of appeals and approved by the village board, not less than forty percent (40%) of the land within a ~~residential~~-planned development district shall be reserved and designated as open space, greenbelt and/or recreational facilities.
 2. Where parks and environmental corridors illustrated on the land use plan pass through a proposed ~~residential-subdivision~~planned development, land, in lieu of cash, shall be provided in instances where the village board ~~of trustees~~ has determined that the dedication of land in these areas is essential for implementing the continuous environmental corridor and open space system adopted as part of the Sugar Grove comprehensive land use plan.
 3. Designated open space, environmental corridors or public recreational facilities reserved under a planned ~~unit~~ development ~~district~~ shall be held and maintained by a homeowners' association, unless conveyed to a public authority approved by the village board.
 4. All designated open space, environmental corridors and/or recreational facilities shall be dedicated as open space in perpetuity, and shall be so designated in the development ordinance and final plat of subdivision(s) recorded for the planned ~~unit~~ development ~~district~~.
 5. The cost for improving open space or environmental corridors, or constructing recreational facilities proposed as part of a planned development district, shall be included in the letter of credit or other surety required for the public or quasi-public improvements as more fully described in the ~~village's~~ subdivision code.
- b. Where they are provided, buildings, structures, and improvements approved for construction shall be compatible in design with dwellings approved for the planned ~~unit~~ development ~~district~~.
7. No portion of a planned ~~unit~~ development ~~district~~ shall be conveyed or dedicated as public open space, environmental corridor or recreational use or facility to any public body until such conveyance or dedication is reviewed by the planning commission/zoning board of appeals and approved by the village board.

8. For the purpose of this chapter, recreational facilities and open space provided as part of the planned ~~unit~~ development ~~district~~ shall include, but not be limited to, the following:

~~Nonresidential use in a residential planned development district, where provided, shall not exceed fifteen percent (15%) of the total developable acreage of the development, excluding lakes, streams, floodplains, wetlands and other natural features that will be set aside as environmental corridor or other open space. (Ord. 2005-06-28A, 6-28-2005)~~

11-16-3: PREAPPLICATION REVIEW

- A. An application for the establishment of a planned development district shall be filed with the ~~village clerk~~ zoning official. ~~No application shall be accepted by the village clerk unless a preapplication review has been completed with the community development director or said review has been waived by the community development director. At such a preapplication review, the community development director and prospective applicant~~ Upon receipt of said application, the zoning official or designee shall set the location, time, and date of a meeting with the applicant to review the following: ~~shall review the following as they relate to the proposed application for establishment of a planned development district:~~
- B. After the completion of the required preapplication ~~review~~ meeting, an application may be filed with the ~~village of Sugar Grove~~ zoning official. The application shall include all plans and data as required in section [11-16-4](#) of this chapter. ~~Copies of such application shall be forwarded by the village clerk to the planning council to be processed in accordance with this chapter.~~ (Ord. 2005-06-28A, 6-28-2005)

11-16-4: PROCEDURES FOR ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT

- A. A planned development district ~~may~~ shall be established only by amendment of the zoning map in accordance with the amendment procedures set forth in [chapter 13](#) of this title and by compliance with the provisions of this chapter. Application for the establishment of a planned development district may be made ~~by the developer~~ by filing with the ~~village clerk~~ zoning official an application for a zoning amendment establishing a planned development district. Said application shall be accompanied by a plan description. The application and plan description shall be deemed to comply with the requirements of [chapter 13](#) of this title for a zoning amendment application and the plans, data and other information and evidence that ~~must~~ shall accompany such application. Said plan description shall include the following:
3. A written explanation of the general character of the proposed planned development district including: a) a description of all land uses to be included in such district (including open space) with approximate percentages or, alternatively, maximum or minimum percentage limitations for each use, b) projected densities for residential uses or, alternatively, maximum and minimum limitations for such densities and c) a description of the development standards and design criteria applicable to the proposed planned development district. Such written explanation ~~may~~ shall set forth the delimitating factors which the developer shall be permitted to use in locating the proposed land uses to be included in the district.

8. The proposed periods of time within which the developer, in accordance with sections [11-16-8](#) and [11-16-11](#) of this chapter, shall be required to submit to the village board ~~of trustees~~ preliminary plans and final plans covering all of the proposed planned development district.
- B. Staff shall review the application and may make recommendations regarding changes and modifications to the application. Upon completion of the staff review, staff shall forward the application to the planning commission/zoning board of appeals for ~~their~~ review ~~and~~ at a public hearing as referred to in section [11-16-5](#) of this chapter. After the close of the public hearing ~~provided referred to in section 11-16-5 of this chapter~~, and within the time period provided for by section [11-13-13](#) of this title, the planning commission/zoning board of appeals shall submit to the village board ~~of trustees~~ ~~its~~ recommendation with respect to the application. The planning commission/zoning board of appeals ~~may~~ shall recommend that the village board ~~of trustees~~ approve, ~~approve with conditions~~ or disprove the application. In either case, the planning commission/zoning board of appeals shall set forth the reasons for ~~its~~ recommendation, and may, in the event of a favorable recommendation, specify particular conditions which should be incorporated in an approval of the application.
- C. After the receipt of the recommendations of the planning commission/zoning board of appeals and staff, the village board ~~of trustees~~ shall either approve, ~~approve with conditions~~ or disapprove the application. An approval may be conditional and if so shall specifically state what additions or deletions from the plan description as submitted shall be made in the application as approved.-(Ord. 2005-06-28A, 6-28-2005)

11-16-5: ZONING AMENDMENT

Upon approval of the application for establishment of a planned development district by the village board ~~of trustees~~ and acceptance by the developer of any conditions incorporated in such approval, the village board ~~of trustees~~ shall ~~proceed to amend the zoning map by rezoning the property as a planned development district~~ cause the village zoning map to be amended to reflect the boundaries of the planned development district. ~~The public hearing on the application previously held by the plan commission pursuant to the amendment procedure provided for in chapter 13 of this title shall satisfy all hearing requirements for the rezoning action.~~ (Ord. 2005-06-28A, 6-28-2005)

~~11-16-6: APPROVED PRELIMINARY PLANS:~~

~~A. Within such time periods as are prescribed in section [11-16-8](#) of this chapter, preliminary plans for all or specified development phases of the planned development district shall be submitted for approval in accordance with the procedures set forth in section [11-16-12](#) of this chapter. Preliminary plans may contain reasonable variations or minor changes which may be approved by the village board, after review and recommendation by the planning commission/zoning board of appeals, provided said changes do not alter the spirit and intent of the approved planned unit development.~~

~~— 1. Minor changes include, but are not limited to:~~

- ~~1a. Minor modifications to the location of buildings, provided all setbacks established for the planned unit development are met.~~
- ~~2b. Minor changes to the location and configuration of streets and rights of way, which are made to preserve natural features.~~

~~3c. Minor changes to the location and configuration and size of approved open space, environmental corridors, greenbelts and recreational facilities, due to circumstances that were not foreseen at the time the final plans were approved.~~

~~In approving a preliminary plan, the village board of trustees may, without further public hearing, also approve changes from the plan description which exceed the scope of permitted reasonable variations or minor changes, provided that no such change is a "major change" as defined in subsection B of this section.~~

~~B2. Major changes from the preliminary plan description shall not be made without consideration of such changes at a public hearing held in accordance with the provisions of chapter 13 of this title as in the case of an application for establishment of a planned development district. A major change shall include, but is not limited to:~~

~~1. Increases in density that exceed one or two (2) units.~~

~~2. Increases in the heights of building(s).~~

~~3. Reductions in approved open space, environmental corridors, or preservation areas.~~

~~4. Modifications to the approved uses, and/or a change by more than ten percent (10%) in the acreage allocated to each use.~~

~~5. Rearrangement of lots, blocks, and building tracts. (Ord. 2005-06-28A, 6-28-2005)~~

11-16-79: REQUIREMENTS FOR PRELIMINARY PLANS

11-16-88: TIME LIMITATIONS FOR SUBMISSION OF PRELIMINARY PLANS:

A preliminary plan for not less than forty (40) acres of the proposed planned development district (first preliminary plan) shall be submitted for approval within twelve (12) months after adoption by the village board of trustees of the map amendment establishing the planned development district; provided that upon request in writing of the developer, the village board may at any time or from time to time, by resolution duly adopted at any meeting of the village board, extend the period of time for the submission of a first preliminary plan. If the first preliminary plan shall cover less than all of the planned development district, preliminary plans for additional areas of the district may be submitted to the village board from time to time after submission of such first preliminary plan; provided that preliminary plans covering all of the district shall be submitted to the village board within such period of time as shall have been prescribed in the approval of the application for establishment of map amendment for the planned development district which shall be not more than ten (10) years after the adoption by the village board of the map amendment establishing the planned development district; and provided, further, that upon request in writing of the developer, the village board may at any time and from time to time, by resolution duly adopted at any meeting of the village board, extend the period of time for submission of preliminary plans covering all of the district. A preliminary plan for all or part of a planned development district may be submitted for approval with the application for establishment of the district and such preliminary plan may be approved by the village board at the time such application map amendment is approved. (Ord. 2005-06-28A, 6-28-2005)

11-16-912: CHANGES TO APPROVED FINAL PLANS:

A. Within such time periods as are prescribed in section [11-16-11](#) of this chapter, final plans for specified development phases of the planned development district shall be submitted for approval in accordance with the procedures set forth in section [11-16-12](#) of this chapter. A final plan ~~may~~ containing reasonable variations or minor changes may be approved by the village board, after review and recommendation by the planning commission/zoning board of appeals, provided said changes do not alter the spirit and intent of the approved planned ~~unit~~ development district inclusive of any such variations if made at preliminary plan stage (~~i.e.~~, for example: a plan may not have an increase of density at both the preliminary and final plan stages). Minor changes include:

~~In approving a final plan, the plan commission of the village may approve changes from the approved preliminary plan for the area covered by such final plan which exceed the scope of permitted reasonable variations or minor changes provided that no such change is a "major change" as hereinafter defined in subsection B of this section.~~

B. Major changes shall ~~not~~ be ~~made without consideration of such changes~~ reviewed by the planning commission/zoning board of appeals through the ~~at a~~ public hearing process which shall be held by the plan commission in accordance with [chapter 13](#) of this title. ~~as in the case of an application for establishment of a planned development district.~~ A major change shall include:

11-16-~~10~~11: REQUIREMENTS FOR FINAL PLANS

11-16-~~11~~10: TIME LIMITATIONS FOR SUBMISSION OF FINAL PLANS:

Final plans for all of the area covered by the first preliminary plan required by section [11-16-8](#) of this chapter shall be submitted to the village board ~~of trustees~~ for referral to ~~the planning council and the~~ planning commission/zoning board of appeals within one year after approval of such first preliminary plan by the village board; provided that, upon request in writing of the developer, the village board may at any time or from time to time, by resolution duly adopted at any meeting of the village board, extend the period of time for the submission of such final plans. Final plans covering all of the planned development district shall be submitted to the village board for referral to the ~~planning council and the~~ planning commission/zoning board of appeals within such period of time as shall have been prescribed in the approval of the application for establishment of the planned development district which shall be not more than eleven (11) years after adoption by the village board of the [map](#) amendment establishing the planned development district; provided, that upon request in writing of the developer, the village board may at any time and from time to time, by resolution duly adopted at any meeting of the village board, extend the period of time for submission of final plans covering all of the district. (Ord. 2005-06-28A, 6-28-2005)

11-16-~~12~~6: PROCEDURES FOR APPROVAL OF PRELIMINARY AND FINAL PLANS:

A. Preliminary Plans: Preliminary plans for all or specified phases of a planned development district shall be submitted ~~by the developer~~ to the ~~village clerk~~ zoning official. The ~~village clerk~~ zoning official shall refer each such preliminary plan to the ~~staff and~~ planning commission/zoning board of appeals for review and public hearing. The staff and thereafter the planning commission/zoning board of appeals shall review the preliminary plan and the planning commission/zoning board of appeals, ~~if if required~~, shall hold a public hearing on a preliminary plan in accordance with the provisions of [chapter 13](#) of this title. ~~as in the case of an application for establishment of a planned development district.~~ The planning commission/zoning board of appeals shall submit to the village board ~~it's~~ written

recommendations with respect to the preliminary plan. ~~which recommendations may include the recommendations of the staff.~~ The planning commission/zoning board of appeals shall review the preliminary plan and, ~~subject to the provisions of section 11-16-6 of this chapter may shall~~ recommend that the village board approve, approve with conditions, or disapprove of such preliminary plan. In either case, the planning commission/zoning board of appeals shall set forth in writing the reasons for ~~it's~~ the recommendation, and may, in the event of a favorable recommendation, specify particular conditions which should be incorporated in the approval of the preliminary plan. The village board shall either approve, approve with conditions, or disapprove the preliminary plan. An approval may be conditional and, if so, shall specifically state what additions or deletions from the preliminary plan as submitted shall be made in the preliminary plan as approved. Such additions or deletions shall be shown on or attached to such approved preliminary plan. ~~A developer may request the plan commission to waive preliminary plan approval procedures for any area in a planned development district and, if such request is granted the developer may, without having obtained approval of a preliminary plan covering the area, submit for approval, in accordance with the procedures prescribed in this section and within the time period prescribed for submission of a preliminary plan for the area, one or more final plans for the area.~~ Promptly ~~Within six (6) weeks of~~ after approval of each preliminary plan, ~~thirty two (32) three (3)~~ complete paper copies and one (1) pdf copy of such approved preliminary plan with all accompanying materials and data shall be prepared ~~at~~ by the developer's expense applicant and deposited submitted to the zoning official or designee. ~~with the community development department.~~ This plan submission requirement shall be satisfied prior to application for final plan approval.

- B. Final Plans: Final plans for all or specified phases of a planned development district shall be submitted ~~by the developer~~ to the ~~village clerk zoning official~~. The ~~village clerk zoning official~~ shall refer each such final plan to the planning commission/zoning board of appeals. The planning commission/zoning board of appeals shall review the final plan at a scheduled public meeting. ~~and, if required, the plan commission shall hold a public hearing on a final plan in accordance with the provisions of chapter 13 of this title. as in the case of an application for establishment of a planned development district.~~ The planning commission/zoning board of appeals shall submit to the village board ~~it's~~ written recommendations with respect to the final plan. The planning commission/zoning board of appeals shall review the final plan and, ~~subject to the provisions of section 11-16-9 of this chapter may shall~~ recommend that the village board approve, approve with conditions, or disapprove of such final plan. In either case, the planning commission/zoning board of appeals ~~commission~~ shall set forth in writing the reasons for ~~it's~~ the recommendation, and may, in the event of a favorable recommendation, specify particular conditions which should be incorporated in the approval of the final plan. After receipt of the planning commission's/zoning board of appeals recommendation, the village board shall either approve, approve with conditions, or disapprove the final plan. An approval may be conditional and, if so, shall specifically state what additions or deletions from the final plan as submitted shall be made in the final plan as approved. Such additions or deletions shall be shown on or attached to such approved final plan. Within six (6) weeks of approval of a final plan, three (3) complete paper copies and one (1) pdf copy of such approved final plan with all accompanying materials and data shall be prepared by the applicant and submitted to the zoning official. This plan submission requirement shall be satisfied prior to application for building permit.
- C. Preliminary and final plans shall be filed and processed consecutively, and not simultaneously, unless the village board specifically exempts a petitioner from this requirement. ~~reliminary And Final Plans Submitted Concurrently: In the event that a~~

~~preliminary plan and a final plan are submitted concurrently, the procedures for application shall be as provided by subsection A of this section.~~

- D. ~~Preliminary Plat And Preliminary Plan Submitted Concurrently: In the event that a preliminary plat, as defined by village ordinances, and a preliminary plan are submitted concurrently when permitted by a plan description, the procedure for application shall be as provided by subsection A of this section.~~ (Ord. 2005-06-28A, 6-28-2005) Recording: The zoning official or designee shall cause the recording of the planned development district ordinance. The applicant shall reimburse the village all costs associated with recording the ordinance.

11-16-137: STANDARDS:

A. Except for modifications and exceptions granted ~~pursuant to subsection D of this section~~ by the village board, a planned development district shall be subject to the off street parking and loading regulations provided for in [chapter 12](#) of this title, except that references therein to standard zoning districts shall be deemed to refer to areas within the planned development district wherein the principal use is similar to the principal uses permitted in such standard zoning districts.

B. Except for modifications and exceptions granted ~~pursuant to subsection D of this section~~ by the village board, a planned development district shall be subject to the sign regulations provided for in [chapter 14](#) of this title, except that references therein to standard zoning districts shall be deemed to refer to areas within the planned development district wherein the principal use is similar to the principal uses permitted in such standard zoning districts.

D. Except for modifications and exceptions granted by the village board, a planned development district shall be subject to the general provisions regulations provided for in [chapter 4](#) of this title, except that references therein to standard zoning districts shall be deemed to refer to areas within the planned development district wherein the principal use is similar to the principal uses permitted in such standard zoning districts.

E. Tree Preservation/Mitigation: The intent of this provision is to mitigate the loss of healthy, mature trees in the village, by requiring replacement trees:

1. Existing trees, six inches (6") in diameter or greater, as measured at breast height (dbh), shall be preserved, when possible, according to a tree preservation plan prepared by the developer with input from the director of development or designee. The tree preservation plan shall show:
 - a. Protective fencing planned to be installed around the critical root zone of those trees identified for preservation, on both grading and landscape plans.
 - b. Trees that will have their roots pruned by a certified arborist, to avoid tearing and other damage during construction.
 - c. Locations where limestone and other materials that might negatively affect trees planned to be preserved will be stored on the property.
2. Where it is determined that trees six inches (6") dbh or greater must be removed to allow for proposed development, tree replacement will be required:

- a. Not less than one 3-inch caliper tree shall be required for each six inches (6") of tree proposed to be removed, as measured at breast height. However, in no instance shall more than three (3) 3-inch caliper replacement trees be required for any tree removed.
 - b. Replacement trees shall be required in addition to any other landscaping that may be required by this title, except landscape screening. In this instance replacement trees can be used to count toward screening between M-1 development and properties planned, zoned or used for residential or institutional purposes.
 - c. The number of trees that an individual property can support, according to good forestry practices, shall determine the number of replacement trees that will be required on an individual lot.
- D**E. As part of the approval of a plan description for a planned development district or of a preliminary plan or a final plan for all or part of a planned development district the planning commission/zoning board of appeals ~~or staff~~ may recommend and the village board ~~of trustees may~~ grant, for all or specified areas of the planned development district, modifications and exceptions from any provisions of this title or [title 12](#) of this code (subdivision ordinance).
- F. Natural features worthy of preservation within the planned development district shall be identified on preliminary and final plans and shall be left unimproved. Where parks and environmental corridors illustrated on the land use plan pass through a proposed planned development district, that land shall be perpetually preserved in a manner prescribed by the village board.
- E**G. A planned development district shall be developed only according to approved final plans. (Ord. 2005-06-28A, 6-28-2005)

11-16-13: Development Ordinances

- A. Planned unit developments shall be controlled by means of development ordinances prepared by the village attorney and adopted by the village board subsequent to approval of preliminary and final plans. Said development ordinances shall include graphics and other support documentation upon which village board approval is based. The development ordinances shall specify any conditions of approval established by the village board.
- B. Ordinances approving preliminary and final plans may provide for exceptions from district regulations governing use, density, area, bulk, parking, and subdivision design standards, as determined to be desirable to achieve the objectives of the proposed planned unit development, provided such exceptions are consistent with the standards and criteria contained in this title

11-16-14: SUBDIVISIONS:

- A. At the time of any preliminary plan for all or part of a planned development district, the ~~developer~~ petitioner may request that all or part of such preliminary plan be considered and approved as a "preliminary plat" under the applicable village ordinances, including this title and [title 12](#) (subdivision ordinance) of this code, and at the time of submission of a final plan for all or part of a planned development district, the ~~developer~~ petitioner may request that all

or part of such final plan be considered and approved as a "final plat" under those same ordinances.

B. The ~~development~~petitioner shall comply with all requirements of the ~~village~~ subdivision regulations (~~Title 12 of this code~~) unless waived or varied by the planned development district ordinance. (Ord. 2005-06-28A, 6-28-2005)

11-16-15: PERMITS:

Building, zoning and occupancy permits shall be required for each structure in a planned development district. No building permit relating to any part of a planned development district shall be issued prior to the approval of a final plan for such part of the planned development district in accordance with the provisions of this chapter; provided that, subject to the approval of both the village engineer and the ~~community development director~~zoning official, mass excavation operations may be carried on prior to the approval of such final plan. (Ord. 2005-06-28A, 6-28-2005)

11-16-16: EXTERIOR CONSTRUCTION STANDARDS ~~FOR SINGLE-FAMILY CONSTRUCTION:~~

All ~~use group R-2~~ principal structures, except for single-family dwelling units, ~~as defined in this code,~~ shall have exterior walls of brick, decorative precast, or a decorative masonry surface. (Ord. 2005-06-28A, 6-28-2005)

11-18-1: PURPOSE

The purpose of this chapter is to provide for lighting that preserves and enhances the appearance and character of ~~Village-village~~ neighborhoods and commercial areas by:

11-18-2: SCOPE OF REGULATIONS

C. The ~~Village~~ village may require compliance of a nonconforming light source if the ~~Village~~ village determines that the nonconforming light source is creating a nuisance glare or disabling glare.

11-18-5: GENERAL STANDARDS

- A. Outdoor lighting ~~must shall~~ be fully shielded and aimed downward. Light shall not be emitted above ninety degrees (90°).
- B. Outdoor lighting ~~must shall~~ maintain a CCT not to exceed three thousand five hundred (3500) K. Color temperature ~~must shall~~ be "warm white". Color temperatures in the "cool white" to "blue" hues are expressly prohibited.

11-18-6: MULTIFAMILY RESIDENTIAL, COMMERCIAL, CIVIC, AND INDUSTRIAL USES

A. All new and replacement lighting ~~must shall~~ be light emitted diode (LED) illumination or an energy efficient equivalent as approved by the ~~Director of Community Development~~ zoning official.

D. In parking lots used at night, each parking space ~~must~~ shall be illuminated to a minimum 0.5 foot-candle.

11-18-7: PHOTOMETRIC PLAN ELEMENTS

Prior to the installation or modification of lighting on a lot used for multifamily, commercial, civic, or industrial use, a building permit ~~must~~ shall be obtained. A photometric plan ~~must~~ shall be submitted and approved by the ~~Department of Community Development~~ department of community development. The required photometric plan shall include the following elements:

BYLAWS
OF THE

CITY OF

PLAN COMMISSION

ARTICLE I

GENERAL PROVISIONS

- SECTION 1.1** These rules are supplementary to the provisions of applicable Illinois statutes and the Zoning Ordinance of the City/Village of Name as they relate to the procedures of the Plan Commission.
- SECTION 1.2** Any member who has a proprietary, or any other conflict of interest, in a matter before the Commission shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- SECTION 1.3** Nothing herein shall be construed to give or grant to the Commission the power or authority to alter or change the Zoning Ordinance, including the zoning map, which authority is reserved to the Mayor/President and City/Village Council of the City/Village of Name.
- SECTION 1.4** The City/Village attorney shall be consulted in cases where the powers of the Commission are not clearly defined.
- SECTION 1.5** The Office of the Commission shall be located at the Name City/Village Hall in City/Village Hall.

ARTICLE II

OFFICERS AND DUTIES

- SECTION 2.1** The officers of the Plan Commission shall be a Chairman, Vice-Chairman, and a Secretary.
- SECTION 2.2** The Chairman shall be designed by the Mayor/President of the City/Village of Name with the consent of the City/Village Council. The Commission shall elect from amongst its members a Vice-Chairman.
- SECTION 2.3** The Chairman shall have the following powers and duties:
- a. The Chairman shall preside at all meetings of the Commission.
 - b. The Chairman shall have general charge of the business of the Commission.
 - c. The Chairman shall, when authorized by the Commission and ordinances of the City/Village of Name, execute in its name all contracts and other obligations.
 - d. The Chairman shall appoint all committee chairmen.
 - e. The Chairman shall have general supervision of the conduct of affairs of the Commission and of the employees thereof.
 - f. The Chairman shall perform such other duties as are usually exercised by the Chairman of the Commission or the president or chief of a corporation.

SECTION 2.4 The Vice-Chairman shall have the following powers and duties:

- a. The Vice-Chairman shall perform the duties of the Chairman during the absence or disability of the Chairman.
- b. The Vice-Chairman shall have such other powers and duties as the Chairman may from time to time delegate to him.

SECTION 2.5 The Secretary shall:

- a. Keep a record of the Commission's official actions;
- b. Act as custodian of the minutes and records of the Commission, which shall be maintained in the office of the Commission;
- c. Record the names and addresses of all persons appearing before the Commission;
- d. Subject to the instructions of the Chairman, conduct the correspondence of the Commission and provide and have published notices of public hearings as required by law and these rules of procedures;
- e. Furnish members of the public with blank forms of applications for consideration by the Commission; and
- f. Receive on behalf of the Commission such forms, when completed and executed by the appellant or applicant or his agent or attorney.

It is not the duty, nor is it proper for the Secretary or his/her staff to complete any form for application for consideration by the Commission on behalf of an applicant.

SECTION 2.6 Recording Secretary:

- a. The Chairman shall appoint, with the advice and consent of the Commission, a recording Secretary who need not be a member or the Commission and who shall not be considered an officer of the Commission.
- b. The Recording Secretary shall have the following duties:
 1. Record the minutes of the Commission's proceedings and actions, showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact;
 2. Keep brief record of the testimony of those appearing before the Commission or cause a verbatim transcript of all hearings to be kept.

ARTICLE III

MEETINGS

SECTION 3.1 Regular Meetings

- a. The Commission shall meet in regular session on the second Tuesday of each month.
- b. All regular meetings shall be held at 7:30 p.m. in the Council Room, City/Village Hall in City/Village Hall, unless the Commission indicates otherwise by posing a notice in the City/Village Hall at least 24 hours prior to the regular meeting.
- c. Adjourned regular meetings of the Commission shall be held at such time and place as may be fixed in the resolution of adjournment. Except as otherwise provided in the resolution of adjournment, adjourned meetings shall be held at City/Village Hall.

SECTION 3.2 Special Meetings

- a. Special meetings of the Commission may be called by the Chairman and held at any reasonable time or place fixed in the call.
- b. The Chairman shall call a special meeting of the Commission at the request, in writing, or any three or more members of the Commission, and if the Chairman shall fail to comply with such request, said members so requesting may call such meeting, all signing the notice.
- c. Adjourned special meetings of the Commission shall be held at such time and place as many are fixed in the resolution of adjournment, adjourned meetings shall be held at City/Village Hall.

SECTION 3.3 Notices of Meetings

The Chairman or other authorized member of the Commission shall notify each member of the Commission in writing by personal service or by mail of special meetings. Such notice shall indicate the time, place and business to be transacted at such special meeting. Such notice shall be given at least three (3) days in advance of the special meeting to which it pertains.

SECTION 3.4 All meetings of the Commission shall be open to the public and no official action shall be taken except in public and in accordance with Article VIII hereof.

SECTION 3.5 A quorum shall consist of four (4) members for any regular or special meeting, and is required for any decision, determination, or official action by the Commission.

SECTION 3.6 A quorum of the Board shall be present at all public hearing and for the transaction of any business.

SECTION 3.7 Attendance at Meetings

- a. In order to provide continuity of thought and action, it shall be a requirement of all members to attend all meetings, both regular and special, of this Commission.
- b. Any member unable to attend a regular or special meeting of the Commission due to sickness or vacation shall notify the Chairman or such inability in advance of such meeting. Vacations and sickness shall be considered excused absences.
- c. The name of any member missing any three (3) consecutive meetings, whether regular or special, shall be submitted to the Mayor/President for removal from this Commission, unless such absence was previously excused.
- d. Any member who shall miss three (3) out of five (5) consecutive regular Commission meetings, whether excused or not excused, shall be subject to the same provisions as in Section 3.7(c).
- e. The Chairman shall submit the names of any and all members covered by the provisions of Section 3.7(c) and Section 3.7(d) to the Mayor/President for disposition. The Chairman shall request immediate action by the Mayor/President on the removal of said members and the appointment of new members so as to insure a full Commission by the next regular Commission meeting.

ARTICLE IV

COMMITTEES

- SECTION 4.1** Committees may from time to time be appointed by the Chairman when deemed necessary by the Commission.
- SECTION 4.2** The Chairman of the Commission shall appoint two members of each Committee the Chairman and the Vice-Chairman thereof.
- SECTION 4.3** The Chairman of the Commission shall be an ex-official member of all Committees. The Committee shall meet at such times and places as directed by the Chairman of the Committee.
- SECTION 4.4** The Chairman of any Committee may appoint to his committee advisory members, having talent, information or experience bearing upon the problems before such Committee, whenever it may be advisable.
- SECTION 4.5** All reports of the Committees upon which action of the Commission is contemplated shall be submitted in writing to the Commission and shall be signed by the Chairman or the Committee.

ARTICLE V

ELECTIONS AND APPOINTMENTS

- SECTION 5.1** The Vice-Chairman of the Commission shall be elected by the Commission at the first regular meeting in October of each odd-numbered year and shall serve for two years or until his successor is elected and qualified.
- SECTION 5.2** The Recording Secretary shall be appointed, with the advice and consent of the Commission, and shall serve at the pleasure of the Commission.
- SECTION 5.3** Any vacancy in the office of the Chairman or Vice-Chairman shall be filled by vote of the Commission at a regular meeting.
- SECTION 5.4** In the event that the Chairman and Vice-Chairman of the Commission shall be absent or unable for any reason to attend to the duties of the Chairmanship, the members of the Commission shall appoint a Chairman pro-team, who shall attend to all of the duties of such office until the Chairman or Vice-Chairman shall be able to attend to such duties or until a new Chairman is elected.

ARTICLE VI

ORDER OF BUSINESS

- SECTION 6.1** The order of business at regular meetings of the Commission shall be:
- a. Call to order
 - b. Roll call
 - c. Approval of minutes
 - d. Chairman's report
 - e. Commissioner's reports
 - f. Staff report
 - g. Public hearings
 - h. Old business
 - i. New business
 - j. Miscellaneous business
 - k. Citizens to be heard
 - l. Adjournment
- SECTION 6.2** The order of business at special meetings of the Commission shall be as designated by the Chairman.

ARTICLE VII

PROCEDURES FOR PUBLIC HEARINGS

- SECTION 7.1** An application form for Zoning Ordinance amendments or special uses shall be prepared by the Secretary from time to time for completion by applicants, which application shall require such information which will adequately delineate the nature of the applicant's request. Together with the application, an applicant shall file the names and addresses of all persons that the applicant intends to call as witnesses at the public hearing on the application in the order in which they are to be called and a brief summary of the evidence or testimony that the applicant expects to elicit from each witness. In the case of expert witnesses, the applicant shall identify the subjects or fields of expertise in which the witness is expected to offer expert testimony and the name of any firm or organization by whom the witness is employed or with whom he is affiliated.
- SECTION 7.2** At the time of the hearing, the applicant may appear in his own behalf or be represented by his counsel or agent.
- SECTION 7.3** In the event that objectors retain counsel to represent then a hearing before the Commission, then such counsel shall notify the appellant or applicant, or his agent or attorney, that he has been so retained and will be present to object. Such notice shall be delivered to the offices of the Commission and to the applicant, or his agent or attorney, at least two (2) days prior to the scheduled hearing date. If counsel does not give such notice retained by the objectors, then the applicant, or his agent or attorney, shall have the option of postponing the hearing to the next regular meeting of the Commission.
- SECTION 7.4** All witnesses shall testify under oath.
- SECTION 7.5** The applicant or his representative may make an initial statement outlining the nature of his request prior to introducing evidence.
- SECTION 7.6** Evidence shall be presented in the following order:
- a. Chairman may give restatement of case if applicant's, or his representative's, initial statement needs clarification.
 - b. Applicant presents evidence.
 - c. Commission members examine applicant's witnesses.
 - d. Objectors present evidence.
 - e. Commission members examine objector's witnesses.
 - f. Rebuttal by applicant.
 - g. Rebuttal by objectors.
 - h. Evidence by Commission, if any.
- SECTION 7.7** The commission shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

SECTION 7.8 An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or applicant, together with the signatures of the persons subscribing to such statement.

SECTION 7.9 The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Commission.

SECTION 7.10 No written reports, memoranda, maps, charts, or other documents shall be received in evidence by the Commission unless a copy thereof shall have been filed with the Planning Department at least seven (7) days prior to the date of the public hearing at which time such reports, memoranda, maps, charts, or other documents are offered in evidence.

ARTICLE VIII

DECISIONS

SECTION 8.1 Final decisions or recommendations shall be made within thirty (30) days of the closing of the hearing. Any appellant or applicant may withdraw his appeal or application at any time prior to the decision thereon by the Commission.

SECTION 8.2 The Commission shall conduct its deliberations and vote on all matters at the meeting in which evidence is concluded, unless the Commission considers additional time for deliberation necessary.

SECTION 8.3 All decisions of the Commission shall be made at a public meeting by motion made, seconded, and the Chairman polling the membership by a roll call vote.

SECTION 8.4 Members of the Commission absent and not hearing all the evidence shall not be eligible to vote on any question before the Commission, provided, however, that any such absent member who certifies that he has read the transcript of the proceedings before the Commission, shall be eligible to vote.

SECTION 8.5 Final disposition of any application for the Commission's consideration shall be in the form of a recommendation granting or denying the application, and shall include the Commission's finding of fact and reasons for their action. The commission may require such conditions, restrictions or limitations upon the application to secure compliance with the standards set forth in the Name Zoning Ordinance and Development Code and shall be make part the recommendation.

SECTION 8.6 Notices of the decision of the Commission shall be given to the applicant, Building and Zoning officer, and other interested parties as soon as possible after the decision is reached.

ARTICLE IX

RECORDS

- SECTION 9.1** A file of materials and decisions relating to each case shall be kept by the Secretary as part of the records of the Commission.
- SECTION 9.2** All records of the Commission shall be of public record.

ARTICLE X

AMENDMENT OF BYLAWS

- SECTION 10.1** These bylaws may be amended from time to time in motion of any member as hereinafter provided.
- SECTION 10.2** Amendments shall be presented in writing to the commission at a regular meeting by the member proposing such amendments.
- SECTION 10.3** Proposed amendments shall not be voted upon until the next regular meeting following their presentation to the Commission.
- SECTION 10.4** No amendment shall be effective unless approved by a majority of all members of the Commission then holding office.
- SECTION 10.5** The suspension of any rule of procedure in any specific case may be authorized at any meeting of the Commission by a unanimous vote of those members present, provided such suspension does not affect the time limits specified in Articles VII or XII hereof or is not otherwise in conflict with applicable Illinois statutes or the Zoning Ordinance of the City/Village of Name.

The Plan Commission of the City/Village of Name hereby adopts the foregoing rules and regulations.

ARTICLE XI

RULES OF ORDER

- SECTION 11.1** Roberts Rules of order shall prevail at all meetings of the Plan Commission except as otherwise provided in these bylaws.

10 Tips for Effective Plan Commissioners

1. Listen
2. Do your homework
3. Be polite . . . and patient
4. Ask questions
5. Avoid *ex parte* contacts
6. Educate yourself
7. Recognize conflicts of interest
8. Attend . . . and contribute
9. Be independent and informed
10. Make a difference