

GLEN ELLYN ZONING CODE VILLAGE OF GLEN ELLYN, ILLINOIS

Effective June 1, 1989
Adopted by Village Ordinance No. 3617-Z on May 8, 1989

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KEY TO AMENDMENTS

- 1 = Amended by Village Ordinance No. 3815-Z on February 26, 1991.
- 2 = Amended by Village Ordinance No. 3953-Z on September 28, 1992.
- 3 = Amended by Village Ordinance No. 4004-Z on March 22, 1993.
- 4 = Amended by Village Ordinance No. 4094-VC on February 28, 1994.
- 5 = Amended by Village Ordinance No. 4159-Z on July 11, 1994.
- 6 = Amended by Village Ordinance No. 4194-Z and 4195-Z on September 12, 1994.
- 7 = Amended by Village Ordinance No. 4235-Z on February 13, 1995.
- 8 = Amended by Village Ordinance No. 4240-Z on March 13, 1995.
- 9 = Amended by Village Ordinance No. 4259-Z on May 8, 1995.
- 10 = Amended by Village Ordinance No. 4282-Z on August 14, 1995.
- 11 = Amended by Village Ordinance No. 4317-Z on November 27, 1995.
- 12 = Amended by Village Ordinance No. 4318-Z on November 27, 1995.
- 13 = Amended by Village Ordinance No. 4331-Z on December 18, 1995.
- 14 = Amended by Village Ordinance No. 4342-VC on January 22, 1996 (fees amended by ¹⁵ below).
- 15 = Amended by Village Ordinance No. 4425-VC/Z on October 14, 1996.
- 16 = Amended by Village Ordinance No. 4611-Z on July 13, 1998.
- 17 = Amended by Village Ordinance No. 4641-Z on October 12, 1998.
- 18 = Amended by Village Ordinance No. 4673-Z on December 14, 1998 (effective date March 1, 1999).
- 19 = Amended by Village Ordinance No. 4801-Z on January 10, 2000.
- 20 = Amended by Village Ordinance No. 5035-Z on January 14, 2002 (effective date March 1, 2002).

KEY TO AMENDMENTS (continued)

- 21 = Amended by Village Ordinance No. 5123 on December 16, 2002 (effective January 1, 2003).
- 22 = Amended by Village Ordinance No. 5271 on June 14, 2004
- 23 = Amended by Village Ordinance No. 5365 on June 13, 2005
- 24 = Amended by Village Ordinance No. 5487 on June 26, 2006
- 25 = Amended by Village Ordinance No. 5543 on January 22, 2007
- 26 = Amended by Village Ordinance No. 5554 on February 28, 2007
- 27 = Amended by Village Ordinance No. 5571 on April 23, 2007
- 28 = Amended by Village Ordinance No. 5591-VC on July 23, 2007
- 29 = Amended by Village Ordinance No. 5650 on January 28, 2008
- 30 = Amended by Village Ordinance No. 5785 on August 10, 2009
- 31 = Amended by Village Ordinance No. 5885 on November 22, 2010
- 32 = Amended by Village Ordinance No. 5886 on September 13, 2010
- 33 = Amended by Village Ordinance No. 5887 on September 13, 2010
- 34 = Amended by Village Ordinance No. 5894 on October 25, 2010
- 35 = Amended by Village Ordinance No. 6015 on March 26, 2012
- 36 = Amended by Village Ordinance No. 6043 on June 25, 2012

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TITLE TEN

GLEN ELLYN ZONING CODE

CHAPTER 1

Title, Purpose and Interpretation

10-1-1: TITLE

This Title shall be known and may be cited as the "Glen Ellyn Zoning Code," and may be referred to herein as the "Zoning Code," "this Code," "this Title," or "this Ordinance."

10-1-2: PURPOSE

The Glen Ellyn Zoning Code is adopted with the purpose of protecting and promoting the public health, safety, morals, comfort and general welfare. The fulfillment of this purpose is to be accomplished by seeking:

- (A) To establish adequate standards for the provision of light, air and open spaces.
- (B) To zone all properties with a view to conserving the value of buildings and land and encouraging the most appropriate use of land throughout the Village.
- (C) To lesson congestion on the public streets, and to facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewerage, schools and parks.
- (D) To avoid hazards to persons and damage to property from inappropriate development of lands and provide for adequate drainage, curbing of erosion and reduction of flood damage.
- (E) To avoid undue concentration of population and to prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
- (F) To foster a more rational pattern of relationship between residential, business, commercial and industrial uses for the mutual benefit of all.
- (G) To provide for and preserve appropriate open space.
- (H) To protect residential, business, commercial and industrial areas alike from harmful encroachment by incompatible uses, and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- (I) To isolate or control the location of unavoidable nuisance-producing uses.
- (J) To facilitate the preservation of sites, areas and structures of historical, architectural and aesthetic importance.

CHAPTER 1 - Title, Purpose and Interpretation (continued)

- (K) To establish reasonable standards to which buildings and structures shall conform, and to encourage reasonable flexibility of development design through appropriate innovation.
- (L) To provide for the regulation of nonconforming buildings, structures and uses.
- (M) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
- (N) To define the powers and duties of the administrative and enforcement officers and bodies.
- (O) To prescribe penalties for any violation of the provisions of this Ordinance, or of any amendment thereto.
- (P) To implement the objectives of the Village Comprehensive Plan, as well as protect all appropriate existing structures and uses.

10-1-3: PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

10-1-4: ORDINANCE PROVISIONS ARE NON-ACCUMULATIVE

This Code is non-accumulative in nature. Zoning district requirements do not accumulate from one district to another unless expressly stated. Each zoning district contains all regulations pertinent to itself without reference to other zoning districts.

10-1-5: SEPARABILITY CLAUSE

Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

10-1-6: INTERPRETATION OF USE LISTS

The Building and Zoning Official may allow a land use to be considered as a permitted or Special Use which, though not contained 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 Building and Zoning Official shall consult the Standard Industrial Classification (SIC) Code to determine similarity or compatibility. However, such non-listed uses shall not be considered for review and approval until the application for such use has been reviewed by the Village Attorney. All non-listed uses which are tentatively approved by the Building and Zoning Official shall be added to the appropriate use list by ordinance at the time of periodic updating and revision.

CHAPTER 1 - Title, Purpose and Interpretation (continued)

10-1-7: RELATIONSHIP TO VILLAGE CODE

The Glen Ellyn Zoning Code shall be considered an integral part of the Village Code of Glen Ellyn and, as such, is interrelated with all other titles, chapters and provisions of the Village Code. All applications for permits under the terms of this Code shall be subject to all the provisions of all other pertinent Village regulations.

CHAPTER 2

Definitions

10-2-1: INTERPRETATION

For purposes of this Code, certain terms or words used herein shall be interpreted as follows:

- (A) “Person” means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and county, municipality, district or other political subdivision, or any other group or combination acting as a unit, or personal representative thereof.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (C) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- (D) The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
- (E) The word “lot” includes the words “plot” and “parcel.”

10-2-2: DEFINITIONS

The following words and terms, wherever they occur in this Ordinance, shall be construed as hereinafter defined.

Accessory Use or Structure: A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. However, no enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

Acre: 43,560 square feet.

Addition: Change to a structure or part thereof that increases the finished floor area of the building. (Class I: Up to 75%; Class II: 75% to less than 150%; Class III: 150% or greater).¹⁸

Adult Day Care Center: A non-residential facility offering supervised care, recreation or training of adults.

Alley: (see Street).

Alteration: Any change to the exterior surfaces of a building or part thereof, including, but not limited to, renovation, rehabilitation, reconstruction, restoration, replacement, or rearrangement of structural parts or elements or any change that affects the plan

CHAPTER 2 – Definitions (continued)

configuration of walls, spaces, or bulk of a building.¹⁸ (Class I: Up to 50%; Class II: 50% to less than 75%; Class III: 75% or greater).¹⁸

Alterations, Structural: (see Structural Alteration).

Altered Surface: The altered surface as described elsewhere in this Code and used in Section 10-8-6(B) shall include all of the exterior surface of a building except the area of existing window or door openings, which will be relocated or will be removed and filled in with exterior wall material, shall not be included in the altered surface area.²⁰

Animal Hospital or Clinic: (see Veterinary Animal Hospital, etc.).

Antenna or Antenna Attachment: Any structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services.¹⁸

Antenna Support Structure: Any building, tower, or structure used for the purpose of supporting an antenna.¹⁸

Apartment: (see Dwelling Unit).

Apartment Hotel: (see Hotel).

Area of Special Flood Hazard: The land which is subject to a one percent chance of flooding annually. This area may also be identified as that which is subject to the 100-year flood. The area is designated as Zone A, A1-99, AH or AO on the Flood Insurance Rate Map (FIRM).

Attic: For residential buildings, the space between the ceiling beams of the top story and the roof-rafters, unless that space is accessible via a permanent stairway, and has a minimum of 100 square feet of area and a ceiling height of at least 7'6" over 50 percent of that area.⁷

Automobile Service Station: (see Garage, Service Station).

Automotive, Mobile Home or Trailer Sales Facility: The sale or rental of new and used motor vehicles, mobile homes and trailers, but not including repair work except incidental to warranty.

Automotive Repair Shop: A building or premises used for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Balcony: A projecting platform that is open and roofless and which is suspended or cantilevered from, or supported solely by, the principal structure.²⁰

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

CHAPTER 2 – Definitions (continued)

Base Flood Area: The land area subject to inundation by waters of the base flood.

Base Flood Elevation: The highest water surface elevation of the base flood.

Basement: That portion of a building all or partly underground but having at least one-half of its height, the distance between the ceiling and floor, below grade.⁷

Basement, Walk-Out: That portion of a building located partly underground and having an exterior door, where the finished ground at that exterior door is lower than the finished floor.⁷

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattel or property.

Building, Accessory: (see Accessory Use or Structure).

Building Height: The vertical distance measured from the average existing grade on a zoning lot to the highest point of a structure. Chimneys may not exceed the building height by more than 5 feet. In non-residential Districts, antennas, chimneys and spires are excluded from building height.^{7, 20}

Building Height, Maximum: The additional height allowed in zoning districts if bonus provisions such as interior side yard setback increases, underground or enclosed parking or other improvements are provided.²⁰

Building Line: (see Setback Line).

Building Permit: A document issued by the Building and Zoning Official which authorizes performance of an activity which is subject to the Glen Ellyn Building Code.

Building, Principal: A building permanently affixed to the land in which is conducted the main or principal use of the lot on which said building is situated.

Building, Temporary: Any building not permanently affixed to the land.

Bulk: A composite characteristic of a given building as located upon a given Zoning Lot, involving all of the following characteristics: (1) ground floor area and height of building; (2) location of exterior walls of buildings or structures at all levels in relation to lot lines, streets or to other buildings or structures; (3) gross floor area of the building in relation to lot area (floor area ratio); (4) all open spaces allocated to the building; (5) the size and shape (area, lot frontage and lot width) of the Zoning Lot and the amount of lot area and lot width provided per dwelling unit or other unit of measure.

Cellar: (see Basement).

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHAPTER 2 – Definitions (continued)

Church: A building primarily used for religious worship. The word "church" shall include chapel, temple, synagogue and mosque. As a land use, "church" shall include the grounds surrounding said building, and shall include those activities and uses typically and incidentally associated with churches, including, but not limited to: Sunday schools; vacation Bible schools; meetings conducted on the premises by private groups; clergy residence; church offices; and columbaria and memorial gardens for interment of ashes. Such typical and incidental associated uses shall be treated as part of the church use and shall not require separate Special Use Permits.¹⁰

Clinic, Medical or Dental: A building or portion thereof, the principal use of which is for offices of three or more health care practitioners for the diagnosis and/or treatment of outpatients.²⁰

Club: A building or portion thereof or premises owned or operated for a social, literary, political, educational or for recreational purposes primarily for the exclusive use of members and their guests.

College or University: An educational institution of higher learning generally offering academic training to graduates of high schools (Grade 12).

Commercial Vehicle: Any vehicle, except standard passenger vehicles, operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a vehicle used in a ride sharing arrangement when being used for that purpose or a recreational vehicle not being used commercially. In any event, any vehicle that is licensed for a gross weight, including vehicle and cargo, of 8,001 pounds or more, or any vehicle used in a commercial enterprise and containing lettering on the vehicle body advertising that commercial enterprise, shall be considered a commercial vehicle.

Compensatory Storage: An artificially excavated volume of storage within the base flood area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

Comprehensive Plan: The Plan, or any portion thereof, adopted by the Village Board on April 9, 2001 by Ordinance No. 4930, which establishes the goals, objectives and policies of the community and sets forth the general location and extent of present and proposed physical facilities, including residential and commercial uses, major streets, parks, schools, other public facilities and land uses, including amendments thereto when adopted.²⁰

Congregate Housing for the Elderly: Multiple-unit housing designed as a planned, coordinated development that caters to the special needs of older people who are capable of independent living, yet need certain facilities and services available on site to compensate for declining mobility, perception and cognition, except the provision of ongoing on-site medical care.

Corner Lot: (see Lot Types).

Court: An open space more than one-half surrounded by buildings.

CHAPTER 2 – Definitions (continued)

Cul-de-sac: (see Street).

Cultural Facility: A structure or premises devoted primarily to the arts and/or enlightenment.

Day Care Center: Any childcare facility receiving more than 8 children for daytime care during all or part of a day. The term "day care center" includes facilities commonly called "child care centers," "day nurseries," "nursery schools," "kindergartens," "playgrounds" and "centers or workshops for mentally or physically handicapped" with or without stated educational purposes. The term does not include: (1) kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning; (2) facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available; (3) any type of day care center that is conducted on federal government premises; or (4) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Day Care Home: Any dwelling or family home which, as a home occupation, receives for care, for less than 24 hours per day, more than three and up to a maximum of eight children. The number counted includes the family's natural or adopted children residing in the home and all other persons under the age of twelve. This term does not include facilities which receive only children from a single household.

Dead-End Street: (see Street).

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

Deck: An open and roofless platform that adjoins a principal building and is supported by a means other than the principal structure.²³

Density: A unit of measurement; the number of dwelling units per acre of land.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

District: A part of the Village wherein regulations of this Code are uniform.

Drive-In Commercial Facilities: A use of land where services or goods are rendered or delivered to customers in vehicles.

Driveway: A hard-surfaced area on a Zoning Lot upon which vehicles may be driven or parked, and which may provide access to parking spaces.

CHAPTER 2 – Definitions (continued)

Driveway Approach: The area from street pavement to Zoning Lot which provides vehicular access to a driveway.

Dry Cleaning: (see Laundry, Commercial and Laundry, Retail).

Dwelling Unit: Space within a building comprising living, dining, sleeping, storage, cooking, bathing and toilet facilities, all used by only one family as defined herein.

Dwelling Unit, Single-Family: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Single-Family Attached: A building consisting of three (3) or more dwelling units separated by common vertical walls where each unit is located on, or intended to be located on its own lot and may have an entrance opening directly to the outside.²⁵

Dwelling Unit, Two-Family: A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances, circulation, cooking, sleeping, or bathing facilities.²⁰

Dwelling, Multi-Family: A building consisting of three (3) or more dwelling units, including apartments and condominiums that have common building elements such as entrances, corridors, driveways and garages and where the property on which the building is located is owned by a single party.²⁵

Easement of Access: A portion of land intended for the sole purpose of providing ingress/egress to a land-locked parcel. An Easement of Access shall not include land encumbered by a cross-access easement.¹⁸

Eave: The lower edge of a sloping roof surface; the top edge of a parapet or the top of a flat roof. (For additional information regarding eave locations, building height or mansard roofs, refer to Figure 5 in the appendix).²⁵

Efficiency Unit: A dwelling unit consisting of one principal room, together with bathroom, kitchen facilities and closet space.

Family: One or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization, and including foster children placed by appropriate order of the court. A family may include no more than two adult persons unrelated by blood, marriage, adoption or foster child arrangement. A family may also include no more than four unrelated persons 55 years of age and older.

Fence: A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), and/or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

CHAPTER 2 – Definitions (continued)

Fence, Open: A fence, including entrance and exit gates, designed and constructed so that the surface area of any segment of such fence contains at least 50 percent open spaces, as compared to solid materials.

Fence, Solid: A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

Flood: The condition existing when the waters of any watercourse, pond or depression temporarily rise to a height above their normal levels and overflow the boundaries within which they are ordinarily contained. It also includes the unusual rapid accumulation or runoff of surface waters.

Flood Frequency: A period of years, based on statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

Flood Fringe: The higher portion of the floodplain, immediately adjacent to and on either side of the floodway, occupied by quiescent or slow-moving waters during floods.

Flood Insurance Study (FIS): An examination and evaluation of hydrologic and hydraulic data sponsored by the Federal Insurance Administration to determine base flood flows, elevations, areas, and floodways. The FIS also determines flows, elevations and areas of floods having lesser and greater frequencies of occurrence.

Flood Profile: Graphical representations of the elevations of the water surface of the 100-year flood along the watercourses of the Village.

Flood Protection Elevation: The elevation to which uses regulated by this Code are required to be elevated or floodproofed.

Flood Return Period: (see Flood Frequency).

Floodplain: The special flood hazard lands adjoining a watercourse, whose surface elevation is lower than the base flood elevation, that are subject to periodic inundation during floods.

Floodproofing: Modifications to structures made to reduce flood damages. These changes may be made to existing structures or incorporated in the design of new structures. In all instances, floodproofing must be watertight and must be adequate without the need for human intervention.

Floodway: The channel of a watercourse and those portions of the adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation.

Floodway Encroachment Lines: The lateral boundaries of the floodway which separate it from the flood fringes.

CHAPTER 2 – Definitions (continued)

Floor Area Ratio: The numerical value obtained through dividing the floor area of a building or buildings by the net area of the Zoning Lot on which the building or buildings are located or intended to be located.

Floor Area of a Non-Residential Building (to be used in calculating parking requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts and maintenance shafts and rooms.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding area covered by roofed terraces and roofed porches and excluding attics, basements and walk-out basements. All dimensions shall be measured from exterior faces of walls.

Freeboard: An increment of elevations added to the base flood elevations to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions, and unpredictable effects such as may be caused by ice or debris jams.

Frequency: The number of oscillations per second in a sound wave, measuring the pitch of resulting sound.

Frontage: All the property on one side of a street or highway.

Garage, Private: A detached accessory building or portion of a principal building used or occupied for the parking or temporary storage of household goods, automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises; and
2. No more than one commercial vehicle per dwelling unit is parked or stored.²⁰

Garage, Public: A principal building or accessory building other than a private garage, used or occupied for parking or temporary storage of vehicle and in which no other service shall be provided for remuneration.

Garage Sale: The sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. A garage sale shall be limited to a period of no more than three consecutive days. The term "garage sale" includes "sidewalk sale," "yard sale," "basement sale," and "estate sale."⁶

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires or motor vehicle accessories may be supplied and dispensed at retail and where, in addition, services and sales incidental to normal maintenance and repair of motor vehicles may be made, but such services and sales shall not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operable condition, or other work involving noise, glare, fumes, smoke or other nuisance factors.

CHAPTER 2 – Definitions (continued)

Garage, Side-load: A private garage where the overhead doors are perpendicular to the front lot line and generally not visible from a public way.²⁰

Garage, Storage: Any building used or occupied for the storing of vehicles to be offered for sales or rental.

Grade: The average elevation of the surface of the ground of a Zoning Lot, measured at the four corners of a structure closest to the lot lines, before any dirt is moved.⁷

Grade, Average Existing: The average grade calculated from the grade elevations at the four points where an imaginary line parallel to the front and rear yard setback lines and touching the proposed structure intersects the required side yard setback lines.^{7, 20}

Group Home: A residential building housing not more than 8 service-dependent or developmentally disabled people living with professional staff who function as surrogate parents. The group home houses individuals who are undergoing treatment or rehabilitation and constitutes a single housekeeping unit in which residents share responsibilities, meals and recreation.

Health Spa: A place or building where exercise, physical therapy, and related fitness activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and related activities with or without such equipment.²⁵

Historical Facility: A facility devoted primarily to historic preservation, education, and the administration of activities or events related to those purposes including displaying, preserving, and exhibiting objects of historic, architectural, or archaeological interest.³⁶

Home Occupation: Any occupation, business or commercial enterprise conducted within the home.

Hospital: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, and who are provided board or room and kept overnight.

Hotel, Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation.

Hydrostatic Uplift: The upward pressure exerted on floor slabs or an entire structure by standing water or groundwater, which tends to float a structure or crack the floor. It is based on the difference in elevation between the surface levels of the water. Hydrostatic pressure may also be horizontal, imposing forces on walls causing them to crack or fail.

Impervious Surface: Any solid material supported by the surrounding ground, including but not limited to, compacted gravel or limestone, concrete, brick, paver stone or asphalt of which 50% or greater of the whole surface or portion thereof is incapable of allowing water to penetrate and which is commonly used for walkways, parking lots, driveways or recreation areas.²⁵

CHAPTER 2 – Definitions (continued)

Improved Street: A public or private street that is constructed or planned to be constructed in accordance with an approved plat of subdivision.

Indoor Amusement: Establishment providing five or more indoor player operated amusement or entertainment devices or machines. Such devices may include such things as pinball machines, video games, shuffleboard, dart boards and billiard tables. Typical uses include game rooms, billiard halls and video arcades. Indoor amusement shall not be constructed so as to include a bingo hall, gambling devices or any other devices prohibited by law.²⁹

Kennel or Cattery: Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold or which offers provisions for minor medical treatment.

Laundry, Commercial: Dry cleaning or laundry establishments, other than laundry retail, where the cleaning process is done on the premises by the operator of the establishment.

Laundry, Retail: Dry cleaning or laundry establishment where the cleaning process is self-service or is done on the premises in equipment units of thirty pounds or less capacity or is received for processing off the premises.

Live Entertainment: Any musical act (including karaoke), theatrical act (including stand-up comedy), play, revue, scene, dance act or song and dance act, or any combination thereof, performed by one or more persons, whether or not they are compensated for the performance. Live entertainment applies to privately owned premises that are open to the public, whether or not admission is charged.³²

Loading Space, Off-Street: An open area of land other than a street, public way, or required parking space, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public use of streets and alleys.

Lot: A parcel or tract of land.

Lot Coverage Ratio: The numerical value obtained through dividing the sum of the gross horizontal area of the footprint of all buildings and covered or roofed structures on a Zoning Lot by the area of the Zoning Lot on which the buildings are located or intended to be located.^{7, 20, 35}

Lot, Front of: The narrowest portion of a Zoning Lot which abuts a street.

Lot Lines: The dividing lines between a public way and an abutting lot, piece or parcel or the projected dividing lines between lots, pieces and parcels without regard to any recorded plat.

The front lot line is the front street line.

The rear lot line is the lot line most nearly parallel to the front lot line.

Other lines are side lot lines.

CHAPTER 2 – Definitions (continued)

Lot Measurements: A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the average distance between the front and rear lot line.²⁵
2. Width of a lot shall be considered to be the distance between side lot lines measured at the minimum required front yard setback line.²⁰
3. The measurement of lot frontage shall be considered to be the distance between side lot lines at the street right-of-way. If the side lot lines do not intersect the street right-of-way, the lot frontage shall be only that portion of the lot line abutting the street that coincides with the street right-of-way. For an arc-shaped lot line, the lot frontage shall be the tangent or chord dimension toward the interior of the lot.
4. The area of a lot shall be computed exclusive of any portion of the right-of-way of any public or private street or easement of access.

For all plats approved by the Village after March 1, 1999, the area of a lot shall also be exclusive of any approved stormwater storage area or 100-year flood area.²¹ However, Floor Area Ratio and Lot Coverage Ratio shall be calculated using the gross Lot Area .^{18, 20}

5. In the event a recorded distance and a measured distance differ, the Village shall accept the recorded distance.

Lot of Record: An area of land which is designated as a separate platted subdivision lot in a subdivision plat prepared in accordance with the Plat Act and recorded in the office of the County Recorder of Deeds.

Lot Types: Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows:

1. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines projected tangent to the curve from the points of intersection between the curve and the side lot lines meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one frontage on a street.
3. A through lot is a lot which fronts on two improved streets which do not intersect at the boundary of the lot.²³
4. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Lot, Zoning: A single tract of land in common ownership located within a single block, which is used or occupied for any principal use, whether permitted, special or

CHAPTER 2 – Definitions (continued)

nonconforming. A "Zoning Lot" need not coincide with a Lot of Record, and may consist of:

1. A single Lot of Record;
2. A portion of a Lot of Record;
3. A combination of complete Lots of Record; of complete Lots of Record and portions of Lots of Record; or of portions of Lots of Record;
4. A piece of property described by metes and bounds.

Low Sloped Roof: See Roof, Low Sloped.²⁵

Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

Mobile Home: A structure transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Motel: (see Hotel).

Nonconformity: A building, structure or use of land (including use of a Zoning Lot) which does not conform to the zoning regulations of the district in which it is situated.

Nursery: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

Nursing Home: A place or residence for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter, or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. "Nursing homes" typically provide ongoing, on-site medical care.

Obstruction: Any building or structure, or part thereof, which is located so as to intrude upon any open space required by this Code. Trees or shrubs shall not be considered as obstruction, except as may be regulated herein.

Occupancy Certificate: A written statement by the Director of Planning and Development or the Building and Zoning Official that the building, use and premises is in compliance with all applicable standards, including this Zoning Code.

Octave Band: A term denoting all the sound frequencies between any given frequency and double that frequency.

Office, Medical: An office used by one or two licensed medical practitioners for the diagnosis, treatment or care of human beings on an outpatient basis.³⁵

CHAPTER 2 – Definitions (continued)

One Hundred Year Flood: A flood magnitude with a one percent statistical chance of being equaled or exceeded during any year. A flood this large would be reached once during a 100-year period, on the average. However, the occurrence of such an event does not diminish the chance of its recurring again at any time.

Open Space: That part of a lot on which no part of a building or structure extends above the following elevations:

1. Two feet above the highest curb elevation of the street or streets that bound the lot;
2. One foot above the adjacent curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed 12 feet above the adjacent curb elevation. However, in no event shall any such structure included within "open space" extend more than two feet above the highest curb elevation bounding the lot.

Outdoor Beautification Display. Outdoor displays of live or artificial plants, sculptures, statues and other similar displays of art and vegetation used to beautify and enhance the appearance of the Village provided that such items are not offered for sale.²⁸

Outdoor Merchandise.²⁸ The display of products or services that are offered for sale or purchase and which are not located within an enclosed building.²⁸

Outdoor Storage. The outdoor storage of any material, object, or item for a period greater than 96 hours, including, but not limited to, items for sale, lease, processing and repair (including vehicles) not in an enclosed building and excluding outdoor beautification displays and tables or chairs associated with an approved outdoor eating area.²⁸

Park or Playground, Public: A land use designed principally to offer recreation, passive and/or active, to the public.

Parking Lot: An open vehicle parking area containing more than four (4) parking spaces.

Parking Space: A hard-surfaced area other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

Performance Standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in the uses of land or buildings.

Permitted Use: A use of land, building or structure expressly permitted within a district.

CHAPTER 2 – Definitions (continued)

Planned Unit Development: One or more uses accommodated in a planned environment under more flexible standards than those allowed in the district(s) in which the development is located.

Porch: A one-story roofed structure attached to the house with no floor space above and no more than two sides of the porch are enclosed by a vertical wall, window or screened surface.^{20, 25}

Porch, Raised: A porch, with a minimum of 24 inches above any approaching walkway and that extends at least 75% of the maximum width of a house, where the floor surface of the porch extends at least 7 feet from any adjacent wall surface behind or above.²⁰

Premises: A lot together with all buildings and structures thereon.

Public Uses: Administrative and cultural buildings, uses and structures, including buildings, lots and facilities owned, used or operated by any governmental agency.

Public Utility and Public Service Facility: Power plant, or bus, rail station, or other transportation depot, water treatment plant or pumping station, sewage disposal or pumping plant and other similar public service structures erected, operated or regulated by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including but not limited to electrical, gas, rail transport, communication, public water and sewage services facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Ranch House: A single-family detached residence which has a single story above grade.⁷

Recreational Equipment: A barbecue pit, hot tub, paved court, play structure and equipment, sauna, swimming pool, swing set, tree house, and other similar structures.²⁰

Recreational Vehicle: Any camping trailer, motor home, mini-motor home, travel trailer, truck camper, van camper, and boat trailer used primarily for recreational purposes and not used commercially, as well as any vehicle bearing recreational vehicle (RV) registration (license) plates.

Research Activities: The conduct of research, development and testing in various fields of science, such as but not limited to chemistry, pharmacy, medicine, electricity, transportation and engineering.

Residential Sport Court: Any hard surface or material and associated appurtenances (lights, nets, poles, screens, etc.) designed and constructed for the purpose of recreational and sporting activities on a lot used for residential purposes.^{25, 35}

CHAPTER 2 – Definitions (continued)

Retail Establishment: A place of business devoted in whole or in part to the sale, rental and/or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities.

Riverine: Relating to, formed by, or resembling a river (including tributaries, streams, creeks or brooks).

Roof, Low Sloped: Any roof surface with a pitch less than three (3) inches vertically in 12 inches horizontally (3:12), including flat roofs.²⁵

School, Elementary or High: A public or private educational institution whose principal use is the offering of primary and secondary school classes – Grades K through 12.

Screening: Any structure or vegetation that conceals, protects or separates.

Seat: The number of devices for seating individual persons or the number of spaces allocated for seating individuals (but not less than 24 lineal inches) in multi-person seating units.

Setback Line: A line generally parallel with and measured from the lot line, defining the limits of a yard within which no building or structure may be located above ground, except as may be permitted by this Code. A required front yard setback on a lot which does not abut a public right-of-way shall be measured beginning 15' from the closest edge of the curb or pavement of a private street or access drive on the same side as the principal structure.¹⁸

Sheltered Care Facility: A structure or part of a structure used for the temporary sheltering of abused individuals and/or the homeless. Qualified supervision and care shall be provided for those housed in the facility.

Sidewalk: That portion of the road right-of-way which is paved and intended for the use of pedestrian traffic.

Sign: An identification, description, illustration, or device illuminated or not illuminated, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner pennant, placard or temporary sign designated to advertise, identify or convey information, and which is subject to regulation by the Sign Ordinance. For purposes of removal, signs shall also include sign structures.

Special Use: Includes, but is not limited to: (1) public and quasi-public uses affected with the public interest; (2) uses which may have a unique, special or unusual impact upon the use or enjoyment of neighboring property; and (3) Planned Unit Developments.

CHAPTER 2 – Definitions (continued)

Special Use Permit: The ordinance authorizing a Special Use.

Standard Shrub: A standard shrub is any plant specimen, evergreen or deciduous, which upon maturity occupies a space not less than 18 cubic feet. The plant selection shall be made from the recommended list of plant materials presented in the Appearance Guide and Criteria for the Village of Glen Ellyn.

Standard Tree: A standard tree is a tree with a minimum caliper of three inches (measured one foot above ground), ten to twelve feet high, of a deciduous or evergreen variety which is normally capable of attaining a 25-foot over all spread when the plant is twenty years old. The plant selection shall be made from the recommended list of plant materials presented in the Appearance Guide and Criteria for the Village of Glen Ellyn.

Storage Lot, Vehicle: An open, hard-surfaced area, other than a street or public-way, intended to be used for the storage of passenger automobiles and commercial vehicles, and not available to the public.

Stormwater Storage Area: That portion of a parcel of land which is utilized to meet the requirements of the DuPage County Countywide Stormwater and Flood Plain Ordinance or the Village of Glen Ellyn Stormwater and Flood Plain Regulations or which is restricted from development by a recorded easement for the purpose of storing stormwater. A Stormwater Storage Area may include, but is not limited to, "stormwater detention easement," "stormwater control easement," "easement for wetland," and "conservation easement."¹⁸

Street, Private: An undedicated street, privately owned and maintained, and intended as a primary means of access to a lot or lots.

Street, Thoroughfare, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

Structural Alteration: Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, but not including openings in bearing walls.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, signs, air conditioning units and heat pumps, and other fixed mechanical equipment.³⁵

Structure or Building, Principal: A building permanently affixed to the land in which is conducted the main or principal use of the lot on which said building is situated.²⁰

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals fifty percent (50%) of the fair market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or

CHAPTER 2 – Definitions (continued)

local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

Swimming Pool: A pool, open tank or other containment of water intended for swimming or bathing, containing at least 24 inches of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission, by: the residents and guests of a single household; a multi-family development; the members and guest of a club; or the patrons of a motel or hotel.
2. Public: All other pools.

Terrace (or patio): An open and roofless paved surface area located on the ground directly adjacent to a principal building and typically used for leisure purposes.

Through Lot: (see Lot Types).

Tower and Antenna, Radio or Television: Structure attached to a building or a detached structure affixed to the ground, used in the transmission, relaying or receiving of electromagnetic waves or signals.

Townhouse: (see Dwelling Unit, Single-Family Attached).

Transportation Plan: That portion of the Comprehensive Plan adopted by the Village Board indicating the general location recommended for expressway, arterial, collector and local thoroughfares within the corporate limits of the Village and/or unincorporated areas within the planning jurisdiction of the Village.

Use: The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained. Use includes construction, establishment, maintenance, alteration, enlargement and occupation.

Variation: An ordinance granting specific relief from the requirements of this Zoning Code.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis and medical and surgical treatment of sick, ailing, infirm, or injured animals and which may include overnight accommodations.

Visibility (or Safe Sight) Triangle: That portion of a corner lot between intersecting property lines (actual or extended) parallel to streets and a straight line connecting them at points 30' distant from the point of intersection.²⁰

Watercourse: Any river, stream, creek, brook, branch or other drainage way in or into which stormwater runoff and floodwater flow either regularly or intermittently.

CHAPTER 2 – Definitions (continued)

Wholesale Establishment: A business establishment engaged in selling to retailers or jobbers rather than consumers.

Yard: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Corner Side: The open space between the closest point of the principal building and the side line of the lot which abuts a street and extending from the front line of the building to the rear line of the building.²

Yard, Front: The open space across the full width of the lot extending from the closest point of the front line of the principal building to the front line of the lot. On corner lots, the front yard shall face the shortest dimension of the lot adjacent to the street.

Yard, Side: The open space between the closest point of the principal building and the side line of the lot and extending from the front line to the rear line of the building.

Yard, Rear: The open space extending the full width of the lot between the closest point of the principal building and the rear lot line.

Yard Width: The horizontal distance from the adjoining lot line to the closest point of the principal or accessory building.

Zoning Certificate: A written statement by the Director of the Department of Planning and Development or the Building and Zoning Official attesting that the application complies with all pertinent requirements of this Zoning Code.

CHAPTER 3

Establishment and Purpose of Districts and District Boundaries

10-3-1: INTENT

The following zoning districts are hereby established for the Village of Glen Ellyn, Illinois. For the interpretation of this Code, the zoning districts have been formulated to realize the general purposes as set forth in Section 10-1-2 of this Code. In addition, the specific purpose of each zoning district shall be as follows:

- (A) **CR Conservation/Recreation District:** The CR District is designed to preserve the existing open space area or protect natural resources; a second purpose is that of protecting the public health, safety, comfort and welfare; and, thirdly, reducing financial burdens imposed on the community and its individuals by restricting the use of those areas which may be subject to periodic flooding or which constitute water retention or re-charge areas;

- (B) **CC Community College District:** It is recognized that public community colleges are enabled by the General Assembly of Illinois and established pursuant to public referendum to provide educational facilities through capital projects in accordance with standards established by rules promulgated by the Illinois Community College Board in order to provide comprehensive higher education programs for the communities serviced by the public community college. Public community college facilities require unique uses with multiple buildings, recreational facilities and integrated vehicular and pedestrian systems and provide educational, economic and cultural benefits to the Village. For these reasons, it is appropriate to recognize the governmental powers of the public community college and to provide flexibility to public community colleges in the development of their property. The CC District is intended to provide such flexibility to the College of DuPage. To the extent consistent with the public community college's educational mission, the Village shall engage with the College of DuPage in a cooperative manner to minimize any negative impacts of development on the residential surrounding area. Development in this district shall only be in accordance with a Master Plan approved by the Village Board of Trustees.²⁷

- (C) **RE Residential Estate District:** The RE District is intended to preserve the existing large lot single-family residential areas with a rural/country estate-type settings that may be annexed to the Village. The requirement for curbs and gutters, sidewalks, and street lights may be waived by the Village Board after evaluation by the Plan Commission. This district will be generally located on the periphery of the Village;²²

- (D) **R0 Single-Family Residential District:** The R0 District is intended to accommodate rural/country estate-type residential uses, characterized as areas of low-density, large-lot single-family dwellings. The requirement for curbs and gutters, sidewalks, and streetlights may be waived by the Village Board after evaluation by the Plan Commission. This district will be generally located on the periphery of the Village;²

CHAPTER 3 – ESTABLISHMENT AND PURPOSE OF DISTRICTS AND DISTRICT BOUNDARIES (continued)

- (E) **R1 Single-Family Residential District:** The R1 District is intended to provide for large-lot single-family areas. This district will be located generally on the periphery of the Village;
- (F) **R2 Single-Family Residential District:** The R2 District is primarily designed to accommodate and protect the low-density, single-family neighborhoods which comprise the bulk of the land use in Glen Ellyn;
- (G) **R2B Residential District:** The R2B District was created with the intention of applying this district to certain portions of unincorporated DuPage County as they are annexed to the Village. The standards in this district are a combination of DuPage County’s R4 Single-Family Residence District and Glen Ellyn’s R2 Residential District. By combining the standards of these two districts the Village hopes to better protect the character of existing single-family neighborhoods as they are annexed to Glen Ellyn and to reduce the number of nonconformities that may be created upon annexation;³⁵
- (H) **R3 Residential District:** The R3 District is intended to provide areas of single-family, two-family and attached single-family dwellings. This district is also intended to serve as a transitional area between existing single-family residential neighborhoods and higher intensity land-use areas;
- (I) **R4 Multiple-Family Residential District:** The R4 District is designed to provide varied dwelling types of moderate density consisting of attached single-family and multi-family dwellings;
- (J) **R5 Residential Planned Development District:** The R5 District is intended to ensure the planned and orderly development of those residential land areas identified within the Glen Ellyn Comprehensive Plan as areas which must be guided by an overall development plan to ensure the coordination of land use areas, dwelling unit densities, building sites, access points, internal circulation and open space systems. Within the R5 District, all unimproved land must be developed as a planned development, meeting all applicable requirements of the “Planned Unit Development Regulations” herein;
- (K) **C1 District:** This C1 District is reserved;
- (L) **C2 Community Commercial District:** The C2 District is intended to provide basic services and convenience shopping for adjacent neighborhoods as well as the entire community;
- (M) **C3 Service Commercial District:** The C3 District is designed to allow for a wide range of retail and service uses and to accommodate those motorist-oriented commercial activities which may be incompatible with uses encouraged in other business districts;

CHAPTER 3 – ESTABLISHMENT AND PURPOSE OF DISTRICTS AND DISTRICT BOUNDARIES (continued)

- (N) **C4 Office District:** The C4 District is intended primarily to accommodate office buildings, and civic and governmental structures in a mutually compatible environment;
- (O) **C5 Central Business District:** The C5 District constitutes the historic business area of the Village. The C5 District is comprised of two separate and distinct sub-districts: The C5A Central Retail Core and the C5B Central Service. A principal purpose of this district is to maintain and protect the primary retail core of the “downtown,” generally bounded by Pennsylvania, Forest, Hillside and Glenwood (C5A Sub-district). This compact area should be intensely developed and oriented to pedestrian shopping. Outside this retail core area, the remainder of the C5 District (C5B Sub-district) is intended to accommodate necessary service uses and consolidated parking, while allowing for the gradual and planned expansion of the retail core. Within the C5 District, all unimproved land or additions to existing structures must be developed as a planned development, composed of permitted and/or Special Uses in the C5 District, and meeting all applicable requirements of the “Planned Unit Development Regulations” and “Administrative Procedures” herein;
- (P) **C6 Commercial/Multi-Use Planned Development District:** The C6 District is intended to ensure the planned and orderly development of those areas identified as mixed-use development areas in the Glen Ellyn Comprehensive Plan. These land areas are characterized by a number of unique design, land planning, and access considerations that warrant careful control of development by the planned development procedure. Within the C6 District, all unimproved land or additions to existing structures must be developed as a planned development, compose of permitted and/or Special Uses in the C6 District, and meeting all the applicable requirements of the “Planned Unit Development Regulations” herein;

10-3-2: ZONING DISTRICT MAP

- (A) The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the “Zoning District Map.” The Zoning District Map is composed of two parts:
 - 1. A Village-wide map; and
 - 2. A detailed, small-scale map of the Central Business District.

The Zoning District Map and all notations, references and other information shown thereon are a part of this Code and have the same force and effect as if the Zoning District Map and all the notations, references and other information shown thereon were all fully set forth or described herein. The original Zoning District Map is properly attested and is on file with the Village Clerk of the Village of Glen Ellyn, Illinois;

- (B) Whenever any street, alley or other public way is vacated by official action of the Village Board of the Village of Glen Ellyn, the zoning district adjoining each side

CHAPTER 3 – ESTABLISHMENT AND PURPOSE OF DISTRICTS AND DISTRICT BOUNDARIES (continued)

of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts;

- (C) The district boundaries are as shown on the Zoning District Map, and where the district designated on the Zoning District Map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district;
- (D) Where the district boundaries are not otherwise indicated, and where the property has been divided into blocks and lots of record, the district boundaries shall be construed to be the lot lines of the Lots of Record. Where the district designated on the Zoning District Map are bounded approximately by lot lines of Lots of Record, said lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the Zoning District Map;
- (E) In unsubdivided property, the district boundary lines on the Zoning District Map shall be determined as reflected in the dimensions appearing on this Map.

10-3-3: AUTOMATIC ZONING

Any property(ies) annexed to the Village for which the Village Board has not adopted a zoning classification associated with such annexation shall automatically be zoned RE Residential Estate Single-Family Residential District²², R0 Single-Family Residential District, R1 Single-Family Residential, R2 Single-Family Residential or R2B Residential,²⁴ depending upon which of these districts will result in the majority of the zoning lots so annexed being conforming with respect to the bulk regulations of said zoning district. Automatic zoning granted pursuant to this provision shall not require a public hearing, and the appropriate designation as determined by the Director of Planning and Development, in accordance with the criteria set forth above, shall appear on the Zoning District Map of the Village of Glen Ellyn.¹²

In the event the petitioner disagrees in writing with the recommendation of the Director of Planning and Development, a formal application for a Zoning Map Amendment to consider a different zoning classification may be filed in accordance with the procedures outlined in Section 10-10-13 of this code, at the petitioner's expense.²⁰

CHAPTER 4

District Regulations

10-4-1: COMPLIANCE WITH REGULATIONS

- (A) The regulations for each district set forth in this Zoning Code shall be minimum regulations for the promotion of the public health, safety, morals, comfort, convenience, prosperity and general welfare;
- (B) The regulations for each district shall apply uniformly to each class or kind of structure or land use within the districts, except as hereinafter provided;
- (C) No building, structure, lot, parcel or Zoning Lot, or part thereof, shall be used or occupied except in conformity with all of the regulations herein specified for the district in which it is located. There shall be only one principal building per Zoning Lot, except as may otherwise be permitted as part of a Planned Unit Development. No accessory building or structures may be erected on a Zoning Lot unless a principal building is present on the same Zoning Lot;²³
- (D) No building or other structure shall be erected, altered, moved, reconstructed, extended or enlarged:
 - 1. to provide for greater height or bulk;
 - 2. to accommodate or house a greater number of families or dwelling units;
 - 3. to occupy a greater percentage of lot area; or
 - 4. to have narrower or smaller rear yards, front yards, side yards or other open spaces;other than herein permitted or in any other manner to be contrary to be provisions of this Zoning Code;
- (E) A residence may not be converted to accommodate an increased number of dwelling units unless:
 - 1. The lot dimensions still meet the lot dimensions required by zoning regulation for new structures in that district;
 - 2. The lot area per family or dwelling unit complies with the lot area requirements for new structures in that district;
 - 3. The ground floor areas and/or the floor area ratio per dwelling unit is not reduced to less than that which is required for new construction in that district; and
 - 4. The conversion is in compliance with all other relevant codes and ordinances;

CHAPTER 4 – DISTRICT REGULATIONS (continued)

- (F) No single-family dwelling shall be converted to more than one dwelling unit in any single-family residential district;
- (G) No portion of any Zoning Lot, whether improved or unimproved, shall be sold, granted or otherwise divided if such division will cause the lot width, lot frontage, lot area, setbacks, maximum lot coverage, floor area ratio or required open space of any of the resulting parcels to be less than the minimum requirements set forth in this Code for the particular zoning district in which the property is located;
- (H) Where two or more contiguous substandard Lots of Record or parts of Lots of Record are in common ownership and are of such size as to constitute at least one conforming “Zoning Lot,” such Lots of Record or portions thereof shall be so joined, developed and used jointly for the purpose of forming an effective and conforming Zoning Lot(s). Such contiguous substandard lots of record in common ownership on the effective date of this Code shall be considered jointly thereafter as being a single parcel, lot or Zoning Lot for the purpose of this Zoning Code;
- (I) Every building or structure erected subsequent to the adoption of this Zoning Code shall be built and maintained upon a Zoning Lot conforming to the bulk requirements of the Zoning District in which the property is located, provided, however, that the deck may be constructed on a developed single-family residential lot in the R2 Single-Family Residential District which is nonconforming with respect to the bulk regulations of that district, subject to the regulations for decks set forth in this Code.⁵ No existing building or structure shall be enlarged, altered, reconstructed, converted or relocated in such a manner as to conflict or further conflict with the bulk requirements of this Zoning Code for the zoning district in which such building or structure is located;
- (J) Notwithstanding the requirements of the preceding paragraphs of this Section 10-4-1 of the Zoning Code, a new single-family dwelling may be built and maintained in the R2 Residential Zoning District upon a vacant whole Lot of Record which has not been in common ownership with surrounding property on or after June 1, 1989, and which has less than the minimum lot width or minimum lot area required by the bulk requirements of said Zoning District, provided any new single-family dwelling and accessory structures erected on the subject Lot of Record conform to all other bulk requirements of the zoning district in which it is located, and further provided that the vacant whole Lot of Record (Subject Lot) meets all of the following conditions:
 - 1. The Subject Lot of Record was platted as a single Lot of Record in an original subdivision or a resubdivision properly approved and recorded in the Office of the County Recorder of Deeds and was buildable lot at the time it was recorded; and
 - 2. The Subject Lot of Record has a minimum lot width of not less than fifty feet (50’) and a minimum lot area of not less than 6,534 square feet; and

CHAPTER 4 – DISTRICT REGULATIONS (continued)

3. The Subject Lot of Record cannot be combined with adjoining land to increase lot width or lot area to meet the minimum lot requirements for a single-family dwelling because:
 - a. The necessary adjoining land is public property that is unavailable for purchase; or
 - b. The adjoining land is part of an improved Zoning Lot and is necessary either to maintain the adjacent improved Zoning Lot in conformity with the bulk requirements or to prevent the improved Zoning Lot from becoming more non-conforming; or
 - c. The applicant has made a good faith effort to obtain adjoining land, but has not been able to do so; and
4. The Subject Lot of Record fronts on a street and lies between two intersecting streets where, exclusive of the subject parcel:
 - a. At least seventy-five percent (75%) of the Zoning Lots fronting on both sides of the street, including corner lots, are improved with single-family dwellings; and
 - b. At least seventy-five percent (75%) of the single-family dwellings fronting on both sides of the street are constructed on Zoning Lots with the same or less lot width as the Subject Lot of Record. Dwellings on corner lots of equal or less lot width than the subject parcel shall be included in this calculation; dwellings on corner lots of greater lot width than the subject parcel shall be excluded;²

(See Figure 10 titled “Area of Comparison Samples” in the Appendix of this Code)

- (K) Notwithstanding the requirements of the preceding paragraphs of this Section 10-4-1 of the Zoning Code, a new single-family dwelling may be built and maintained in the R2 Residential Zoning District upon a vacant whole Lot of Record which has less than the minimum lot width or minimum lot area required by the bulk requirements of said Zoning District and has been in common ownership with an Adjacent Whole Lot of Record which is improved with a single-family dwelling wholly contained on the Adjacent Whole Lot of Record, provided any new single-family dwelling and accessory structures erected on the subject Lot of Record conform to all other bulk requirements of the zoning district in which it is located, and further provided:
1. At the time of sale of the Subject Lot of Record which resulted in a separation of ownership from the Adjacent Whole Lot of Record, the Seller had been the legal or beneficial common owner of the Subject Lot and the Adjoining Whole Lot of Record on June 1, 1989. If the property was held in a trust or land trust on June 1, 1989, the rights granted in this

CHAPTER 4 – DISTRICT REGULATIONS (continued)

section shall only apply to a person who was a beneficial owner under the trust or land trust; and

2. At the time of the above-referenced sale, all of the other conditions set forth in Subparagraphs 1-4 of Paragraph (J) above are met (With regard to (J)4, the "subject parcel" is only the unimproved Subject Lot of Record, and the Adjacent Whole Lot of Record shall count as an improved zoning lot.); and
3. At the time of the above-referenced sale, the improved Adjacent Lot of Record has a minimum lot width of fifty feet (50') and a minimum lot area of 6,534 square feet; and
4. At such time as a new house is constructed on the vacant whole Lot of Record, the total dimension of the combined adjacent side yards on the newly developed Subject Lot of Record and the previously improved Adjacent Lot of Record will be at least 13.2 feet.¹¹

(L) Notwithstanding the requirements of the preceding paragraphs of this Section 10-4-1 of the Zoning Code, in the event that a single-family dwelling is located on a Zoning Lot which lawfully existed on October 28, 1974 or which was lawfully established thereafter, such previously improved Zoning Lot may continue to be used as a Zoning Lot for single-family dwelling purposes, and repairs, additions to, enlargements of, structural alterations to, extensions of and reconstruction or replacement of the dwelling shall be permitted, provided all of the following conditions are met:

1. The lawfully existing Zoning Lot has a lot width of not less than fifty feet (50') and a lot area of not less than 6,534 square feet; and
2. Any new construction, additions, enlargements, extensions, replacements or reconstruction and accessory structures erected on the lawfully existing Zoning Lot shall conform to all bulk requirements of the Zoning District in which it is located, with the exception of minimum lot width and minimum lot area requirements.

(M) A single-family detached residence which exceeds the maximum height limitation may be enlarged not exceeding the existing height without a Variation if the addition conforms with all other bulk requirements of the district in which such residence is located.⁷

(N) The requirements of the individual zoning districts notwithstanding, the owner of a single-family detached house located in the R2 Residential District which existed prior to March 13, 1995 and which is located on a lot which does not meet the minimum required lot width or lot area, or which is nonconforming with respect to one or more of the following building setbacks:

1. Front yard: provided the front perimeter wall encroaches five feet or less into the minimum required front yard;

CHAPTER 4 – DISTRICT REGULATIONS (continued)

2. Side yard: provided the minimum setback of the affected side yard(s) is not less than 4.5 feet;
3. Corner side yard: provided the minimum corner side yard setback is not less than 20 feet;
4. Rear yard:
 - a. Interior Lot: provided the minimum rear yard setback is not less than 30 feet;
 - b. Corner Lot: provided the minimum rear yard setback is not less than 25 feet;

May construct a vertical addition over the perimeter walls of the house, or reconstruct or enclose an existing portion of the house which has an existing foundation or footing that complies with the requirements of the Village Building Code, provided, however: that such addition does not result in the front, side, corner side or rear yard setbacks being less than the minimum existing setback; that the addition does not extend the footprint of the house; that the existing nonconforming setback(s), lot area or lot width was not the result of a Variation previously granted by the Village; and that all other applicable bulk regulations are met.⁸

- (O) On land hereafter annexed to, or consolidated with, the Village of Glen Ellyn, no building or structure shall be erected, enlarged or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the Village Board. If appropriate zoning is not approved concurrent with the annexation, then within 30 days of the annexation, the Plan Commission shall file an application for an amendment to establish the zoning district classification of such land. Action shall be taken by the Village Board regarding the classification of annexed land within 60 days of its receipt of the amendment application from the Plan Commission.
- (P) Notwithstanding anything to the contrary, any lot with a pre-existing nonconforming depth may be built upon provided that all other building, impervious surface, landscape and accessory structure setbacks set forth in this Zoning Code are met.²⁵

10-4-2: ADOPTION OF OFFICIAL SCHEDULE OF REGULATIONS

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be part of this Zoning Code. All uses allowed within each of these districts must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

10-4-3: CR CONSERVATION/RECREATION DISTRICT

(A) PERMITTED USES*

Only open space uses and passive recreation areas shall be allowed by permitted use in this district. All buildings, structures and principal activity areas shall be allowed by Special Use only, unless specifically waived by the Building and Zoning Official upon review and approval of the Director of Planning and Development.

1. Agriculture, including incidental agricultural structures, but excluding livestock operations.
2. Open space, public park and playground.

(B) SPECIAL USES*

Within this district, a primary consideration in the approval of Special Uses shall be public safety and the impact upon adjacent properties. No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Cemetery.¹⁰
2. Nursery, for the growing and sale of trees and shrubbery, but exclusive of retail sales.
3. Outdoor merchandise,²⁸ storage, promotional activities, or tents.^{20,}
4. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site of not less than 5 acres.
5. Public or private recreational facility where buildings do not occupy more than 10% of the site area.
6. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and public office uses associated with the same, provided all such public or private schools have no rooms regularly used for housing or sleeping purposes, on a minimum eight (8) acre parcel.¹⁹

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDING AND USES¹⁸

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

10-4-3: CR CONSERVATION/RECREATION DISTRICT (continued)

(D) MAXIMUM HEIGHT

35'

(E) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: 50' in depth.
2. Rear yard: 60' in depth.
3. Side yard:
 - a. Two side yards, neither of which is less than 15% of the width of the lot;
 - b. A side yard abutting a street is not to be less than 40' wide.
4. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
5. The minimum width of each side yard for non-residential uses shall be 25'.
6. Lot area: 18,000 sq. ft.
7. Lot width:
 - a. Interior lot – 100';
 - b. Corner lot – 120'.
8. Land uses without buildings or structures shall have no minimum lot area or lot width requirements.

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS ²⁰

(G) PARKING AND LOADING REQUIREMENTS

1. Public or private building owned by governmental agency: One space for each 250 sq. ft. of floor area in the building.¹⁹
2. Private recreational facility: One space for each 4,000 sq. ft. of gross land area.

10-4-3: CR CONSERVATION/RECREATION DISTRICT (continued)

3. Nursery for the growing and sale of trees and shrubbery: One space for each 500 sq. ft. of gross floor area, plus 1 space for each 4,000 sq. ft. of gross land area.
4. Additional off-street parking and loading requirements are found in the “Supplementary District Regulations.”

10-4-4: CC COMMUNITY COLLEGE DISTRICT²⁷

(A) PERMITTED USES

1. Community colleges with Master Plans reviewed by the Village Board, including those uses and structures identified on the approved Master Plan.
2. Indoor and outdoor special events provided adequate traffic control devices are provided by the community college and that all parking is accommodated for on the college's property.
3. Open space, public park, playground, or garden.
4. Parking lots not shown on the approved Master Plan provided the design complies with the provisions of this Zoning Code and/or the design of the parking lots as shown on the approved Master Plan.

(B) SPECIAL USES

Within this district, a primary consideration in the approval of Special Uses shall be public safety and the impact on adjacent properties. No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Parking garage not shown on an approved Master Plan.
2. Private day care center not associated with an educational instruction program offered by the community college.
3. Private nursery, prekindergarten, kindergarten, play, special and other private school not associated with an educational instruction program offered by the community college.
4. Public utility and public service use.

(C) ACCESSORY BUILDINGS, STRUCTURES AND USES

Non-residential buildings, structures and uses associated with and used to support the use of the property as a Community College, including but not limited to buildings, structures and uses such as maintenance buildings, sheds, pavilions, satellite dishes, flag poles and dugouts shall be permitted in this district. Any such building with an area of 5,000 square feet or less shall be considered an accessory building. Any such buildings with an area of 5,000 square feet or more shall be considered a principal building.

Accessory buildings, structures and uses in this district must comply with the required setbacks set forth in Section (D) below.

10-4-4: CC COMMUNITY COLLEGE DISTRICT²⁴ (continued)

Except as otherwise expressly stated in this chapter, accessory buildings, structures and uses in this district shall be exempt from the provisions in Sections 10-5-4: “ACCESSORY STRUCTURES AND USES” and 10-5-5: “YARDS”.

(D) MINIMUM YARD AND LOT REQUIREMENTS*

- | | | |
|----|--|--------------|
| 1. | Yards adjacent to Fawell Boulevard, Lambert Road and Park Boulevard: | 80’ in depth |
| 2. | Interior side yard: | 50’ in depth |
| 3. | Rear yard: | 50’ in depth |
| 4. | Lot area: | None |
| 5. | Lot width: | None |
| 6. | Yard adjoining parking lots adjacent to residential uses: | 50’ in depth |

Landscaping shall be provided between any parking lot and property line adjacent to residentially zoned property so as to minimize the trespass of noise and light onto adjoining residential properties.

7. Landscaping – an area 15’ wide along any lot lines abutting a street shall be reserved for open space and appropriately planted and landscaped.

* See Figure 14 with yard locations identified.

(E) MAXIMUM HEIGHT

1. Buildings and structures setback between 50’ and 80’ from the property line: 35’
2. Buildings and structures setback 80’ or greater from the property line: 80’

(F) SIGNS AND FENCES

1. Signs as per Sign Ordinance.
2. All fences within 100 feet of any property line shall comply with the provisions in Section 10-5-5: YARDS.

(G) PARKING AND LOADING REQUIREMENTS

1. The number of required parking spaces shall be as indicated on the Master Plan.

10-4-4: CC COMMUNITY COLLEGE DISTRICT²⁴ (continued)

2. All loading spaces shall be adequately screened from adjacent public roadways and residential uses. Such screening shall consist of a wall, fence and/or landscaping that visually screens the loading area and minimizes the trespass of noise and light onto the street and/or adjoining residential properties. The College shall otherwise be exempt from the provisions in Section 10-5-9 “Off-Street Loading Requirements”.

10-4-5: RE RESIDENTIAL ESTATE DISTRICT²²

(A) PERMITTED USES

The only use permitted in the RE zoning district shall be a detached single-family dwelling.

(B) ACCESSORY BUILDING AND USES

See Section 10-5-4: ACCESSORY STRUCTURES AND USES and Section 10-5-5: YARDS.

(C) ACCESSORY BUILDING AND USES

1. Front yard: The front yard shall be measured from the front lot line to the closest enclosed point of the principal structure.
 - a. 60' in depth.
 - b. Front yards necessary to comply with obligations assumed in non-expired annexation agreements entered into prior to May 1, 2004.
2. Rear yard: 60' in depth.
3. Interior side yard:
 - a. Minimum Interior Side Yard Setback: 30'.
 - b. Interior side yards necessary to comply with obligations assumed in non-expired annexation agreements entered into prior to May 1, 2004.
4. Corner side yard:
 - a. 60' in depth.
 - b. Corner side yards necessary to comply with obligations assumed in non-expired annexation agreements entered into prior to May 1, 2004.
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.^{20, 23}
6. Lot area:
 - a. 50,000 square feet.
 - b. Vacant lots existing on January 1, 2004: 40,000 square feet.

10-4-5: RE RESIDENTIAL ESTATE DISTRICT²² (continued)

- c. The lot area of improved lots with houses shall be considered conforming at the area existing on January 1, 2004.
 - d. Lot areas necessary to comply with obligations assumed in non-expired annexation agreements entered into prior to May 1, 2004.
7. Lot width:
- a. 150'.
 - b. Lot widths necessary to comply with obligations assumed in non-expired annexation agreements entered into prior to May 1, 2004.
8. Lot depth: 160'.²⁵

(D) MAXIMUM LOT COVERAGE RATIOS

- 1. Lot Coverage Ratio, single-family dwellings and accessory buildings: 15% up to a maximum of 7,500 square feet.
- 2. Lot Coverage Ratio bonuses:
 - a. The first 500 square feet of the area of any detached garage shall be excluded from the Lot Coverage Ratio calculation.^{7, 20}
 - b. The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the Lot Coverage Ratio^{20, 25}

OR

The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet and is open on at least two sides shall be excluded from the lot coverage ratio.²⁶

(E) MAXIMUM HEIGHT

- 1. Building Height:

	House Ridge Maximum (with bonus)	Maximum House Eave [®]	House Eave Maximum (with bonus) [®]	Maximum Detached Garage Ridge	Maximum Detached Garage Eave
House Ridge	42'*+	27'	32'*+	22'	12'

10-4-5: RE RESIDENTIAL ESTATE DISTRICT²² (continued)

- * **Setback Bonus – Ridge:** An increase of both side yard setbacks and the front yard setback of 5 feet or more than the required setback allows one foot more of ridge height per 5-foot increment up to its maximum.
 - + **Setback Bonus - Eave:** An increase of both side yard setbacks and the front yard setback of 5 feet or more than the required setback allows one foot more of eave height per 5-foot increment up to its maximum.
 - ⊗ The eave height shall not apply to dormer(s) no greater than 8 feet wide and the combined dormer width shall not exceed 25% of the length of the building side measured to the outside edges, provided the dormers are separated by a minimum of 5 feet.²⁵
2. **Architectural Features:** The maximum height shall not apply to architectural features such as spires, weather vanes, 50% open guardrails or lightning rods provided the top of the feature does not exceed 5 feet above the higher of the constructed or designed highest ridge or eave height for a lot, and not more than one architectural feature shall be permitted above the permitted height on a building.²⁵

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.

(G) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling: Not less than 2 spaces.
2. Additional off-street parking and loading requirements are found in the “Supplementary District Regulations.”

10-4-6: R0 RESIDENTIAL DISTRICT

(A) PERMITTED USES*

1. Single-family dwelling.
2. Public park or playground.
3. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center, in other than a dwelling.
2. Cemetery.¹⁰
3. Church.
4. Convent, monastery and seminary.
5. Cultural facility.
6. Day care center, in other than a dwelling.
7. Nursery, prekindergarten, kindergarten, play, special and other private school.
8. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site of not less than 5 acres.
9. Private recreational facility where buildings do not occupy more than 10% of the site area.
10. Public use.
11. Public utility and public service use.
12. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸

10-4-6: R0 RESIDENTIAL DISTRICT (continued)

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDING AND USES¹⁸

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: 50' in depth.²³

The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds Office after March 1, 1999 may be constructed to the minimum required front yard setback line of 50 feet.^{20, 25}

2. Rear yard: 60' in depth.
3. Interior side yard: Minimum Interior Side Yard Setback: 15% of width of lot.²⁰
4. Corner side yard setback: 40'.
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.^{20, 23}
6. The minimum width of each side yard for schools and Special Uses shall be 25'.¹
7. Lot area: 18,000 sq. ft.
8. Lot width: 100'.
9. Lot depth: 150'.²⁵

(E) MAXIMUM LOT COVERAGE RATIOS^{7, 20}

1. Lot Coverage Ratio, single-family dwellings, more than one story, and accessory buildings: 20% of the lot.²⁰
2. Lot Coverage Ratio, single-family dwellings, one story and accessory buildings: 35% of the lot.²⁰
3. Lot Coverage Ratio bonuses:

10-4-6: R0 RESIDENTIAL DISTRICT (continued)

- a. The first 500 square feet of the area of any detached garage shall be excluded from the Lot Coverage Ratio calculation.^{7, 20}
- b. The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the Lot Coverage Ratio^{20, 25}

OR

The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet and is open on at least two sides shall be excluded from the lot coverage ratio.²⁶

(F) MAXIMUM HEIGHT

1. For single-family dwellings, see Section 10-4-8(F): MAXIMUM HEIGHT.^{20, 25}
2. Special Uses and schools may be erected to a height not exceeding 45', and churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' for each foot of additional building height above the height limit otherwise permitted in the district.
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸
4. Architectural Features: See Section 10-4-8(F)3.²⁵

(G) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.²⁰

(H) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling: Not less than 2 spaces.
2. Church: One space for each 4 seats in the main auditorium.
3. School: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
4. Public building erected by governmental agency: One space for each 250 sq. ft. of floor area in the building.

10-4-6: R0 RESIDENTIAL DISTRICT (continued)

5. Day care center and pre-school facility: One space for each 800 sq. ft. of gross floor area.
6. Private recreational facility: One space for each 4,000 sq.ft. of land area.
7. Cultural facility: Two spaces for each 1,000 sq. ft. of gross floor area.
8. Additional off-street parking and loading requirements are found in the “Supplementary District Regulations.”

10-4-7: R1 RESIDENTIAL DISTRICT

(A) PERMITTED USES*

1. Single-family dwelling.
2. Public parks or playground.
3. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center, in other than a dwelling.
2. Cemetery.¹⁰
3. Church.
4. College and university.
5. Convent, monastery and seminary.
6. Cultural facility.
7. Day care center, in other than a dwelling.
8. Planned residential development on a site of one acre or more, in accordance with the provisions of the "Planned Unit Development Regulations," provided, however, that no planned residential development shall have a building height in excess of 35 feet.⁶
9. Nursery, prekindergarten, kindergarten, play, special and other private school.
10. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site of not less than 5 acres.
11. Private recreational facility where buildings do not occupy more than 10% of the site area.
12. Public use.
13. Public utility and public service use.

10-4-7: R1 RESIDENTIAL DISTRICT²³ (continued)

14. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDING AND USES¹⁸

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds Office after March 1, 1999, may be constructed to the minimum required front yard setback line of 40 feet.^{20, 25}
 - a. 40' in depth; and
 - b. The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street; but
 - c. The proposed principal structure (or addition thereto) need not be farther than 50' from the front lot line.²⁰
2. Rear yard: 50' in depth.
3. Interior side yard: Minimum Interior Side Yard Setback: 10% of the lot width.²⁰
4. Corner side yard setback: 40'.²⁰
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.^{20, 23}
6. The minimum width of each side yard for schools and Special Uses shall be 25'.¹
7. Lot area: 14,500 sq. ft.

10-4-7: R1 RESIDENTIAL DISTRICT²³ (continued)

8. Lot width:
 - a. Interior lot – 90’;
 - b. Corner lot – 108’.
9. Lot depth: 130’.²⁵

(E) MAXIMUM LOT COVERAGE RATIO^{7, 20}

1. Lot Coverage Ratio, single-family dwellings, more than one story, and accessory buildings: 20% of the lot.²⁰
2. Lot Coverage Ratio, single-family dwellings, one story and accessory buildings: 35% of the lot.²⁰
3. Lot Coverage Ratio bonuses:
 - a. The first 500 square feet of the area of any detached garage shall be excluded from the Lot Coverage Ratio calculation.^{7, 20}
 - b. The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the Lot Coverage Ratio^{20, 25}

OR

The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet and is open on at least two sides shall be excluded from the lot coverage ratio.²⁶

(F) MAXIMUM HEIGHT

1. For single-family dwellings, see Section 10-4-8(F): MAXIMUM HEIGHT.^{20, 25}
2. Special Uses and schools may be erected to a height not exceeding 45’, and churches and temples may be erected to a height not exceeding 75’, if the building is set back from each yard line at least 2’ for each foot of additional building height above the height limit otherwise permitted in the district.
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸
4. Architectural Features: See Section 10-4-8(F)^{3, 25}.

10-4-7: R1 RESIDENTIAL DISTRICT²³ (continued)

(G) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.²⁰

(H) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling: Not less than 2 parking spaces.
2. Church: One parking space for each 4 seats in the main auditorium.
3. College and university: One space for each employee, plus 1 space for each 3 students, based on design capacity.
4. Cultural facility: Two spaces for each 1,000 sq. ft. of gross floor area.
5. Day care center and pre-school facility: One space for each 800 sq. ft. of gross floor area.
6. Private recreational facility: One space for each 4,000 sq. ft. of gross land area.
7. Public building erected by governmental agency: One space for each 250 sq. ft. of floor area in the building.
8. School: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
9. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-8: R2 RESIDENTIAL DISTRICT

(A) PERMITTED USES*

1. Single-family dwelling.
2. Public park or playground.
3. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center, in other than a dwelling.
2. Cemetery.¹⁰
3. Church.
4. Convent, monastery and seminary.
5. Cultural facility.
6. Day care center, in other than a dwelling.
7. Planned residential development on a site of one acre or more, in accordance with the provisions of the "Planned Unit Development Regulations," provided, however, that no planned residential development shall have a building height in excess of 35 feet.⁶
8. Nursery, prekindergarten, kindergarten, play, special and other private school.
9. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site not less than 5 acres.
10. Private recreational facility where buildings do not occupy more than 10% of the site area.
11. Public use.
12. Public utility and public service use.
13. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower,

10-4-8: R2 RESIDENTIAL DISTRICT (continued)

ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDING AND USES¹⁸

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds Office after March 1, 1999, may be constructed to the minimum required front yard setback line of 30 feet.^{20, 25}
 - a. 30' in depth, and
 - b. The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, but
 - c. The proposed principal structure (or addition thereto) need not be farther than 50' from the front lot line.²⁰
2. Rear yard: 40' in depth.
3. Interior side yard: Minimum Interior Side Yard Setback: Each side yard shall be 6.5 feet or 10% of the lot width, whichever is greater.^{20, 25}
4. Corner side yard setback:
 - a. 30' except
 - b. On a parcel with a non-conforming lot width, the minimum corner side yard setback shall be 30% of the lot width.²⁰
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.^{20, 23}
6. The minimum width of each side yard for schools and Special Uses shall be 25'.¹

10-4-8: R2 RESIDENTIAL DISTRICT (continued)

7. Lot area - 8,712 sq. ft.
8. Lot width:
 - a. Interior lot – 66’ and
 - b. Corner lot – 80’.
9. Lot depth - 110’.²⁵

(E) MAXIMUM LOT COVERAGE RATIO^{7, 20}

1. Lot Coverage Ratio, single-family dwellings, more than one story, and accessory buildings: 20% of the lot.²⁰
2. Lot Coverage Ratio, single-family dwellings, one story and accessory buildings: 35% of the lot.²⁰
3. Lot Coverage Ratio bonuses:
 - a. The first 500 square feet of the area of any detached garage shall be excluded from the Lot Coverage Ratio calculation provided there is no attached garage unless the attached garage doors are oriented perpendicular (90 degrees or greater away from the street) to the front or corner side lot line. For an arc-shaped front or corner side lot line, garage doors shall be oriented perpendicular (90 degrees or greater oriented away from the street) to the tangent or chord dimension measured in the interior of the lot.^{7, 20, 25}
 - b. The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the Lot Coverage Ratio.^{20, 25}

OR

The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet and is open on at least two sides shall be excluded from the lot coverage ratio.²⁶

(F) MAXIMUM HEIGHT

1. Building height:^{20, 25} (For additional information regarding building height or mansard roofs, see the definition of "Eave" and refer to Figure 5 in the appendix).

10-4-8: R2 RESIDENTIAL DISTRICT (continued)

Lot Width	Maximum Ridge	Ridge Maximum (with Bonus)	Maximum Eave, Parapet or Low Sloped Roof	Eave Parapet or Low Sloped Roof Maximum (with bonus) [⊗]	Maximum Detached Garage Ridge	Maximum Detached Garage Eave Parapet or Low Sloped Roof
50' or less	32'	N/A	22' [⊗]	N/A	17'	12' [⊗]
+50' to – 66'	32'	35'*	22' [⊗]	N/A	17'	12' [⊗]
66' to – 90' ²³	35'	40'* [@]	25' [⊗]	30'+ [⊗]	22'	12' [⊗]
+90'	37'	42'* [@]	27' [⊗]	32'+ [⊗]	22'	12' [⊗]

Ridge height bonus (not to be used in the combination of a “Setback“ and “Raised Front Porch”):

- * **Setback Bonus – Ridge:** An increase of both side yard setbacks of 1 foot more than the required setback allows one foot more of ridge height up to its maximum.
 - + **Setback Bonus - Eave:** An increase of both side yard setbacks of 1 foot more than the required setback allows one foot more of eave height up to its maximum.
 - @ **Raised Front Porch Bonus** - A "raised front porch" of at least 2 feet above grade allows up to 2 feet more ridge height. A "raised front porch" of at least 3 feet above grade allows up to 3 feet more ridge height.²⁰
 - ⊗ **Dormer Bonus Eave** – The eave height shall not apply to dormer(s) no greater than 8 feet wide and the combined dormer width shall not exceed 25% of the length of the building side measured to the outside edges, provided the dormers are separated by a minimum of 5 feet.²⁵
2. Special Uses and schools may be erected to a height not exceeding 45', and churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' for each foot of additional building height above the height limit otherwise permitted in the district.
 3. Architectural Features: The maximum height shall not apply to architectural features such as spires, weather vanes, 50% open guardrails or lightning rods provided the top of the feature does not exceed 5 feet above the higher of the constructed or designed highest ridge or eave height for a lot, and not more than one architectural feature shall be permitted above the permitted height on a building.²⁵

(G) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.²⁰

10-4-8: R2 RESIDENTIAL DISTRICT (continued)

(H) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling: Not less than 2 parking spaces.
2. Church: One parking space for each 4 seats in the main auditorium.
3. Cultural facility: Two spaces for each 1,000 sq. ft. of gross floor area.
4. Day care center and pre-school facility: One space for each 800 sq. ft. of gross floor area.
5. Private recreational facility: One space for each 4,000 sq. ft. of gross land area.
6. Public building erected by governmental agency: One space for each 250 sq. ft. of floor area in the building.
7. School: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
8. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-9: R2B RESIDENTIAL DISTRICT²⁴

(A) PERMITTED USES*

1. Single-family dwelling.
2. Public park or playground.
3. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center, in other than a dwelling.
2. Cemetery.
3. Church.
4. Convent, monastery and seminary.
5. Cultural facility.
6. Day care center, in other than a dwelling.
7. Planned residential development on a site of one acre or more, in accordance with the provisions of the "Planned Unit Development Regulations," provided, however, that no planned residential development shall have a building height in excess of 35 feet.
8. Nursery, prekindergarten, kindergarten, play, special and other private school.
9. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site not less than 5 acres.
10. Private recreational facility where buildings do not occupy more than 10% of the site area.
11. Public use.
12. Public utility and public service use.
13. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower,

10-4-9: R2B RESIDENTIAL DISTRICT (continued)

ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDING AND USES

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds Office after March 1, 1999, may be constructed to the minimum required front yard setback line of 30 feet.
 - a. 30' in depth, and
 - b. The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, but
 - c. The proposed principal structure (or addition thereto) need not be farther than 50' from the front lot line.
2. Rear yard: 40' in depth.
3. Interior side yard: Minimum Interior Side Yard Setback: Each side yard shall be 7.5 feet or 10% of the lot width, whichever is greater.
4. Corner side yard setback:
 - a. 30' except
 - b. On a parcel with a non-conforming lot width, the minimum corner side yard setback shall be 30% of the lot width.
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.
6. The minimum width of each side yard for schools and Special Uses shall be 25'.

10-4-9: R2B RESIDENTIAL DISTRICT (continued)

7. Lot area - 10,000 sq. ft.
8. Lot width:
 - a. Interior lot – 75’ and
 - b. Corner lot – 90’.
9. Lot depth – 110’.²⁵

(E) MAXIMUM LOT COVERAGE RATIO

1. Lot Coverage Ratio, single-family dwellings, more than one story, and accessory buildings: 20% of the lot.
2. Lot Coverage Ratio, single-family dwellings, one story and accessory buildings: 35% of the lot.
3. Lot Coverage Ratio bonuses:
 - a. The first 500 square feet of the area of any detached garage shall be excluded from the Lot Coverage Ratio calculation.^{7, 20}
 - b. The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the Lot Coverage Ratio.^{20, 25}

OR

The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet and is open on at least two sides shall be excluded from the lot coverage ratio.²⁶

(F) MAXIMUM HEIGHT

1. For single-family dwellings, see Section 10-4-8(F): MAXIMUM HEIGHT.²⁵
2. Special Uses and schools may be erected to a height not exceeding 45', and churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' for each foot of additional building height above the height limit otherwise permitted in the district.
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.

10-4-9: R2B RESIDENTIAL DISTRICT (continued)

4. Architectural Features: See Section 10-4-8(F)3.²⁵

(G) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.

(H) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling: Not less than 2 parking spaces.
2. Church: One parking space for each 4 seats in the main auditorium.
3. Cultural facility: Two spaces for each 1,000 sq. ft. of gross floor area.
4. Day care center and pre-school facility: One space for each 800 sq. ft. of gross floor area.
5. Private recreational facility: One space for each 4,000 sq. ft. of gross land area.
6. Public building erected by governmental agency: One space for each 250 sq. ft. of floor area in the building.
7. School: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
8. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-10: R3 RESIDENTIAL DISTRICT

(A) PERMITTED USES*

1. Single-family dwelling.
2. Attached single-family dwelling of not more than four units.
3. Two-family dwelling.
4. Public park or playground.
5. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center.
2. Attached single-family dwelling unit of more than four units but not exceeding six.¹
3. Church.
4. Congregate housing for the elderly.
5. Convent, monastery and seminary.
6. Cultural facility.
7. Day care center.
8. Group home.
9. Nursing home and educational, philanthropic or religious institution, provided not more than 50% of the site area may be occupied by buildings.
10. Large-scale planned residential development, in accordance with the provisions of the "Planned Unit Development Regulations."
11. Nursery, prekindergarten, kindergarten, play, special and other private school.
12. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site of not less than 5 acres.
13. Private recreational facility where buildings do not occupy more than 10% of the site area.
14. Public use.
15. Public utility and public service use.
16. Sheltered care facility.
17. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

10-4-10: R3 RESIDENTIAL DISTRICT (continued)

(C) ACCESSORY BUILDING AND USES¹⁸

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds Office after March 1, 1999, may be constructed to the minimum required front yard setback line of 30 feet.^{20, 25}
 - a. 30' in depth, and
 - b. The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, but
 - c. The proposed principal structure (or addition thereto) need not be farther than 50' from the front lot line.²⁰
2. Rear yard: 40' in depth.
3. Interior side yard: Minimum Interior Side Yard Setback: Each side yard shall be 6.6' or 10% of the lot width, whichever is greater.²⁰
4. Corner side yard setback:
 - a. 30' except
 - b. On a parcel with a non-conforming lot width, the minimum corner side yard setback shall be 30% of the lot width.²⁰
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets.²⁰ Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.
6. The minimum width of each side yard for schools and Special Uses shall be 25'.¹
7. Single-family dwellings and non-residential Special Uses:
 - a. Lot area – 8,712 sq. ft.;
 - b. Lot width:

10-4-10: R3 RESIDENTIAL DISTRICT (continued)

- (1) Interior lot – 66’;
 - (2) Corner lot – 80’.
 - c. Lot depth – 110’.²⁵
8. Attached single-family dwellings and two-family dwellings:
- a. Lot area per family in sq. ft. – 4,950;
 - b. Lot width:
 - (1) Interior lot – 75’;
 - (2) Corner lot – 90’;
 - c. Lot depth – 110’.²⁵
 - d. Side yard – 10% of the lot width or 10’ per side, whichever is greater.

(E) MAXIMUM LOT COVERAGE RATIOS⁷

- 1. Lot Coverage Ratio, single-family dwellings, more than one story, and accessory buildings: 20% of the lot.²⁰
- 2. Lot Coverage Ratio, single-family dwellings, one story and accessory buildings: 35% of the lot.²⁰
- 3. Lot Coverage Ratio bonuses:
 - a. The first 500 square feet of the area of any detached garage shall be excluded from the Lot Coverage Ratio calculation.^{7, 20}
 - b. The first 240 square feet of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet with no more than one side of the porch enclosed by a vertical wall, shall be excluded from the Lot Coverage Ratio.^{20, 25}

OR

The first 140 square feet of the area of a porch, located in the front yard or in the corner side yard, which has a minimum depth of 6 feet and is open on at least two sides shall be excluded from the lot coverage ratio.²⁶

10-4-10: R3 RESIDENTIAL DISTRICT (continued)

(F) MAXIMUM HEIGHT

1. For single-family dwellings, see Section 10-4-8(F): MAXIMUM HEIGHT.^{20, 25}
2. Special Uses may be erected to a height not exceeding 45', and churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' for each foot of additional building height above the height limit otherwise permitted in the district;
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸
4. Architectural Features: See Section 10-4-8(F)3.²⁵

(G) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.²⁰

(H) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling and two-family dwelling: Not less than 2 parking spaces per unit.
2. Church: One parking space for each 4 seats in the main auditorium.
3. Cultural facility: Two spaces for each 1,000 sq. ft. of gross floor area.
4. Congregate housing: One space for each two bedrooms.
5. Day care center and pre-school facility: One space for each 800 sq. ft. of gross floor area.
6. Group home: One space for each 800 sq. ft. of gross floor area.
7. Nursing home: One parking space for each 3 beds.
8. Private recreational facility: One space for each 4,000 sq. ft. of land area.
9. Public building erected by governmental agency: One space for each 250 sq. ft. of floor area in the building.

10-4-10: R3 RESIDENTIAL DISTRICT (continued)

10. School: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
11. Sheltered care facility: One space for each 1,200 sq. ft. of gross floor area.
12. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-11: R4 RESIDENTIAL DISTRICT

(A) PERMITTED USES*

1. Attached single-family dwelling of not more than 6 units.²⁵
2. Multiple-family dwelling.
3. Public park or playground.
4. Public school, elementary and high, or private school having a curriculum equivalent to a public school, elementary or high, and all such public or private schools having no rooms regularly used for housing or sleeping purposes.

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center.
2. Church.
3. Congregate housing for the elderly.
4. Convent, monastery and seminary.
5. Cultural facility.
6. Day care center.
7. Group home.
8. Hospital, nursing home and educational, philanthropic or religious institution on a site of not less than 5 acres, provided not more than 50% of the site area may be occupied by buildings, and provided further that the buildings shall be set back from all required yard lines an additional foot for each foot of building height.
9. Large-scale planned residential development, in accordance with the provisions of the "Planned Unit Development Regulations."
10. Medical clinic.
11. Nursery, prekindergarten, kindergarten, play, special and other private school.
12. Privately operated, not-for-profit, lake, swimming pool, or tennis court, on a site not less than 5 acres.
13. Private recreational facility where buildings do not occupy more than 10% of the site area.
14. Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.
15. Public use.
16. Public utility and public service use.
17. Sheltered care facility.
18. Single-family dwelling.
19. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸
20. Two-family dwelling.

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

10-4-11: R4 RESIDENTIAL DISTRICT (continued)

(C) ACCESSORY BUILDING AND USES*

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS²⁰

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: The front yard setback distance shall be measured from the front lot line to the closest enclosed point of the principal structure. The initial principal structure erected on a lot in a subdivision recorded with the DuPage County Recorder of Deeds Office after March 1, 1999, may be constructed to the minimum required front yard setback line of 30 feet.^{20, 25}
 - a. 30' in depth, and
 - b. The proposed principal structure (or addition thereto) shall be no closer to the street than the closest principal structure on either adjacent lot on the same block and same side of the street, but
 - c. The proposed principal structure (or addition thereto) need not be farther than 50' from the front lot line.²⁰
2. Rear yard: 30' in depth.
3. Interior side yard: Minimum Interior Side Yard Setback: Each side yard shall be 6.6' or 10% of the lot width, whichever is greater.²⁰
4. Corner side yard setback:
 - a. 30' except
 - b. On a parcel with a non-conforming lot width, the minimum corner side yard setback shall be 30% of the lot width.
5. On lots fronting on two non-intersecting streets, with the exception of alleys, where access on both public ways is allowed, a front yard must be provided on both streets. Where a lot fronts on two non-intersecting streets, one of which is an improved or unimproved alley, the yard closest to the alley shall be considered a rear yard.^{20, 23}
6. The minimum width of each side yard for schools and Special Uses shall be 25'.¹
7. Single-family dwellings:
 - a. Lot area – 8,712 sq. ft.

10-4-11: R4 RESIDENTIAL DISTRICT (continued)

- b. Lot width:
 - (1) Interior lot – 66’;
 - (2) Corner lot – 80’.
 - c. Lot depth – 100’.²⁵
8. Attached single-family dwellings and two-family dwellings:
- a. Lot area per family in sq. ft. – 4,950;
 - b. Lot width:
 - (1) Interior lot – 75’;
 - (2) Corner lot – 90’.
 - c. Lot depth – 100’.²⁵
9. Multiple-family dwellings:
- a. Lot area per family unit – 2,500 sq. ft.;
 - b. Lot width:
 - (1) Interior lot – 75’;
 - (2) Corner lot – 90’.
 - c. Lot depth – 100’.²⁵
10. Non-residential Special Uses:
- a. Lot area – 8,712 sq. ft.
 - b. Lot width:
 - (1) Interior lot – 66’;
 - (2) Corner lot – 80’.
 - c. Lot depth – 100’.²⁵

10-4-11: R4 RESIDENTIAL DISTRICT (continued)

(E) MAXIMUM HEIGHT

1. 35'.
2. Special Uses may be erected to a height not exceeding 45', and churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' for each foot of additional building height above the height limit otherwise permitted in the district;
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.²⁰

(G) PARKING AND LOADING REQUIREMENTS

1. Single-family dwelling and two-family dwelling: Not less than 2 parking spaces per unit.
2. Church: One parking space for each 4 seats in the main auditorium.
3. Cultural facility: Two spaces for each 1,000 sq. ft. of gross floor area.
4. Congregate housing: One space for each two bedrooms.
5. Day care center: One space for each 800 sq. ft. of gross floor area.
6. Group home: One space for each 800 sq. ft. of gross floor area.
7. Hospital: Two spaces for each bed.
8. Medical clinic: One space for each 200 sq. ft. of the gross area used for clinic.
9. Multiple-family dwelling: Two spaces per unit, except efficiency units, which require 1.5 spaces.²¹
10. Nursing home: One parking space for each 3 beds.
11. Private club, fraternity, sorority, or lodge: One space for each 3,000 sq. ft. of floor area.

10-4-11: R4 RESIDENTIAL DISTRICT (continued)

12. Private recreational facility: One space for each 4,000 sq. ft. of gross land area.
13. Public building erected by governmental agency: One space for each 250 sq. ft. of floor area in the building.
14. School: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
15. Sheltered care facility: One space for each 1,200 sq. ft. of gross floor area.
16. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-12: R5 RESIDENTIAL DISTRICT*

(A) USES ALLOWED¹⁶

Residential uses of a type and density compatible with surrounding residential areas and consistent with the objectives of the Glen Ellyn Comprehensive Plan and all approved supplemental reports and graphics. Residential uses shall be limited to single-family dwellings, attached or detached, two-family dwellings, and senior housing and congregate care facilities shall be considered Special Uses, and a separate Special Use Permit shall be required.

(B) SPECIAL DESIGN CONSIDERATIONS

As contained in the Comprehensive Plan and all approved supplemental reports and graphics.

(C) ACCESSORY BUILDING AND USES¹⁸

See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

*Development within this district shall be by planned development only, and shall be consistent with the Glen Ellyn Comprehensive Plan. All development shall comply with the requirements contained in the "Planned Unit Development Regulations," as well as all other pertinent regulations in this Code.

(D) BUILDING BULK REQUIREMENTS

Standards for lot size, setbacks, building height and open space shall be consistent with requirements in adjacent zoning districts and in accordance with the Comprehensive Plan and all approved supplemental reports and graphics.

(E) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. See Section 10-5-5: YARDS.²⁰

(F) PARKING AND LOADING REQUIREMENTS

1. Off-street parking and loading shall conform to the design considerations contained in the Comprehensive Plan and all approved supplemental reports and graphics.
2. Parking spaces for dwellings shall be provided as follows:

10-4-12: R5 RESIDENTIAL DISTRICT (continued)

- a. Single-family and two-family dwelling: Not less than 2 spaces per unit;
 - b. Multi-family dwelling: Two spaces per unit, except that efficiency units require 1.5 spaces per unit;
3. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-13: C1 DISTRICT (RESERVED)

10-4-14: C2 COMMUNITY COMMERCIAL DISTRICT

(A) PERMITTED USES*

1. Bakery where not more than 50% of the floor area is devoted to processing.
2. Commodities sales uses for basic living needs of neighborhoods, such as: art and school supply store; bicycle sale and repair shop; book store; camera and photographic supply store; candy and ice cream store; furniture, upholstery, carpet, china or glass store; clothing store; department store; toy and hobby shop; hardware store; jewelry or leather goods store; liquor store; garden supply shop; electrical and household appliance sales; coin and philatelic store; interior decorating including making of draperies, slip covers and other similar articles; sporting goods; musical instrument sale and repair; paint and wallpaper store; variety store.
3. Community support service uses such as: music and dance school; antique shop; health spa; mail order store; newspaper office; office supply; pet shop; indoor theater; catering; laundry retail; mortuary; photographic and art studio; food store; and employment agency.²⁵
4. Service uses performed on the premises for needs of a neighborhood, such as: barber and beauty shop; dressmaking; tailoring; shoe repair; household appliance repair; radio or television sales, service and repair; frozen food locker; locksmith; millinery shop; travel agency; telegraph office; furrier storage, conditioning or sales; picture framing.
5. Office, business, medical or professional.³⁵
6. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by a special use permit.¹⁸
7. Restaurant and eating place (except drive-in and carry-out establishments) without entertainment and dancing and including outdoor seating on private property as an accessory use provided such outdoor seating complies with the provisions in Section 10-5-15.²⁵
8. Historical Facility.³⁵

*All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.

10-4-14: C2 COMMUNITY COMMERCIAL DISTRICT (continued)

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center.
2. Automobile car wash³.
3. Automobile repair³.
4. Automobile and automotive sale and service use, including open sale lots, parking lots and public garages and storage garages³.
5. Automotive vehicle rental³.
6. Bank or financial institution.
7. Church or temple.
8. Club or lodge – private, fraternal or religious.
9. Commercial planned development in accordance with the provisions of the “Planned Unit Development Regulations”.
10. Congregate housing for the elderly.
11. Day care center.
12. Drive-in commercial facility.²²
13. Garage/service station.
14. Group home.
15. Heating equipment and fixture repair uses³.
16. Medical or dental clinic.
17. Outdoor merchandise,²⁸ storage, promotional activities, or tents²⁰.
18. Private School.
19. Public park and playground.
20. Public use.
21. Public utility and public service use.
22. School – commercial or trade.
23. Sheltered care facility.
24. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height¹⁸.

(C) ACCESSORY BUILDING AND USES

1. Storage garage and parking lot.
2. Accessory buildings may be located in a rear yard but not occupy more than 30% of a rear yard. If within 10’ of a principal building, then it must observe the same side yard requirements for a principal building. If more than 10’ from a principal building, then it must be at least 60’ from the front street line and 3’ from both the side and rear yards.

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: None.
2. Rear yard: 10' in depth.

10-4-14: C2 COMMUNITY COMMERCIAL DISTRICT (continued)

3. Side yard: None. A 20' side yard is required when the property adjoins or is across the alley from a residential district.
4. Lot area: 9,000 sq. ft.
5. Lot width:
 - a. Interior lot - 75';
 - b. Corner lot - 90'.
6. Lot depth: 125'.²⁵

(E) MAXIMUM HEIGHT

1. 35'.
2. Special Uses may be erected to a height not exceeding 45', and churches and temples may be erected to a height not exceeding 75', if the building is set back from each yard line at least 2' for each foot of additional building height above the height limit otherwise permitted in the district.
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. Screening required pursuant to Section 10-5-13 (L).
3. See Section 10-5-5: YARDS.²⁰

(G) PARKING AND LOADING REQUIREMENTS

1. All buildings except those specified below: One space for each 250 sq. ft. of floor area.
2. Automobile sales: Three spaces for each 1,000 sq. ft. of gross floor area, plus 1 space for each 2,000 sq. ft. of gross land area.³
3. Car wash: One space for each 2 employees, plus reservoir parking space or stacking space equal to 5 times the maximum capacity of the washing unit.³

10-4-14: C2 COMMUNITY COMMERCIAL DISTRICT (continued)

4. Club and lodge: One space for each 300 sq. ft. of gross floor area.
5. Commercial or trade school: One space for each 2 students, based on design capacity.
6. Day care center: One space for each 800 sq. ft. of gross floor area.
7. Eating or restaurant establishment: One space for each 3 seats provided in eating or drinking areas.
8. Indoor theater: One space for each 3 seats.
9. Medical and dental clinic: One space for each 200 sq. ft. of the gross area used for clinic.
10. Private school: One space for each 4 students, based on design capacity.
11. Sheltered care facility: One space for each 1,200 sq. ft. of gross floor area.
12. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-15: C3 SERVICE COMMERCIAL DISTRICT

(A) PERMITTED USES*

1. Automobile and automotive sale and service use, including open sales lots, parking lots and public garages and storage garages.
2. Bakery where not more than 50% of the floor area is devoted to processing.
3. Bank, loan office and currency exchange and financial institution.
4. Building material sales establishment; plumbing, heating, ventilating and electrical equipment and fixture service and repair uses; machinery and equipment sales, service and rental; cabinet making and custom wood-working uses.
5. Commodities sales uses for basic living needs of a neighborhood, such as: art and school supply store; bicycle sale and repair shop; book store; camera and photographic supply store; candy and beauty shop; furniture, upholstery, carpet, china or glass store; clothing store; department store; toy and hobby shop; hardware store; jewelry or leather goods store; liquor store; garden supply shop; electrical and household appliance sales; coin and philatelic store; interior decorating including making of draperies, slip covers and other similar articles; sporting goods; musical instrument sales and repair; paint and wallpaper store; variety store; video sales and rental store.
6. Community support service uses such as: music and dance school; antique shop; health spa; mail order store; newspaper office; office supply; pet shop; indoor theater; catering; laundry retail; mortuary; photographic and art studio; food store; and employment agency.²⁵
7. Engraving, printing, publishing, lithography, blue printing and photocopying establishment.
8. Greenhouse, including retail and wholesale sale of plants.
9. Hotel or motel.
10. Indoor recreational facility.
11. Laundry, commercial.
12. Mail order house, retail.
13. Medical or dental clinic.
14. Monument establishment.
15. Movie theater.
16. Office, business, medical or professional.
17. Research activity.
18. Restaurant and eating place, including outdoor seating on private property as an accessory use provided such outdoor seating complies with the provisions in Section 10-5-15.²⁵
19. Service uses performed on premises for needs of a neighborhood, such as: barber and beauty shop; dressmaking; tailoring; shoe repair; household appliance repair; radio or television sales, service and repair; frozen food locker; locksmith; millinery shop; travel agency; telegraph office; furrier storage, conditioning and sales; picture framing.
20. Telephone exchange.
21. Used car, trailer or boat sales.
22. Veterinarian or animal hospital.
23. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by a special use permit.¹⁸

10-4-15: C3 SERVICE COMMERCIAL DISTRICT (continued)

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Automobile car wash.
2. Automobile repair.
3. Automotive vehicle rental.²⁵
4. Cartage, express, parcel delivery or motor freight terminal.
5. Church or temple.
6. Commercial planned development in accordance with the provisions of the "Planned Unit Development Regulations."
7. Compounding of cosmetics, toiletries, dyes and pharmaceuticals.
8. Contractor's yard for storage of vehicles and materials.
9. Drive-in commercial facility.
10. Garage/service station.
11. Kennel or cattery.
12. Light manufacturing assembly of previously manufactured parts, fabricating, cleaning, testing, assembling, repairing or servicing.
13. Outdoor amusement establishment.
14. Outdoor merchandise²⁸, storage, promotional activities, or tents.²⁰
15. Private school.
16. Public park and playground.
17. Public use.
18. Public utility and public service use.
19. School - commercial or trade.
20. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸
21. Vehicle storage lot.
22. Wholesale merchandising and storage warehousing.

* All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations" as well as all other pertinent regulations in this Code.

(C) ACCESSORY BUILDING AND USES

1. Storage garage and parking lot.
2. Accessory buildings may be located in a rear yard but not occupy more than 30% of a rear yard. If within 10' of a principal building, then it must observe the same side yard requirements for a principal building. If more than 10' from a principal building, then it must be at least 60' from the front street line and 3' from both the side and rear yards.

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: 40' in depth.¹
2. Rear yard: 30' in depth.

10-4-15: C3 SERVICE COMMERCIAL DISTRICT (continued)

3. Side yard: 10'; a 20' side yard is required when the property adjoins or is across the alley from a residential district; and such transitional yard shall be appropriately landscaped; a side yard abutting a street (corner side yard) shall be 30' in depth.²⁵
4. Lot area: 10,000 sq. ft.
5. Lot width:
 - a. Interior lot - 80';
 - b. Corner lot - 100'.
6. Lot depth: 140'.²⁵
7. Landscaping - an area 10' wide along the front lot line and any side lot line abutting a street shall be reserved for open space and appropriately planted and landscaped.¹

(E) MAXIMUM HEIGHT

1. 45', except that by Special Use a building may be erected to a height not exceeding 55' if the building is set back from each yard line at least 2 additional feet for each additional foot of building height above 45'. Churches and temples may, by Special Use Permit, be erected to a height not exceeding 75' if such structure is set back from each yard line at least 2 additional feet for each additional foot of building height above 45'.
2. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. Screening required pursuant to Section 10-5-13 (L).
3. See Section 10-5-5: YARDS.²⁰

(G) PARKING AND LOADING REQUIREMENTS

1. The following design standards shall apply within this district:

10-4-15: C3 SERVICE COMMERCIAL DISTRICT (continued)

- a. No vehicle shall be parked within 10' of the front property line, and such unobstructed 10' setback shall be appropriately planted and landscaped;
 - b. All parking areas shall be appropriately landscaped;
 - c. Driveways shall be located no closer than 40' to another driveway, or an intersecting street.
2. All buildings except those specified below: One space for each 250 sq. ft. of gross floor area.
 3. Automobile sales: Three spaces for each 1,000 sq. ft. of gross floor area, plus 1 space for each 2,000 sq. ft. of gross land area.
 4. Car wash: One space for each 2 employees, plus reservoir parking space or stacking space equal to 5 times the maximum capacity of the washing unit.
 5. Commercial or trade school: One space for each 2 students, based on design capacity.
 6. Hotel and motel: One space for each lodging unit.
 7. Indoor theater: One space for each 3 seats.
 8. Light manufacturing: Two spaces for each 3 employees.
 9. Medical and dental clinic: One space for each 200 sq. ft. of the gross floor area.
 10. Private school: One space for each 4 students, based on design capacity.
 11. Bowling alley: Four spaces for each bowling lane.
 12. Other indoor recreation: One space for each 200 sq. ft. of gross floor area.
 13. Outdoor amusement establishment: Three spaces for each 1,000 sq. ft. of gross land area.
 14. Restaurant (sit-down): One space for each 3 seats provided in eating or drinking areas.
 15. Restaurant (drive-in and/or carry-out): One space for each 40 sq. ft. of gross floor area.

10-4-15: C3 SERVICE COMMERCIAL DISTRICT (continued)

16. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-16: C4 OFFICE DISTRICT

(A) PERMITTED USES*

1. Bank or financial institution.
2. Blue-printing and photocopying establishment.
3. Business, medical or professional office.³⁵
4. Medical or dental clinic.
5. Office, general or professional: private, semi-private or public.
6. Private School.³⁵
7. Research laboratory.
8. Sales and personal service facility within an office building, but limited to not more than 50% of the gross ground floor area of the building.
9. School – commercial or trade.³⁵
10. Studio for artist, photographer, sculptor or musician.
11. Television or radio broadcasting studio.
12. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by a special use permit.¹⁸

(B) SPECIAL USES*

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center.
2. Automobile repair.¹³
3. Church or temple.
4. Congregate housing for the elderly.
5. Day care center.
6. Group home.
7. Office planned development in accordance with the provisions of the "Planned Unit Development Regulations."
8. Outdoor merchandise²⁸, storage, promotional activities, or tents.²⁰
9. Printing and publishing establishment.
10. Public park and playground.
11. Public use.
12. Public utility and public service use.
13. Sheltered care facility.
14. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸
15. Vehicle storage lot.³⁴
16. Warehouse.

* All (A) Permitted and (B) Special Uses must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code

(C) ACCESSORY BUILDING AND USES

1. Storage garage and parking lot.

10-4-16: C4 OFFICE DISTRICT (continued)

2. Accessory buildings may be located in a rear yard but not occupy more than 30% of a rear yard. If within 10' of a principal building, then it must observe the same side yard requirements for a principal building. If more than 10' from a principal building, then it must be at least 60' from the front street line and 3' from both the side and rear yards.

(D) MINIMUM YARD AND LOT REQUIREMENTS

1. Front yard: 40' in depth. The front 10' shall be reserved for open space and be appropriately planted and landscaped.
2. Rear yard: 20' in depth.
3. Side yard: 10' for each side yard. A 20' side yard is required when the property adjoins or is across the alley from a residential district; such transitional yard shall be appropriately landscaped.
4. Lot area: 10,000 sq. ft.
5. Lot width:
 - a. Interior lot - 80';
 - b. Corner lot - 100'.
6. Lot depth: 140'.²⁵

(E) MAXIMUM HEIGHT

1. 45', except that by Special Use a building may be erected to a height not exceeding 55' if the building is set back from each yard line at least 2 additional feet for each additional foot of building height above 45'. Churches and temples may, by Special Use Permit, be erected to a height not exceeding 75' if such structure is set back from each yard line at least 2 additional feet for each additional foot of building height above 45'.
2. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole shall be specified in the ordinance granting a special use permit.¹⁸

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.

10-4-16: C4 OFFICE DISTRICT (continued)

2. Screening required pursuant to Section 10-5-13 (L).
3. See Section 10-5-5: YARDS.²⁰

(G) PARKING AND LOADING REQUIREMENTS

1. No vehicle shall be parked within 10' of the front property line, and such unobstructed 10' setback shall be appropriately planted and landscaped. All parking areas shall be appropriately landscaped, and effectively screened from adjacent residential areas.
2. All buildings except those specified below: One space for each 250 sq. ft. of gross floor area.¹³
3. Bank and office: One space for each 250 sq. ft. of gross floor area.
4. Broadcasting studio: One space for each 3 spectator seats, plus 1 space for each 2 employees.
5. Church: One space for each 4 seats in the main auditorium.
6. Commercial or trade school: One space for each 2 students, based on design capacity.
7. Eating or restaurant establishment: One space for each 3 seats provided in eating or drinking areas.
8. Medical and dental clinic: One space for each 200 sq. ft. of the gross area used for clinic.
9. Printing and publishing: One space for each employee.
10. Private school: One space for each 4 students, based on design capacity.
11. Sales and services within office building: One space for each 600 sq. ft. of gross floor area.
12. Sheltered care facility: One space for each 1,200 sq. ft. of gross floor area.
13. Warehouse: Two spaces for each 3 employees.
14. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

10-4-17.1: C5 CENTRAL BUSINESS DISTRICT

(A) C5A CENTRAL RETAIL CORE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

(A) PERMITTED USES WITHIN EXISTING BUILDING*

1. Antique shop.
2. Apparel Store.³⁵
3. Art and school supplies store.
4. Bakery.
5. Bank and financial institution.
6. Beauty and barber shop.
7. Bicycle sale, repairs.
8. Book store.
9. Camera store.
10. Coin and philatelic sales.
11. Currency exchange.
12. Dressmaking, tailoring.
13. Drug store and pharmacy, retail.
14. Dry Cleaning.
15. Electrical and household appliance sales and repair.
16. Florist shop.
17. Food store.
18. Furniture, upholstery, carpet, china or glass store.
19. Furrier shop, storage and conditioning.
20. Garden supply shop.
21. Gift shop.
22. Hardware store.
23. Indoor theater.
24. Interior decorating, including making of draperies, slipcovers, and other similar articles.
25. Jewelry or leather goods store.
26. Laundry.
27. Liquor store.
28. Locksmith.
29. Millinery and haberdashery.
30. Musical instrument sales and repair.
31. Office supply store.
32. Outdoor beautification displays in compliance with the provisions in Section 10-5-16.²⁸
33. Paint and wallpaper sales.
34. Pet shop.
35. Photographic and art studio.
36. Picture framing.
37. Printing.
38. Radio and television sales, service and repair.
39. Restaurant and eating place (except drive-in establishments) without entertainment or dancing, and including outdoor seating on private property as an accessory use provided such outdoor seating complies with the provisions in Section 10-5-15.²⁵
40. Retail, mail order store.
41. Shoe repair.
42. Shoe store.
43. Sporting goods.
44. Tobacco shop.
45. Toy and hobby shop.
46. Typewriter shop.
47. The following uses shall be allowed as permitted uses only above the ground floor, below the ground floor or in ground floor spaces that are set back a minimum of 40 feet from a front or corner building façade and which do not have storefront windows facing public property or a public right of way:³⁰
 - (a) Club and lodge, private, fraternal or religious;³⁰
 - (b) Health Spa;²⁵
 - (c) Music and dance school;
 - (d) Newspaper office and distribution center;
 - (d) Office: business, medical, professional or public;³⁵
 - (f) Engraving, printing, publishing, lithography, blueprinting and photocopy establishment;³⁰
 - (g) Trade School;³⁰
 - (h) Travel Agency.
48. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by a special use permit.¹⁸

10-4-17.1: C5 CENTRAL BUSINESS DISTRICT (continued)

(A) C5A CENTRAL RETAIL CORE SUB-DISTRICT (continued)

(All Planned Unit Developments shall be considered commercial for Chapter requirements)¹⁷

All (A) Permitted and (B) Special Uses within the C5A district that are constructed on unimproved land and all additions to existing structures in this district must be developed as a planned unit development. All (A)

Permitted and (B) Special Uses in this district must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.²⁵

(B) SPECIAL USES

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center.
2. Automobile and automotive sales and service uses.
3. Automobile car wash.
4. Automobile repair.
5. Automobile vehicle rental (or automotive vehicle rental).
6. Building material sales establishment, plumbing, heating, ventilating and electrical equipment and fixtures service and repair uses; machinery and equipment sales, service and rental; cabinet making and custom wood working uses.
7. Catering service.
8. Church
9. Club and lodge, private, fraternal or religious.
10. Communication exchange.
11. Compounding of cosmetics, toiletries, dyes and pharmaceutical products.
12. Congregate housing for the elderly.
13. Day care center.
14. Drive-in commercial facility.
15. Drive-in or carry-out eating place.
16. Dwelling units: above the ground floor, but only where commercial uses are located on the ground floor.
17. Engraving, printing, publishing, lithography, blueprinting and photocopy establishment.
18. Greenhouse, including retail and wholesale sale of plants.
19. Group home.
20. Health spa.²⁵
21. Hospital.
22. Hotel, motel and apartment hotel.
23. Indoor amusement.²⁹
24. Indoor recreational facility.
25. Laundry and dry cleaning (commercial).
26. Light manufacturing assembly of previously manufactured parts, fabricating, cleaning, testing, repairing or servicing.
27. Medical or dental clinic.
28. Monument establishment.
29. Mortuary.
30. Music and dance school.
31. Newspaper office and distribution center.
32. Office: business, medical, professional or public.³⁵
33. Outdoor merchandise,²⁸ storage, promotional activities, or tents.²⁰
34. Private school.
35. Public or private garage and parking lot.
36. Public park or playground.
37. Public school.
38. Public use.
39. Public utility and public services use.
40. Research activities and/or laboratory.
41. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸
42. Trailer or boat sales.

10-4-17.1: C5 CENTRAL BUSINESS DISTRICT (continued)

(A) C5A CENTRAL RETAIL CORE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

43. Travel agency.

44. Veterinarian or animal hospital.

45. Wholesale merchandising and storage warehousing.

(C) ACCESSORY BUILDING AND USES¹⁸

1. See Section 10-5-4: ACCESSORY STRUCTURES AND USES²⁰ and Section 10-5-5: YARDS.²⁰

2. Commercial accessory buildings and uses are limited to storage garages and parking lots.

3. Commercial accessory buildings and uses must also conform to the following regulations:

a. Area: The total area of all accessory buildings on a lot shall be limited to no more than 30% of a rear yard.

b. Distance Between Structures: Accessory buildings must be separated from each other by a minimum of 5'.

c. Location: Accessory buildings shall be located only in a rear yard.

d. Setbacks:

1) An accessory building which is less than 10' from a principal building shall observe the same side yard requirements for a principal building.

2) An accessory building which is greater than 10' from a principal structure must maintain a distance of sixty feet (60') from a front property line, 18' from a corner side property line, and a distance equal to 5% of the lot width but no less than 3' from both the side and rear property lines.

(D) MINIMUM YARD AND LOT REQUIREMENTS¹⁷

The following minimum yard setbacks shall be provided for all uses in the C5A zoning district:

1. Front and Corner Side Yard: None required. If a front and/or corner side yard setback is provided, it shall not exceed 5 feet.

10-4-17.1 C5 CENTRAL BUSINESS DISTRICT (continued)

(A) C5A CENTRAL RETAIL CORE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

2. Rear Yard: A minimum rear yard of 20 feet shall be required if the rear yard is located adjacent to a lot which is zoned for residential use. The required rear yard shall be landscaped to provide a visual buffer between the two uses.
3. Side Yard: A minimum side yard of 20 feet shall be required if the side yard is located adjacent to a lot which is zoned for residential use. The required side yard shall be landscaped to provide a visual buffer between the two uses.

(E) MAXIMUM HEIGHT¹⁷

All buildings shall not exceed a height limitation of 45 feet or four (4) stories (with a maximum height of 45 feet); and, in addition:

1. Because of their similarity of design, bulk, and contiguity, no building constructed at the following addresses shall exceed a height limitation of 45 feet or three stories (with a maximum height of 45 feet). See map attached hereto as Figure 11.

<u>Address</u>	<u>P.I.N.</u>
520-526 Crescent Boulevard	05-11-316-005
528-530 Crescent Boulevard	05-11-317-007
532-534 Crescent Boulevard	05-11-317-008
538-540 Crescent Boulevard	05-11-317-013
	-014 and -027
542 Crescent Boulevard	05-11-317-015
544 - 550 Crescent Boulevard	05-11-317-016
552 Crescent Boulevard	05-11-317-025
478 Forest Avenue	05-11-317-025
522-526 Hillside	05-11-328-010
401-409 Main Street	05-11-328-010
411 Main Street	05-11-328-009
413 Main Street	05-11-328-008
417 Main Street	05-11-328-006
419 - 421 Main Street	05-11-328-005
	and -004
423 Main Street	05-11-328-003
426 Main Street	05-11-327-015
427 Main Street	05-11-328-002
	and -001
428 Main Street	05-11-327-022
430 Main Street	05-11-327-021
434-438-440 Main Street (405 Duane Street)	05-11-327-012
443 & 449 Main Street	05-11-321-001
448 Main Street	05-11-316-005

10-4-17.1: C5 CENTRAL BUSINESS DISTRICT (continued)

(A) C5A CENTRAL RETAIL CORE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

460 Main Street	05-11-315-023
466 Main Street	05-11-315-021
473 Main Street & 520-526 Crescent Boulevard	05-11-317-006
474 - 476 Main Street	05-11-315-020
475 - 477 Main Street	05-11-317-005
479 Main Street	5-11-317-028
480 Main Street	05-11-315-019
481 - 483 Main Street	05-11-317-003
482 - 484 Main Street	05-11-315-018
485 - 491 Main Street	05-11-317-002
486 Main Street	05-11-315-017
488 - 490 Main Street	05-11-315-016
492 Main Street	05-11-315-015
493 - 499 and 523 Main Street	
May also use 523 Pennsylvania Avenue.	05-11-317-001
494 Main Street	05-11-315-014
496 Main Street	05-11-315-013
505-509 Pennsylvania Avenue	05-11-315-012

2. Churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least 2 feet for each foot of additional height above the height limit otherwise permitted in the district.
3. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, stock, conveyor, flag pole or other facility servicing the building shall be specified in the ordinance granting a special use permit in excess of the maximum height.¹⁸

The ordinance granting the Special Use may impose conditions where appropriate, including but not limited to, screening and placement of any structure built as to not be visible from the ground level public right-of-way adjacent to the site.¹⁷

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. Screening as required pursuant to Section 10-5-13 (L).
3. See Section 10-5-5: YARDS.²⁰

10-4-17.1: C5 CENTRAL BUSINESS DISTRICT (continued)

(A) C5A CENTRAL RETAIL CORE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

(G) PARKING AND LOADING REQUIREMENTS

For the purpose of minimizing disruptive curb cuts and driveways, and to encourage the consolidation of parking space in appropriate locates, accessory off-street parking is not required within the C5A Core Retail area as reflected on the Zoning District Map.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

(A) PERMITTED USES WITHIN EXISTING BUILDINGS*

1. Antique shop.
2. Apparel Store.³⁵
3. Art and school supplies.
4. Bakery.
5. Bank and financial institution.
6. Beauty and barber shop.
7. Bicycle sale, repairs.
8. Book store.
9. Camera store.
10. Catering services.
11. Clubs and lodges: private, fraternal or religious.
12. Coin and philatelic sales.
13. Communication exchange.
14. Currency exchange.
15. Dressmaking, tailoring.
16. Drug store and pharmacy, retail.
17. Dry cleaning.
18. Electrical and household appliance sales and repair.
19. Florist shop.
20. Food store.
21. Furniture, upholstery, carpet, china or glass store.
22. Furrier shop, storage and conditioning.
23. Garden supply shop.
24. Gift shop.
25. Hardware store.
26. Health spa.²⁵
27. Indoor theater.
28. Interior decorating, including making of draperies, slip covers, and other similar articles.
29. Jewelry or leather goods store.
30. Laundry.
31. Liquor store.
32. Locksmith.
33. Millinery and haberdashery.
34. Mortuary.
35. Music and dance schools.
36. Musical instrument sales and repair.
37. Newspaper office.
38. Office supply store.
39. Outdoor beautification displays in compliance with the provisions in Section 10-5-16.²⁸
40. Offices: business, medical, professional or public.³⁵
41. Paint and wallpaper sales.
42. Pet shop.
43. Photographic and art studio
44. Picture framing.
45. Printing.
46. Radio and television: service, repair and studios.
47. Restaurant and eating place (except drive-in establishments) without entertainment or dancing, and including outdoor seating on private property as an accessory use provided such outdoor seating complies with the provisions in Section 10-5-15.²⁵
48. Retail mail order store.
49. Shoe repair.
50. Shoe store.
51. Sporting goods.
52. Tobacco shop.
53. Toy and hobby shop.
54. Travel agency.
55. Typewriter shop.
56. Antenna attachments to existing antenna towers, buildings or other structures which do not exceed the permitted height in the zoning district or the height established by a special use permit.¹⁸

All (A) Permitted and (B) Special Uses within the C5B district that are constructed on unimproved land and all additions to existing structures in this district must be developed as a planned unit development. All (A) Permitted and (B) Special Uses in this district must be developed as a planned unit development and must also comply with all applicable requirements contained in the "Supplementary District Regulations," as well as all other pertinent regulations in this Code.²⁵

However, the owner of an existing single-family residence may construct those accessory buildings or conduct those uses set forth in the R2 District Regulations and may maintain those permitted obstructions set forth in the Supplemental District Regulations without the need for a Special Use for

Planned Unit Development, provided such structures comply with all standards and regulations applicable to the same as if the residence were in the R2 District.²⁵

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

(B) SPECIAL USES

No enumerated Special Use shall be considered to be an accessory use to any other permitted or Special Use, and a separate permit shall be required for each separate Special Use.

1. Adult day care center.
2. Automobile and automotive sales and service use.
3. Automobile car wash.
4. Automobile repair.
5. Automobile vehicle rental (or automotive vehicle rental).
6. Building material sales establishment, plumbing, heating, ventilating and electrical equipment and fixtures service and repair uses; machinery and equipment sales, service and rental; cabinet making and custom wood-working uses.
7. Church.
8. Compounding of cosmetics, toiletries, dyes and pharmaceutical products.
9. Congregate housing for the elderly.
10. Day care center.
11. Designated historical landmark, site, or structure.
12. Drive-in commercial facility.
13. Drive-in or carry-out eating place.
14. Dwellings: single-family attached (provided that no more than 6 units are attached), single-family detached, two-family and multi-family.²⁵
15. Engraving, printing, publishing, lithography, blueprinting and photocopy establishment.
16. Greenhouse, including retail and wholesale sale of plants.
17. Group home.
18. Hospital.
19. Hotel, motel and apartment hotel.
20. Indoor recreational facility.
21. Laundry and dry cleaning (commercial).
22. Light manufacturing assembly of previously Manufactured part, fabricating, cleaning, testing, repairing or servicing.
23. Medical or dental clinic.
24. Monument establishment.
25. Outdoor merchandise, storage, promotional activities or tents.^{20, 28}
26. Private school.²⁰
27. Public or private garage and parking lot.
28. Public park or playground.
29. Public school.
30. Public use.
31. Public utility and public services use.
32. Research activities and/or laboratory.
33. Television and radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower and spire, chimney, elevator bulkhead, conveyor and flag pole which exceed the maximum height.¹⁸
34. Trailer or boat sales.
35. Veterinarian or animal hospital.
36. Wholesale merchandising and storage warehousing.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

(C) ACCESSORY BUILDING AND USES¹⁸

1. See Section 10-5-4: ACCESSORY STRUCTURES AND USES.²⁰
2. Commercial accessory buildings and uses are limited to storage garages and parking lots.
3. Commercial accessory buildings and uses must also conform to the following regulations:
 - a. Area: The total area of all accessory buildings on a lot shall be limited to no more than 30% of a rear yard.
 - b. Distance Between Structures: Accessory buildings must be separated from each other by a minimum of 5'.
 - c. Location: Accessory buildings shall be located only in a rear yard.
 - d. Setbacks:
 - (1) An accessory building which is less than 10' from a principal building shall observe the same side yard requirements for a principal building.
 - (2) An accessory building which is greater than 10' from a principal structure must maintain a distance of sixty feet (60') from a front property line, 18' from a corner side property line, and a distance equal to 5% of the lot width but no less than 3' from both the side and rear property lines.

(D) MINIMUM YARD AND LOT REQUIREMENTS¹⁷

1. Commercial Use:
 - a. Front Yard: None required.
 - b. Corner Side Yard: None required.
 - c. Rear Yard: A minimum rear yard of 20 feet shall be required if the rear yard is located adjacent to a lot which is zoned for residential use. The required rear yard shall be landscaped to provide a visual buffer between the two uses.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

- d. Side Yard: A minimum side yard of 20 feet shall be required if the side yard is located adjacent to a lot which is zoned for residential use. The required side yard shall be landscaped to provide a visual buffer between the two uses.
2. Ground Floor Commercial Use (with residential and/or office uses above):
 - a. Front Yard: Zero (0) feet for the retail facade of the building, or the building shall align with the setback of either adjacent structure.
 - b. Corner Side Yard: Zero (0) feet for the retail facade of the building, or the building shall align with the setback of either adjacent structure.
 - c. Rear Yard: A minimum rear yard of 20 feet shall be required if the rear yard is located adjacent to a lot which is zoned for residential use. The required rear yard shall be landscaped to provide a visual buffer between the two uses.
 - d. Side Yard: A minimum side yard of 20 feet shall be required if the side yard is located adjacent to a lot which is zoned for residential use. The required side yard shall be landscaped to provide a visual buffer between the two uses.
3. Residential Use, Multiple Family Dwellings (including Planned Unit Developments):
 - a. Front Yard: 20 feet in depth with an additional 5 feet of front yard setback for each floor over three. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
 - b. Corner Side Yard: 20 feet in depth with an additional 5 feet of front yard setback for each floor over three.
 - c. Rear Yard: A minimum rear yard of 30 feet shall be required.
 - d. Side Yard: A minimum side yard of 10 feet shall be required with an additional 5 feet of side yard setback for each floor over three.
4. Residential Use, Single Family Attached (including townhomes, two-family structures, and Planned Unit Developments):

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

- a. Front Yard: 20 feet in depth. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
- b. Corner Side Yard: A side yard abutting a street shall be no less than 30 feet in depth.
- c. Rear Yard: A minimum rear yard of 30 feet shall be required.
- d. Side Yard: Two side yards, neither of which is less than 10 percent of the lot width.

5. Residential Use, Single Family Detached:

- a. Front Yard: 20 feet in depth. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
- b. Corner Side Yard: A side yard abutting a street shall be no less than 30 feet in depth.

If a corner lot, subdivided and duly recorded on the effective date of this Ordinance has insufficient width to provide such yard of 30-foot width and still maintain a buildable width of 35 feet, excluding the side yard along the opposite lot line, then the side yard abutting the street may be reduced in width by the distance necessary to maintain such buildable width of 35 feet, provided the side yard abutting the street is not reduced to less than 30 percent of the width of the lot.

- c. Rear Yard: A minimum rear yard of 30 feet shall be required.
- d. Side Yard: Two side yards, neither of which is less than 10 percent of the lot width.
- e. Lot Area: A minimum area of 8,712 square feet shall be provided.
- f. Lot Width: A minimum total lot width of 66 feet shall be provided.

6. Schools and Other Special Uses not listed above²⁵:

- a. Front Yard: 20 feet in depth. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

- b. Corner Side Yard: A side yard abutting a street shall be no less than 30 feet in depth.
- c. Rear Yard: A minimum rear yard of 30 feet shall be required.
- d. Side Yard: A minimum side yard of 25 feet shall be provided.

(E) MAXIMUM HEIGHT¹⁷

All buildings shall not exceed a height limitation of 55 feet, and, in addition:

- 1. That portion of the structure over 45 feet must be stepped back from the front building facade(s) not less than 15 feet.
- 2. Bonus Provision for all structures: An additional 5 feet of height is permitted if at least 75 percent of the floor area of the building at grade or below grade level is used for parking, provided that said parking is screened from public view and abutting landowners.
- 3. Additional Bonus Provision for solely residential structures: An additional 5 feet of height is permitted if the building is set back from the front lot line by at least an additional 15 feet more than the required front yard setback.
- 4. Churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least 2 feet for each foot of additional height above the height limit otherwise permitted in the district.
- 5. The height of a television or radio tower, antenna support structure, church spire, belfry, monument, tank, water and fire tower, stage tower or scenery loft, cooling tower, ornamental tower, and spire, chimney, elevator bulkhead, stock, conveyor, flag pole or other facility servicing the building shall be specified in the ordinance granting a special use permit in excess of the maximum height.¹⁸

The ordinance granting the Special Use may impose conditions where appropriate, including but not limited to, screening and placement of any structure built as to not be visible from the ground level public right-of-way adjacent to the site.¹⁷

(F) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

- 1. Signs as per Sign Ordinance.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

2. Screening required pursuant to Section 10-5-13 (L).¹
3. Residential uses except Planned Unit Developments:
 - a. See Section 10-5-5(B)1 & 2: YARDS.²⁰
 - b. See Section 10-5-5(B)4(11): YARDS.²⁰
 - c. The following may be maintained in any yard:
 - (1) Chimneys;
 - (2) Overhanging roof eaves not exceeding 24";
 - (3) An open terrace or porch not having a permanent roof, marquee or awning when it adjoins the principal building and does not exceed 10% of the depth of the yard;
 - (4) Ornamental light standards;
 - (5) Flag poles.

(G) PARKING AND LOADING REQUIREMENTS¹⁵

Each existing use within the C5B Sub-District shall be treated as though it meets the parking regulations of this Section. Each building or site shall be credited with the number of parking spaces necessary to meet the applicable parking requirement for the existing use of that building or site, regardless of whether or not the number of required parking spaces actually exist. Any new use which is subject to the same parking requirement as the previous use which occupied the building or site shall not be required to provide additional parking spaces. Any new use which is subject to a different parking requirement shall provide only the additional number of parking spaces above the number of spaces credited to that site necessary to meet the applicable parking requirement. New buildings that involve the demolition or reconstruction of fifty percent (50%) or more of the exterior surface of the existing building shall include parking spaces as provided for below. Additional parking spaces shall also be required for all building additions, but the number shall be based solely on the square footage of the addition.

1. All buildings except those specified below: One space for each 250 sq. ft. of gross floor area.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

2. Automobile sales: Three spaces for each 1,000 sq. ft. of gross floor area, plus 1 space for each 2,000 sq. ft. of gross land area.
3. Bowling alley: Four spaces for each bowling lane.
4. Car wash: One space for each 2 employees, plus reservoir space equal to 5 times the maximum capacity of the washing unit.
5. Church: One space for each 4 seats in the main auditorium.
6. Club and lodge: One space for each 300 sq. ft. of gross floor area.
7. Congregate housing: One space for each 2 bedrooms.
8. Dwelling unit: Efficiency -- 1 space; 1 bedroom -- 1 1/2 spaces; 2 bedrooms and over -- 2 spaces.
9. Group home: One space for each 1,000 sq. ft. of gross floor area.
10. Hospital: Two spaces for each bed.
11. Hotel: One space for each lodging unit.
12. Indoor theater: One space for each 3 seats.
13. Light manufacturing: Two spaces for each 3 employees.
14. Medical and dental clinic: One space for each 200 sq. ft. of the gross area used for clinic.
15. Mortuary: One space for each 200 sq. ft. of gross floor area.
16. Other indoor recreation: One space for each 200 sq. ft. of gross floor area.
17. Private school: One space for each 4 students, based on design capacity.
18. Public schools: For high schools - One space for each employee, plus 1 space for each 5 students, based on design capacity; For elementary schools - One space for each employee plus 8 additional visitor spaces.
19. Restaurant (sit-down): One space for each 3 seats provided in eating or drinking areas.

10-4-17.2: C5 CENTRAL BUSINESS DISTRICT (continued)

(B) C5B CENTRAL SERVICE SUB-DISTRICT

(All Planned Unit Developments shall be considered commercial for Chapter 7 requirements)¹⁷

20. Restaurant (drive-in and/or carry-out): One space for each 40 sq. ft. of gross floor area.
21. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations.

10-4-18: C6 COMMERCIAL/MULTI-USE PLANNED DEVELOPMENT DISTRICT*

(A) USES

The following uses may be allowed, subject to the review and approval of the development plan:

1. The complete range of primary retail and service uses.
2. Offices - business, professional, headquarters and governmental.
3. Auto-oriented commercial uses.
4. Institutional uses, consistent with the predominantly commercial/multi-use plan for the site.
5. Residential uses, consistent with the predominantly commercial/multi-use plan for the site.
6. Outdoor merchandise²⁸, storage, promotional activities, or tents.²⁰

*Development within this district shall be by planned development only, and shall be consistent with the Glen Ellyn Comprehensive Plan. All development shall comply with requirements contained in the "Planned Unit Development Regulations," as well as all other pertinent regulations in this Code.

(B) SPECIAL DESIGN CONSIDERATIONS

As contained in the Glen Ellyn Comprehensive Plan and all approved supplemental reports and graphics.

To be emphasized within this district are the following design considerations:

- The coordination of land-use areas;
- Building sites;
- Access points;
- Internal circulations;
- Parking areas;
- Flood control facilities;
- Drainage;
- Open space systems.

10-4-18: C6 COMMERCIAL/MULTI-USE PLANNED DEVELOPMENT DISTRICT

(continued)

(C) BUILDING BULK REQUIREMENTS

Building bulk requirements, including maximum building height and/or floor area ratio shall be subject to the review and approval of the development plan:

Standards for lot area, setbacks and structure height shall be consistent with requirements in adjacent zoning districts, and in accordance with the Comprehensive Plan and all approved supplemental reports and graphics.

Minimum lot size for a development within this district shall be as determined by the Plan Commission and Village Board of Trustees, upon review of property ownership, requirements of the Glen Ellyn Comprehensive Plan, and any supplemental area plans.

(D) SIGNS, FENCES AND OBSTRUCTIONS IN YARDS

1. Signs as per Sign Ordinance.
2. Screening and landscaping required pursuant to Section 10-5-13(L) and as contained in the Comprehensive Plan and all approved supplemental reports and graphics.

(E) PARKING AND LOADING REQUIREMENTS

1. Off-street parking and loading shall conform to the design considerations contained in the Comprehensive Plan and all approved supplemental reports and graphics.
2. Parking spaces shall be provided as specified herein, except as may be modified by the approved development plan:
 - a. Automobile sales: Three spaces for each 1,000 sq. ft. of gross floor area, plus 1 space for each 2,000 sq. ft. of gross land area;
 - b. Banks, offices and institutional use: One space for each 250 sq. ft. of gross floor area;
 - c. Dwelling unit:

Efficiency	1 space
1 bedroom	1-1/2 spaces
2 bedrooms and over	2 spaces;
 - d. Restaurant (sit-down): One space for each 3 seats provided in eating or drinking areas;

10-4-18: C6 COMMERCIAL/MULTI-USE PLANNED DEVELOPMENT DISTRICT

(continued)

- e. Restaurant (drive-in and/or carry-out): One space for each 40 sq. ft. of gross floor area;
- f. All other retail and service uses: One space for each 250 sq. ft. of gross floor area;
- g. Additional off-street parking and loading requirements are found in the "Supplementary District Regulations."

CHAPTER 5

Supplementary Regulations

10-5-1: PURPOSE:

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

10-5-2: HOME OCCUPATIONS:

The following regulations shall apply to all home occupations:

- (A) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area,² non-illuminated and mounted flat against the wall of the principal building;
- (D) No home occupation shall be conducted in any accessory building;
- (E) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard; and
- (F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside of the dwelling unit if conducted in other than a single-family residence. There shall be no storage of hazardous or toxic materials. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

10-5-3: PUBLIC SWIMMING POOLS:

Public swimming pools may be allowed as Special Uses in all districts, with the exception of the Residential Estate district,²² but shall comply with applicable Village regulations. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.^{20, 25}

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

10-5-4: ACCESSORY STRUCTURES AND USES

(A) Accessory Structure (or Building):

1. Location: Accessory structures in required yard setbacks shall be subject to the provisions of Section 10-5-5(B) "Permitted Obstructions in Required Yard Setbacks" of this code.²³
2. Area:
 - a. The total combined area of all freestanding accessory structures on a zoning lot shall be limited to 1,000 square feet, but no more than 30% of a required rear yard, whichever is less.
 - b. Single-family residences constructed in the R0, R1, R2 and R3 Zoning Districts shall be granted an allowance of up to 100 square feet for the construction of one accessory structure with the exception of a detached garage, notwithstanding the existing lot coverage ratio provided that the total lot coverage ratio shall be no more than 25% for a single family dwelling of more than one-story or 35% for a single family dwelling of one-story. Said single accessory structure shall have a peaked roof with a ridge height of 9 feet or less and be constructed so that no wall of the structure is more than 12 feet in length.²¹
3. Number: The total number of accessory buildings on a zoning lot shall be limited to three, and no more than one of each type unless authorized by a Special Use Permit.^{20, 25}
4. Setbacks:
 - a. Accessory structures shall be located no closer to the front property line than the principal structure on the lot and no less than 18' from a corner side property line, except in the Residential Estate district where all accessory structures shall be located no closer to the front or corner side yard property line than the principal structure on the lot.²²
 - b. Accessory structures less than 10' from a principal structure shall observe the same setbacks as the principal structure on the zoning lot.
 - c. Accessory structures greater than 10' from the principal structure shall maintain a distance equal to 5% of the lot width (and no less than 3') from the side and rear property lines, and no less than 18' from a corner side property line.^{18, 20}
 - d. Distance between buildings: Accessory buildings must be separated from each other by a minimum of 5 feet measured from wall to wall.²⁵

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

(B) Accessory Use:

1. Garage Sale

- a. Limited to no more than two per year for each dwelling unit.
- b. Shall comply with all pertinent Village laws and regulations.

(C) Trash Containers and Dumpsters: All trash containers and dumpsters associated with non-residential and multi-family uses must be enclosed in accordance with the provisions in Section 10-5-5(B)4(38).²³

10-5-5: YARDS:²⁰

(A) The minimum yard space required for one structure shall not again be considered as yard space for another structure;

(B) Permitted Obstructions in Required Yard Setbacks:

1. Walls, fences, signs, landscape plant material (excluding grass, ground cover, or other approved ground stabilizing material), and other obstructions shall be prohibited in those portions of a lot:
 - a. Where the vision of drivers of motor vehicles and bicycles, and the safety of pedestrians walking along the sidewalk or street is unreasonably obstructed or interfered with;
 - b. Encumbered by a detention, drainage, or access easement.
2. Landscape plant materials and trees shall be further restricted in the visibility triangle on corner lots. Shrubs shall be maintained to a maximum height of 36" and tree branches shall be 8' or higher. Heights shall be measured above the average grade at the centerline of the adjacent street pavement.
3. The eaves of all accessory structures shall not exceed 12 feet above the structure's grade.
4. The following table outlines detached obstructions that are permitted in required setbacks. Roofed over structures shall be located a distance equal to 5% of the lot width and no less than 3' from the rear and side property lines and 18 feet from the corner side property line or as further restricted or allowed in Table 10-5-5(B)4.²⁵

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS^{20, 25}					
	Obstruction	Front (Corner)	Side	Rear	Regulations
1	Air Conditioner	X	X	X	Limitations: 1) Window unit only 2) Projecting 1.5' or less into yard
2	Animal Shelter			X	Limitations: Small
3	Arbor (trellis, pergola, ornamental gate and other similar structures)	X	X	X	a. Limitations: Constructed of open material b. Height: 10' maximum c. Length: 20' maximum total d. Area: Shall not exceed 250 square feet ²³
4	Balcony			X	Limitations: 1) Must be open and uncovered 2) Projecting no more than 4' into yard
5	Basketball Pole	X		X	Limitations: Must be a distance equal to 10% of the lot width away from any property line
6	Bay Window	X		X	Limitations: 1) One story bay 2) Projecting 3' or less into yard 3) Cantilevered
7	Breezeway			X	Limitations: Provided said connection is open on all sides
8	Chimney	X	X	X	a. Limitations: Projecting 2' or less into yard
9	Deck			X	a. Limitations: Must be open and uncovered b. Height: Not over 3' above the average level of the adjoining ground
10	Eave	X	X	X	Limitations: Projecting 3' or less into yard and no closer than 1.5 feet from the lot line

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS^{20, 25}					
	Obstruction	Front (Corner)	Side	Rear	Regulations
11	Fence	X	X	X	<p>a. Limitations:</p> <ol style="list-style-type: none"> 1) 50% open in front and corner side yard setbacks 2) Material (such as barbed wire, electrified, or any matter) that creates a system that is inherently dangerous to a pedestrian using the public sidewalks or public rights-of-way is prohibited 3) Exposed structural elements shall face toward the property on which the fence is constructed. 4) In the Residential Estate district, chain link fences shall be prohibited in the front yard and corner side yard.²² <p>b. Height:</p> <ol style="list-style-type: none"> 1) Measured from ground level on the inside of the fence to the highest point of the fence²³ 2) 3' maximum in visibility triangle 3) 6'6" maximum for fence located no closer to the street than the principal structure on a lot²³ 4) 4' maximum all other areas of the lot <p>c. Allowance:</p> <ol style="list-style-type: none"> 1) On lots fronting on two non-intersecting streets, a 6'6" tall fence shall be permitted if a no-access provision has been recorded for that frontage and if the rear of the homes on both adjacent lots are facing the same street. Such fence shall be positioned 4' inside the property line and maintained with viable shrubs planted 4' on center along the outside of the fence in perpetuity²³ 2) Masonry columns no greater than 2' x 2' in size and placed no closer than 8' on center
12	Fireplace, facing lot line	X		X	Limitations: Projecting 2' or less into yard
13	Flagpole	X		X	<p>a. Limitations: No more than three poles</p> <p>b. Height: Per zoning district</p>
14	Garage, detached		X	X	<p>a. Limitations: Per definition</p> <p>b. Height: per zoning district – measured from the top of the slab at the midpoint of the front of the garage to the highest point of the structure.²³</p> <p>c. 660 square feet maximum area, except in the Residential Estate district, where a maximum of 750 square feet shall be permitted²²</p>
15	Gazebo			X	<p>a. Limitations: Constructed primarily of open sides that may have screens</p> <p>b. Height: 15' maximum above it's finished grade</p> <p>c. Area: Shall not exceed 250 square feet in area</p>

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS^{20, 25}					
	Obstruction	Front (Corner)	Side	Rear	Regulations
16	Greenhouse, Non-commercial			X	a. Limitations: Constructed primarily of glass b. Height: 15' maximum above it's finished grade c. Area: Shall not exceed 250 square feet in area
17	Gutter or Downspout	X	X	X	Limitations: Projecting 3' or less into yard and no closer than 1.5 feet from the lot line
18	Impervious Surface	X	X	X	a. Limitations: Expansion of existing or new impervious surface is prohibited except as defined herein. b. Distance: Pervious surface must be maintained as identified in 10-5-5(C). c. Area: 1) 50% or less of each required front, corner side, and rear yard (calculated independently) may be impervious surface in the R0, R1, R2, and R3 zoning districts 2) 35% or less of the front yard may be impervious surface in the R4 zoning district 3) In the Residential Estate district, 25% or less of each required front, corner side and rear yard (calculated independently) may be impervious surface ²² d. Allowances: 1) Field adjustments to accommodate existing site conditions may be allowed subject to approval and documentation by the appropriate Village staff. 2) Structures used for primarily commercial uses in the C5A and C5B zoning districts shall be exempt from the distance to lot line regulation. 3) An existing impervious surface which does not meet the provisions of this section may be reconstructed, replaced or repaired in the current location within the property limits provided an accurate plat of survey dated prior to March 1, 1999 identifying the existence of the nonconforming surface is provided. ²⁵
19	Laundry Drying Equipment			X	Non-mechanical equipment (clothesline)
20	Mechanical Equipment, Public Utility		X	X	Limitations: All sides of the equipment visible from a public way shall be obscured by a variety of plant material or a screen wall

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS^{20, 25}					
	Obstruction	Front (Corner)	Side	Rear	Regulations
21	Mechanical Equipment, Private (such as HVAC units, pool equipment, sump pump discharge, emergency generator)			X	Limitations: <ol style="list-style-type: none"> 1) Must be a distance equal to 10% of the lot width from any property line. 2) All sides of the equipment visible from a public way shall be obscured by a variety of plant material or a screen wall. 3) A Village Engineer may allow sump pump discharge in any yard. 4) Existing HVAC units which do not meet the provisions of this section may be maintained or replaced in the same location if documentation or evidence dated prior to January 1, 2007 is submitted verifying the existing location of the HVAC unit and the required screening is installed.²⁵
22	Parking Space, Off-Street	X	X	X	Limitations: Provided spaces comply with all paving, impervious surface and screening regulations of the Zoning Code.
23	Pond	X		X	a. Limitations: <ol style="list-style-type: none"> 1) Must be located 10% of lot width away from any property line. 2) Must comply with all Building and Zoning Code regulations for swimming pools if depth of water is 2' or greater, unless otherwise approved by Special Use Permit for a PUD.
24	Pool House (cabana)			X ²³	a. Height: 15' maximum above finished grade ²³ b. Area: Shall not exceed 250 square feet ²³
25	Porch	X			Limitations: <ol style="list-style-type: none"> 1) Must be open-sided and shall be permanently roofed-over 2) May project up to 25% into required yard 3) Floor area above porch may not be enclosed 4) Porch must be on first floor level only
26	Portable Storage (i.e. PODS)	X		X	Limitations: <ol style="list-style-type: none"> 1) May be located on a property not more than 30 days in a calendar year and not greater than 15 consecutive days at any one time. 2) Must be located on a hard surface.²⁵
27	Portable Toilet	X ²³	X ²³	X ²³	Limitations: <ol style="list-style-type: none"> 1) May be located on a zoning lot during construction only, and for which a building permit has been issued 2) No less than 10' from front and corner side property lines and 10% of lot width from all side and rear property lines
28	Ramps, Accessibility				a. Limitations: Must be needed to provide access to a permitted building or zoning lot from an alley or street. b. Height: 4' or less

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS^{20, 25}					
	Obstruction	Front (Corner)	Side	Rear	Regulations
29	Recreational Equipment			X	Limitations: Must be located 10% of lot width away from any property line.
30	Shed (See Section 10-5-4(A)2(b) ²³)		X	X	a. Limitations: Used for storage purposes only b. Height: 15' maximum ridge c. Area: 150 square feet maximum
31	Sign	X	X	X	Limitations: 1) In accordance with the Sign Code Ordinance 2) Provided they are not within the visibility triangle on corner lots and at driveway approaches
32	Residential Sport Court ³⁵			X	Limitations: 1) All courts, appurtenances and equipment must be 10% of the lot width away from the property line. 2) Accessories shall not exceed 15' in height. 3) The intensity of lighting shall not be greater than 0.5 foot-candles measured at the ground at the lot line. ²⁵
33	Stairs or Steps	X		X	Limitations: Must be needed to provide access to a permitted building or zoning lot from an alley or street and not exceed 4' in height
34	Swimming Pools (private)			X	Limitations: 1) All pools, equipment, appurtenances and associated walks must be 10% of the lot width away from the property line. 2) Associated decks shall comply with the deck requirements above. 3) In the Residential Estate district, private swimming pools shall only be permitted in the rear yard with a minimum of a 30-foot setback from the rear lot line. ²⁵
35	Tent	X		X	Limitations: 1) Requires Village Board approval for non-residential use 2) Shall be limited to 48 hour maximum duration per year per zoning lot 3) All tents (except if used exclusively for recreational camping purposes) are subject to this code.
36	Terrace (patio) ²³	X		X	a. Limitations: Open and uncovered b. Height: Not over 3' above the average level of the adjoining ground

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

PERMITTED OBSTRUCTIONS AND ACCESSORY STRUCTURES IN REQUIRED SETBACKS^{20, 25}					
	Obstruction	Front (Corner)	Side	Rear	Regulations
37	Wall, Retaining	X	X	X	<p>a. Limitations:</p> <p>1) Retaining wall 3' or less in height must be setback from any property line a minimum distance equal to 5% of the lot width.</p> <p>2) Retaining wall greater than 3' in height shall be considered a structure and must be setback a distance equal to 10% of the lot width (side yard setback) from all property lines.</p> <p>3) If deemed necessary and approved by a Village Engineer, the setback requirement for retaining walls may be reduced provided the site grading plan is designed to have no adverse impact of stormwater run-off to adjacent properties.</p>
38	Wall, Screen (including refuse and recycling, loading dock, and mechanical equipment)		X	X	<p>a. Limitations:</p> <p>1) Required for commercial uses, multi-family and non-residential uses.²³</p> <p>2) Constructed of the same material as the walls of principal structure on zoning lot</p> <p>3) Must be open on top</p> <p>b. Height: Sufficient to screen all containers within the walls and no greater than 8' unless authorized as part of a Special Use or PUD</p> <p>c. Shall not be located in the front of a building.²³</p>
39	Wells; access, area and window	X	X	X	<p>a. Limitations: All portions of the structure must be 8" or less above grade level.</p>

(C) **Impervious Surfaces Setback²⁰:**

1. **New Construction, Class II and III Alterations, Class III Additions:**

Lot Width	Distance (between edge of impervious surface and lot line)
66' and Less	2% of lot width
More than 66' to 90' or less	3% of lot width
More than 90' to 100' or less	4% of lot width
More than 100'	5% of lot width

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

2. All Other Property: The expansion of an existing impervious surface and new impervious surfaces on improved lots shall not be permitted unless the proposed surface is in conformance with the percentages outlined above. The location of an existing impervious surface which does not conform to the provisions of this section may be maintained in the same location provided the property owner can either present an accurate plat of survey dated prior to March 1, 1999 indicating the location of the impervious surface or demonstrate they have owned the property prior to March 1, 1999.
3. Exceptions:
 - a. Structures used for primarily commercial purposes in the C5A and C5B zoning districts shall be exempt from this regulation.
 - b. Driveways and pedestrian walkways that traverse a property line at generally a 90 degree angle and which are intended to provide a connection between the adjacent street or sidewalk and a principal or accessory use or structure on a lot provided the width of the surface is equal at each side of the lot line.²³

10-5-6: BUILDINGS:

Temporary Structures and Materials:¹⁸ The provisions of this section shall be considered in conjunction with an approved site development (tree preservation) plan and are not intended to require a developer to secure off-site storage during construction.

1. Temporary Construction Storage and Activities: Temporary storage and construction activities shall include mechanical equipment and machinery, construction material and debris, litter, refuse and refuse containers, stockpile, spoil, back-fill, vehicles, material staging and preparation areas, open and contained burning, propane and other similar heating devices, and portable toilets.
2. Duration: Temporary storage and construction activities, buildings, construction and sales trailers, portable toilets, equipment, and materials used in conjunction with construction work only are permitted in any district during the period construction work is in progress and being actually pursued, but such temporary facilities shall be removed upon completion of the construction.
3. Location: Temporary storage and construction activities shall be located or conducted a minimum distance equal to the side yard setback from all side and rear property lines and so as not to create a nuisance or safety hazard to any adjacent property. Portable toilets must also be located no less than 10' from front and corner side lot lines.²³

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

10-5-7: PARKING AND STORAGE OF CERTAIN VEHICLES:

- (A) Unless parked within an enclosed building no more than one recreational vehicle, trailer or boat of any kind or type may be parked in the open, and then only behind the front building line and not in a required side yard;
- (B) The storage of semi-trailers is prohibited in all districts at all times;
- (C) Commercial vehicles may not be parked over-night in any residential district, other than in completely enclosed buildings or garages, except when the vehicle is present for the purpose of providing a required service to the residence where parked, except in the Residential Estate District where no recreational vehicle, trailer or boat of any kind or type may be parked in the open for no more than 30 consecutive days.²²

10-5-8: OFF-STREET PARKING REGULATIONS:

- (A) **Parking for the Handicapped:** Within all parking lots or garages, parking spaces shall be reserved for the handicapped as required by the State of Illinois Capital Development Board, as contained within the Illinois Accessibility Code;
- (B) **Location of Required Parking Spaces:**
 - 1. The parking spaces required for residential buildings or uses shall be hard-surfaced and shall be located on the same Zoning Lot with the building or use served. Any parking spaces for residential buildings or uses that are located in a required front yard or in a required side yard which abuts a street must be located either on an approved driveway or on an approved off-street parking space accessible from an approved driveway;
 - 2. The parking spaces required for any other building or use may be located on an area within 300 feet of said building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same Zoning Lot with the building or use serviced, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance. In no event may such parking spaces be eliminated or terminated if such would cause the building or use served to become a nonconforming use. The provisions of this subsection 2. shall be applicable only where the lots or parts thereof which are used to provide required parking spaces are located in the same zoning district as is the principal use;
 - 3. Prior to the excavation, forming, pouring of cement, asphalt, sand bituminous mix, gravel or any other material, and/or prior to any construc-

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

tion of any required parking space, approved driveway or approved parking space as herein defined, a building permit must first be secured from the Building and Zoning Department of the Village;

4. As a condition precedent to the issuance of the building permit required under (B)-3 above, the owner of the land and the contractor must certify in writing:
 - a. That the drainage of surface waters will not be changed from approved, existing drainage grades, as the Village may determine theretofore from time to time, by the construction of any such required parking space, approved driveway or approved parking space, or any part thereof; or if changed from any such approved existing drainage grade, such owner and contractor must certify in writing that such surface waters will not be deposited on the property of any adjoining land owners; and
 - b. That not more than 50% of the required front yard in Zoning Districts R1, R2, and R3, or not more than 35% of the front yard in zoning district R4 shall be impermeable as a consequence of any construction of any required parking space, approved driveway, or approved parking space;

(C) **Use of Off-Street Spaces:** Except as may otherwise be provided for the parking of trucks or for Special Uses, required off-street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants or employees;

(D) **Repair and Service Work Prohibited:** No motor-vehicle repair or service work of any kind shall be permitted in any open parking spaces;

(E) **Rules for Computing Parking Spaces:** In computing the number of required off-street parking spaces, the following rules shall apply:

1. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking as herein defined;
2. Where a fractional space results, a full parking space shall be provided in lieu thereof;
3. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately; and
4. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, classrooms or otherwise, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

this Ordinance is reconstructed or enlarged to the extent of 20% or more in floor area, said building or use in its entirety shall then and thereafter comply with all the parking requirements set forth herein. However, any enlargement or change in use of less than 20% of the gross floor area shall be provided with increased parking based solely on the enlargement or change;

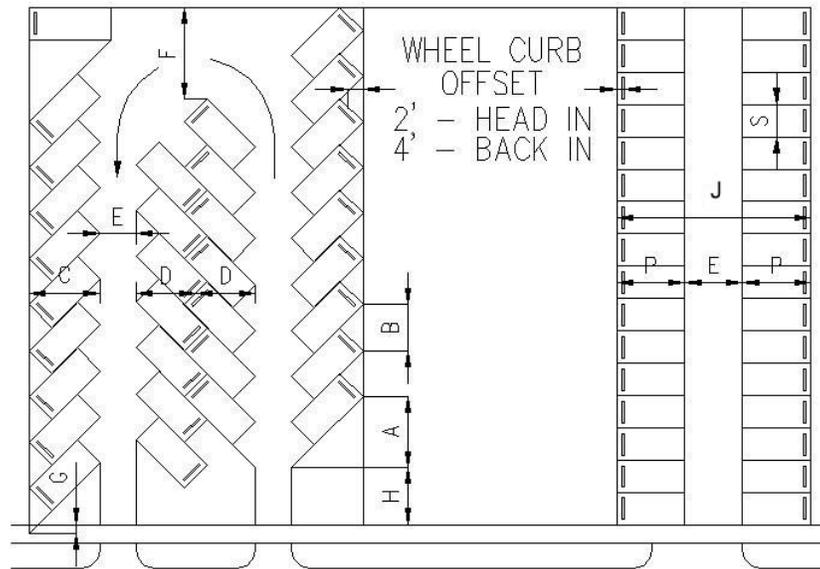
- (F) **Minimum Size:** A required off-street parking space shall be at least 9 feet in width and at least 19 feet in length, exclusive of access drives, aisles, ramps, columns and office or work area. Such space shall have vertical clearance of at least 7 feet. For parallel parking, the length of the parking space shall be increased to a minimum of 24 feet. All other requirements as to size shall be as set forth in the Off-Street Parking Chart;
- (G) **Minimum Improvements and Maintenance Standards for Parking Lots and Garages:** All new parking lots and garages, any parking lot where the number of parking spaces is expanded by 10% or more or any project site where a building is expanded or a new building constructed shall conform with the following improvement and maintenance standards:
1. All parking lots shall be curbed around the perimeter of the lot and around all islands located within the lot unless the Village Engineer and Planning and Development Director determine that a waiver from this requirement will provide for significantly improved stormwater management.²³
 2. Parking lots shall be surfaced either with concrete not less than six inches in thickness or with bituminous surface of not less than two inches in depth on top of a compacted, crushed stone base not less than six inches in depth, or with any surface equal or superior to either of these types. Such surfacing requirements shall be applied to all existing unsurfaced parking lots at the time of change or enlargement of the nonconforming use;
 3. Adequate provision shall be made for the disposal of storm water to ensure that such water shall not flow onto adjoining property or public way in a quantity or manner that would be detrimental to the normal use thereof;
 4. A structurally sound wall or other abutment to ensure safety shall be installed around each side of the parking lot wherever such lot adjoins a public way. Wherever necessary to prevent the washing of soil to and from adjoining property, an adequate retaining wall shall be provided;
 5. All open vehicle parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on property situated in a residence district or any institutional premises by a wall, fence or densely planted compact hedge not less than four feet in height;

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

6. The entrances and exits to and from the lot or garage shall be of such number, location and width as to avoid traffic congestion and interference;
 7. The location of each parking space and the direction of movement along the driveways thereof shall be indicated by painting upon the surface, raised directional signs, or markers placed on the surfacing;
 8. Parking lots or garages used during darkness shall have a system of floor lighting to provide an adequate standard of illumination over the entire parking areas. All flood lights shall be shielded so that glare will not extend to neighboring properties. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line;
 9. The parking lot or garage shall be maintained in a manner to keep it as free as practical from dust, paper and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes;
- (H) **Landscape Islands.** A landscaped island shall be provided at the end of every row of parking stalls and at least one intermediate landscaped island shall be provided for every 20 parking spaces located in the same consecutive row of parking. Such landscape islands shall have a minimum width and length equal to the size of the parking spaces in the subject lot.²⁵
- (I) **Off-Street Parking Chart:** All off-street parking spaces required by this Ordinance, except those required for single-family and two-family dwellings, shall be designed in accordance with the Off-Street Parking Chart.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

OFF-STREET PARKING CHART



Upon review and recommendation of the Director of the Planning and Development Department and the Village Engineer, or the approval of the Plan Commission, the provisions of an approved parking plan may be modified,² so long as the general intent of the design standards is maintained. The Village may require the submittal of a traffic engineering study.

Table of Dimensions (in feet)												Note:
O	S	P	A	B	C	D	E *	F	G	H	J	
0°	9	24	0	24	9	9	11	--	0	0	29	O. Parking Angle S. Parking Space Width
	9	26	0	26	9	9	10	--	0	0	28	
30°	9	19	30	18	17.3	13.4	9	--	13.5	6	43.6	P. Parking Space Length A. Curb Length of Parking Space Depth B. Curb Length of Parking Space Width
	9	19	19.8	12.7	19.8	16.6	10	16	6.4	9	49.6	
45°	9.5	19	20.1	13.4	20.1	16.7	9.5	16.5	6.7	8.5	49.7	C. Perpendicular Length of Stalls (against wall) D. Perpendicular Length of Stalls (overlap) E. Aisle Width F. Turn Around Aisle Width
	10	19	20.5	14.1	20.4	16.9	9	17	7	8	49.8	
	9	19	12.1	10.4	21	18.8	17	15	2.6	12	59	
60°	9.5	19	12.3	11	21.3	18.9	15.5	15	2.8	11.5	58.1	G. Overhang of Curb Length at Periphery H. Setback J. Wall to Wall Dimension
	10	19	12.4	11.5	21.5	19	14	15	2.9	11	57	
	9	19	0	9	19	19	25	20	0	0	63	
90°	9.5	19	0	9.5	19	19	24	20	0	0	62	
	10	19	0	10	19	19	23	20	0	0	61	

*Except that on residential lots, all aisles or driveways shall be at least 12 feet in width.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

10-5-9: OFF-STREET LOADING REQUIREMENTS:

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

- (A) **Location of Required Loading Space:** All required loading space shall be located on the same Zoning Lot as the use to be served and no portion of the vehicles thereon shall project into a street, alley or sidewalk. No loading space shall be located within 25 feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard. It may be located in a side or rear yard adjoining property in a residential district provided such yard is screened as required in Section 10-5-13 (L);
- (B) **Minimum Size:** A required off-street loading space shall be at least 12 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least 14 feet;
- (C) **Access:** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements;
- (D) **Surfacing:** All open off-street loading spaces shall be improved with a portland cement concrete pavement not less than 9 inches thick or a compacted crushed stone or gravel base not less than 9 inches thick surface with not less than 2 inches of asphalt concrete;
- (E) **Repair and Service Work Prohibited:** No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any loading space;
- (F) **Space Allowed:** Space allowed to any off-street loading space while so allocated shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof;
- (G) **Screening:** All off-street loading space shall be so located and/or screened by a landscape or architectural feature as not to be visible from any public right-of-way or adjoining property in a residential district;
- (H) **Required Loading Spaces:** For the uses herein listed, loading spaces shall be provided as specified:
 - 1. Auditoriums; Banks; Business and professional offices; Public administration buildings; Bowling alleys; Hospitals, schools, colleges, sanitariums, and other similar institutional uses; Hotels or private clubs and lodges: For such a building containing 10,000 to 100,000 square feet of floor area or fraction thereof in such a building, one loading space. For each

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

additional 100,000 square feet of floor area or fraction thereof in such a building, one additional loading space;

2. Warehousing; Storing; Cleaning; Servicing; Testing; and Repairing establishments: For such a building containing 5,000 to 40,000 square feet of floor area, one loading space. For such a building containing 40,000 to 100,000 square feet of floor area, two loading spaces plus one additional loading space for each additional 100,000 square feet of floor area or fraction thereof;
3. Establishments engaged in retail or wholesale trade and establishments handling the sale and consumption of food on the premises: Loading spaces in accordance with the following schedule:

<u>Square Feet of Floor Area</u>	<u>Minimum No. of Spaces</u>
5,000 to 10,000	1
10,000 to 25,000	2
25,000 to 40,000	3
40,000 to 100,000	4

For each additional 100,000 square feet of floor area or fraction thereof in such a building, one additional loading berth. The sum of all retail floor area in a unified development shall be counted in determining the number of loading spaces even if none of the individual tenant areas exceed 5,000 square feet;¹

4. Other uses: Off-street loading spaces shall be provided in accordance with requirements determined by the Board of Trustees based upon requirements heretofore set forth for the most similar cases.

10-5-10: STACKING SPACES FOR DRIVE-THRU FACILITIES:

- (A) Drive-thru establishments such as fast food restaurants, car washes, banks and other establishments shall provide a minimum of 5 stacking spaces per drive-thru lane. Such stacking spaces shall be provided in addition to the required number of parking spaces for the use.
- (B) Stacking spaces must be provided entirely on the private property occupied by the drive-thru establishment.
- (C) Each stacking space shall be at least 8 feet wide and 18 feet long exclusive of access drives and parking aisles and shall not interfere with parking circulation.
- (D) A maximum number of 4 drive-thru lanes shall be permitted per establishment.²⁵

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

10-5-11: DRIVEWAY AND ACCESS REGULATIONS:

Each Zoning Lot shall have direct access to a public or private street or roadway in accordance with the following regulations:

(A) General:

1. The access control standards contained in this section are intended to promote safe and efficient operation of driveway approaches and to minimize vehicular delays and accidents. The policies and standards for land use and urban design relating to access control as stated in the Glen Ellyn Comprehensive Plan and in the Arterial Highway Development Policies and Standards for DuPage County shall apply;
2. Each required off-street parking space shall open directly upon an all-weather, hard-surfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Such driveway and driveway approach must be maintained as an all-weather hard-surface material;
3. The Village Engineer is authorized to waive the geometric design requirements when the DuPage County or Illinois Department of Transportation has provided written approval of plans prepared by a professional engineer.²⁰

- (B) **Maximum Number of Driveway Approaches:** With the exceptions listed below, one driveway approach is permitted per Zoning Lot. If a use is a listed Special Use in a district, then additional driveway approaches may be considered during the review of the Special Use Permit provided documentation of a traffic study is supplied. Otherwise, requests for additional driveway approaches shall be considered as variations.

The following exceptions may have additional driveway approaches:

1. Attached single-family dwellings may have one driveway approach per dwelling unit;
2. Through lots may have one driveway approach on each parallel street;
3. Detached single-family dwellings may have two driveway approaches only where the lot width equals or exceeds 132 feet;

(C) Corner Clearance:

1. Minimum separation of a driveway approach from an adjacent intersecting street shall be 40 feet from the centerline of the driveway approach to the nearest right-of-way line of the intersecting street;

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

2. With the exception of detached single-family and two-family uses²³, the minimum separation of a driveway approach from an adjacent intersection of a major arterial street with another arterial or collector street shall be the greater of:
 - a. 200 feet; or
 - b. Length of full left-turn storage on the arterial; or
 - c. Length of full left-turn storage and taper for a major driveway approach;
- (D) **Property Line Clearance:** Driveway approaches shall be located so that the required curb-return lies entirely within the interior side property lines (as if they were extended from the Zoning Lot served by the driveway approach), unless the driveway is being shared with the adjacent Zoning Lot or an exception is granted by the Public Works Director;²³
- (E) **Curb Return Radius and Flares:**
1. CR, R0, R1, R2, R3 Districts: A return radius shall not be required; and between the sidewalk lines (six feet from lot line) and the pavement edge of the street there may be provided a four-foot flare;
 2. R4, R5, C2, C3, C4, C6 Districts:
 - a. Two-way drives: The minimum curb return radius shall be 25 feet. The basis for design shall include the truck design vehicle for that drive;
 - b. One-way drives: 25-foot outside radius;
 3. C5 District: Between the sidewalk line (6 feet from the property line) and the pavement edge of the street, there shall be a 10-foot flare, except that the angle between the back of curb and the edge of the driveway approach shall not exceed 45 degrees;
- (F) **Driveway Approach Width²⁵:** Driveway approach width shall be measured at right angles to the driveway curb or edge of pavement at the property line exclusive of the curb return radius. This includes consolidated or shared driveways:
1. Maximum Permitted Driveway Approach Width:
 - a. 24-foot width is permitted on all categories of streets;
 - b. 36-foot (undivided 3 lanes), major arterial streets only;

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

(I) Angle of Intersection:

1. Two-way drive: 70 degrees minimum;
2. One-way drive (right-in or right-out): 60 degrees minimum;

(J) Driveway Approach Separation on Arterials:

1. Two-way drives:
 - a. 185 feet minimum. Separation is based on speed limit as determined in the table below:

DRIVEWAY APPROACH SEPARATION TABLE

Speed Limit (MPH)	Driveway Approach Separation ¹ (Feet)
35	185
40	200
45	230
50	275
55	335

¹Centerline to centerline of drives;

- b. 300 feet minimum where, in the opinion of the appropriate Village authority, weaving movement between driveway approaches is or will be significant;
2. The Village Engineer shall increase the minimum separation for high volume generators such as shopping centers, office or industrial parks, etc., in order to prevent overlapping of left-turn lanes or other driveway approach interference;
3. Where driveway approaches cannot meet minimum separation requirements, the appropriate highway authority will determine spacing based on the location, design and traffic volumes of adjacent driveway approaches;
4. One-way drives: 80-foot minimum between a one-way driveway pair serving the same land use;

(K) Driveway Median:

1. Minimum of: 4 feet wide; 25 feet long; and 5 feet offset from the nearest edge of an arterial through lane, right-turn lane, or paved shoulder.
2. Use of medians on two-or-three lane driveways shall be permitted only after the appropriate highway authority determines that the median will not interfere with vehicle turning paths.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

(L) **Minimum Driveway Width:**

A minimum driveway width of 9 feet shall be required for all attached single-family, detached single-family and two-family developments.

- (M) **Driveway Material:** All driveways shall be surfaced with asphalt, concrete, brick, paver stone or another similar hard surface material. All existing driveways that are either enlarged or expanded and any property on which the principal structure or garage is expanded must be brought into compliance with this standard.²⁵

10-5-12: UTILITY LINES:

All new secondary utility lines for Class II and III Alterations and all new and existing utility secondary lines for Class III Additions and new construction shall be placed underground. The Village Board may waive this requirement provided the applicant pays a fee to cover all costs of future placement of the wires underground in a comprehensive manner by the Village. The fee shall be based on an itemized cost estimate prepared by the applicant and approved by the Village Engineer, and shall be paid prior to any permits being issued.^{20, 23, 25}

10-5-13: PERFORMANCE STANDARDS AND OTHER REQUIREMENTS FOR COMMERCIAL USES, PLANNED UNIT DEVELOPMENTS, SPECIAL USES, AND NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS:

The following standards shall apply to commercial uses, planned unit developments, special uses (excluding single family residences) and non-residential uses in residential zoning districts. The property owner shall be responsible for submitting documentation prepared by a professional in the applicable area of expertise upon written request of the Village to verify that any standard has been satisfied.²⁰

(A) **Noise:**

1. At no point on or beyond the boundary of any commercial Zoning Lot shall the sound pressure level resulting from any use or activity not hereafter specifically exempted, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth in the following tables;
2. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. The flat network "slow" meter response of the sound level meter shall be used. Impulsive-type noises shall be measured with an Impact Noise Analyzer, and the peak values so measured shall not exceed the maximum permitted sound pressure levels by more than three (3) decibels. The reference level for the decibel is 0.0002 microbar:

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

<u>Octave Band Frequencies (cycles per second)</u>	<u>Max. Permitted Sound Pressure Level in Decibels</u>
20 - 75	70
75 - 150	65
150 - 300	58
300 - 600	51
600 - 1200	45
1200 - 2400	39
2400 - 4800	34
4800 and over	32

3. The following uses and activities shall be exempt from the noise level regulations:
 - a. Noises not directly under the control of the property user;
 - b. Between the hours of 7:00 a.m. and sunset, noises customarily resulting from construction and the maintenance of grounds;
 - c. The noises of safety signals, warning devices, aircraft and railroads, snow plowing, and mosquito abatement; and
 - d. Church bells, chimes and carillons;

(B) Vibration:

1. Earthborne vibrations from any industrial or commercial operation, equipment, or process shall not constitute a nuisance nor exceed the limits set forth herein. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system;
2. No industrial or commercial activity shall be responsible for the transmission of earthborne vibrations across any property line in excess of the displacement limits established through use of the following formula:

$$D = \frac{0.003}{f}$$

Where D = the maximum allowable displacement in inches

Where f = the vibration frequency in cycles per second;

- (C) Smoke and Particulate Matter:** The emission, from all sources within any commercial Zoning Lot, of particulate matter containing more than five (5) percent by weight, of particles having a particle diameter larger than forty-four (44) microns is prohibited. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one-half (1/2) pound per acre of lot size during any one hour. Dust and other types of air

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

pollution borne by the wind from such sources as storage areas, yards and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting or other acceptable means. The emission of smoke or particulate matter of a density greater than No. 1 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, is prohibited, except that Ringelmann No. 2 will be permitted for five minutes or Ringelmann No. 3 for three minutes during any eight hour period, for the purpose of building fires or soot blowing;

- (D) **Odor:** The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual (copyright 1951), by Manufacturing Chemists Association, Inc., Washington D.C., shall be used as a guide;
- (E) **Toxic and Noxious Matter:** No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line, will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit lawful spraying of pesticides on public or private property;
- (F) **Radiation Hazards:** The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with:
1. The applicable regulations of the United States Environmental Protection Agency and the United States Department of Energy; and
 2. The applicable regulations of the Illinois Environmental Protection Agency and the Illinois Department of Energy and Natural Resources;
- (G) **Fire and Explosive Hazards:**
1. The storage, utilization or manufacture of solid materials or products with the potential for free or active burning to intense burning (excluding household items in quantities customarily found in the home) is prohibited unless storage, utilization and manufacture takes place within completely enclosed buildings having incombustible exterior walls. All such buildings shall be set back at least 40 feet from all lot lines or, in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the Village of Glen Ellyn and the National Fire Protection Association;
 2. Activities involving the transportation, storage or utilization of materials or products which decompose by detonation are prohibited unless specifically licensed by the Village of Glen Ellyn. Such materials shall include, but not be limited to: all primary explosives such as lead azide,

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrozine and its derivatives, pyrotechnics and fireworks such as magnesium powder, potassium chloride and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239;

3. The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall be permitted in accordance with the following limitation - exclusive of storage in underground tanks and exclusive of storage of finished products in original sealed containers:

a. Solid materials or products shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the Village of Glen Ellyn and the National Fire Protection Association;

b. All such buildings shall be set back at least 40 feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the Village of Glen Ellyn and the National Fire Protection Association;

c. The capacity of flammable liquids in excess of the following quantities shall not be permitted:

<u>Closed Cup Flash</u>	<u>Quantity (gallons)</u>
Less than 24 degrees F	1,000
24 degrees F to less than 105 degrees F	10,000
105 degrees F to less than 187 degrees F	50,000
Total of all flammable liquids permitted	50,000

(H) **Heat:** Every use and activity shall be so operated that it does not raise the ambient temperature at or beyond the boundary of any lot line;

(I) **Glare:** Any operation producing intense glare shall be conducted so that direct and indirect illumination from the source of light shall not cause illumination beyond the boundary of any lot line;

(J) **Electromagnetic Interference:** There shall be no electromagnetic interference that:

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

1. Adversely affects at any point the operation of any equipment other than that belonging to the creator of such interference; or that
2. Is not in conformance with the regulations of the Federal Communication Commission;

(K) **Storage:** All storage shall be enclosed within a building, or within a concrete or masonry wall of sufficient height to screen such storage unless a Special Use Permit has been issued for the subject property. No premises shall be used for auto wrecking, junk yards and similar storage or salvage, or for bulk storage of oils, petroleum, or similar flammable liquids and chemicals;²⁰

(L) **Landscaping:**

- 1.¹⁸ All portions of the building site, exclusive of structures, parking and storage areas, driveways and walkways shall be landscaped and maintained with viable lawn areas, standard trees, and standard shrubs as outlined below unless otherwise recommended by the Village Forester.

a. Trees:

- (1) Quantity: A minimum of twenty-four (24) trees per acre of green space on a site shall be provided.
- (2) Distribution: The required quantity of trees on a site shall be in the distribution below (all portions thereof shall be rounded up to the nearest whole number): Larger trees may be substituted for smaller trees in the same "type" category identified below.²³

<u>TYPE</u>	<u>SIZE</u>	<u>QUANTITY</u>
Deciduous Shade	2" - 2.5" caliper	6 X (acres of green space) = required #
	3" - 4" caliper	5
	4.5" caliper & larger	3
Ornamental	6' - 8' tall	3
	8.5' tall & larger	2
Evergreen	6' - 8' tall	2
	8.5' - 10' tall	2
	10.5' tall & larger	1

- (3) Spacing: Ornamental and evergreen trees may be used as individual specimens at building or site entrances or shall be in a group of three (3) minimum trees at a spacing not to exceed 14' on center.

- b. Shrubs: Shrubs with a mature height 3' and less shall be planted 4' on center. Shrubs with a mature height greater than 3' shall be planted 6' on center. Shrubs shall be planted in groups of three (3) minimum.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

2. All such landscaping shall conform to the standards contained within the Glen Ellyn Appearance Guide and Criteria;
3. An opaque screen shall be installed and maintained along all lot lines, other than streets, abutting areas zoned for residential use. Except as otherwise provided, it shall have a total height of not less than six feet nor more than seven feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or more of the following types:
 - a. Walls: A wall shall consist of concrete, stone, brick, tile or similar type of masonry material a minimum of eight (8) inches thick;
 - b. Berms: A berm may be banked on both sides, or with one side banked toward the lot line with a retaining wall. A berm shall not be less than twenty (20) feet wide at the base and shall have an undulating contour and shall be sloped for ease of maintenance. It shall be constructed of earthen materials and shall be landscaped;
 - c. Planting: Plant materials, when used as a screen, shall consist of a mixture of standard shrubs, compact evergreen plants and taller deciduous plants. They shall be of a kind, and used in such a manner, so as to provide screening having a minimum width of three feet, within 18 months after initial installation. Plant materials shall not be limited to a maximum height. A wall or berm as described in a. and b. will be required, if after 18 months after installation, plant materials have not formed an opaque screen, or if an opaque screen is not maintained;
 - d. Fence: The exposed structural elements of a fence, when visible only from one side, shall face toward the property on which the fence is constructed (see Definitions);¹
4.
 - a. Visibility on All Lots: No wall, fence, sign, landscape plant material, tree, or other obstruction shall be erected, planted or maintained in any yard which unreasonably obstructs or interferes with the vision of the drivers of motor vehicles and bicycles or which endangers the safety of pedestrians walking along the sidewalk or street.
 - b. Visibility Triangle on Corner Lots: No landscaping except trees on a corner lot shall exceed 3' in height, and tree branches shall not be lower than 8' above the average grade of the center line of the adjacent street pavement when such trees or shrubs are located within 30' of the lot corner formed by the intersection of any two street lines.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

(M) Exterior Illumination Standards:¹⁸

1. General Requirements: All applications for development review or building permits which include exterior site or building lighting shall be required to submit the following information for review:
 - a. Photometric plan: Prepared by a professional lighting consultant. Said plan shall accurately indicate the level of illumination at all property lines and 5' beyond based on all proposed light fixtures.
 - b. Cut sheet of each proposed light style: All styles (ground, sign, wall, pole, recessed can, bollard) of lights proposed on the building and site must be identified.
 - c. Shielding: The type of refractor, louver, or side shield to cut off direct light to adjacent properties must also be provided. On all non-residential and multi-family uses, said shield shall cover the top and sides to completely block passage of light and shall extend downward vertically below the lowest point of the illumination source.²³
 - d. Lamp Type: Incandescent, Quartz-Halogen, Fluorescent, Low Pressure Sodium, Mercury Vapor, Metal Halide, or approved equal.
 - e. Lamp Wattage.
 - f. Pole Height.
 - g. Site Plan: Indicating the location of each proposed light by style.
2. Specific Requirements:
 - a. Intensity of Light (at lot line as measured at ground level):
 - (1) Adjacent to a residential use: 0.5 foot-candles
 - (2) Adjacent to a non-residential use: 3.0 foot-candles
 - (3) Lighting levels which exceed the above standards may be requested as a part of a special use permit for athletic fields, special events, and other non-traditional uses.
 - b. Location:
 - (1) Light poles shall be placed no closer than an interval that equals four times the mounting height, except to respond to site hazards such as steps, ramps, steep embankments, and potential security problem areas.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

- (2) Light poles shall be located where they are not susceptible to collision strikes and shall not create hazards for pedestrians or vehicles.
 - c. Height: The height of a light pole shall be equal to or less than the maximum height of the principal building on a site.
- 3. Exceptions:
 - a. Emergency Lighting: All temporary lighting needed by the Police, Fire Department or any other public safety or utility emergency services shall be exempt from the illumination standards.
 - b. Safety and Security: A higher intensity of illumination in a safety or security problem area as defined by the Chief of Police may be authorized.
 - c. Public Rights-of Ways: The standard street lights installed and maintained by the Village in the public rights-of-way shall be permitted.
 - d. Temporary Holiday Lighting: Traditional holiday lighting is exempt from the provisions of the general requirements section of this code, provided said lighting is reasonable and shall not constitute a public safety hazard or nuisance.
- (N) **General Requirements:** All business, service, storage, merchandise, display and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except as otherwise expressly permitted herein, or as otherwise provided in the ordinances of the Village.²
- (O) **Developer Donations:** Any development that increases the number of dwelling units within the Village shall be required to make land or cash contributions to the school, library, fire, and park districts within which the dwelling units are located.²⁰
- (P) **Recycling and Refuse Area:** Adequate space shall be provided for refuse and recycling on a site for all Class II and III Alterations, Class III Additions, and new construction or redevelopment. Exterior screens shall be constructed of the same primary material used in the principal building on the site or per a landscaping plan approved by the Planning and Development Department.²⁰
- (Q) **Emergency Warning Sirens:** Emergency warning sirens, operated by an authorized emergency service and disaster agency, not exceeding 75 feet in mounted height, shall be a permitted use in every zoning district.²³

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

10-5-14:³² INDOOR LIVE ENTERTAINMENT:

Indoor live entertainment may be permitted in businesses and restaurants in the C2, C3, C4, C5A, C5B and C6 zoning districts, provided that a permit is obtained from the Village. No live entertainment shall operate prior to the approval of a permit by the Village. The fee for the permit shall be set forth in the Village Code and the permit shall be posted in a conspicuous location inside the building. Application for the permit shall be made by the property owner or the property owner shall give written permission for application to be made by another party on their behalf. All permits for live entertainment shall be valid for a period of 3 years unless the permit is revoked in accordance with the subsection 2 below.

1. All live entertainment must comply with the following provisions:
 - a) The live entertainment activity shall be clearly incidental and accessory to either a permitted or approved special use that is commercial in nature.
 - b) All live entertainment shall be located indoors and no outside audience for live entertainment shall be allowed or encouraged and no means of amplification outside of the building shall be permitted.
 - c) The floor area designated for live entertainment shall not exceed 25% of the gross floor area of the primary use.
 - d) Live entertainment shall not be provided after the following hours:

Sunday - Thursday	11 p.m.
Friday, Saturday and New Year's Eve	1 a.m.
 - e) No toxic, explosive, flammable or other hazardous materials as defined in the most recent version of the Building Code as adopted by the Village of Glen Ellyn shall be used for any live entertainment purposes.
 - f) The premises to be used for live entertainment must be in compliance with all applicable health, fire and building codes.
 - g) The form of live entertainment provided shall not be obscene nor appeal to prurient interests.
 - h) All live entertainment activities shall fully comply with all other provisions of Village Code, including all regulations related to noise and vibration set forth in Section 10-5-13(A) and 10-5-13(B) of the Zoning Code.
 - i) All live entertainment activities shall fully comply with the Village Sign Code.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

2. A previously issued permit for live entertainment may be revoked by the action of the Village President, which shall be delivered to the permit holder. In the case of a public safety concern, a stay of any live entertainment may be issued by the Police Chief until the matter can be considered by the Village President. The Village President shall have the right to revoke a previously issued permit for live entertainment if:
 - a) The applicant or any person making a representation on behalf of the applicant makes a misrepresentation of any fact in the application or in any testimony before the Village Board;
 - b) Any criteria on which the permit is approved is not complied with;
 - c) After the criteria is initially complied with, compliance with such criteria is not maintained at any time;
 - d) Prior to the issuance of the permit, the applicant transfers interest in the property or business to another party or if the property owner makes an attempt to transfer the non-transferable permit;
 - e) One or more complaints about the live entertainment are received regarding the permitted property;
 - f) Revocation is recommended by the Police Chief for reasons related to public safety;
 - g) Exterior areas of the business providing live entertainment have not been maintained in a clean and orderly manner; and
 - h) The property is not maintained in conformance with all applicable health, fire and building codes.

A written order of the Village President to revoke a permit shall take effect five (5) days after its service. If, within those five days, the permit holder files an appeal to the Village Board, the permit shall continue in effect until the Village Board shall have met and had an opportunity to review the President's decision. The Village Board shall hear from the applicant and it shall review the reasons why the permit was revoked, including the reasons stated by the Village President. The Village Board shall issue a written opinion to either affirm or overrule the decision of the Village President. The Village President may also, stating the reasons for doing so, suspend a permit for a period of up to ten (10) days. A permit may not be suspended for more than two 10-day periods during the term of the permit.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

10-5-15²⁵: OUTDOOR SEATING FOR RESTAURANTS

Restaurants shall be permitted to have outdoor seating on private property provided that such seating complies with the following provisions:

1. If outdoor seating is located on or adjacent to a sidewalk, a 5-foot wide clear area must be maintained for pedestrian use and handicapped access.
2. All outdoor seating must be located on private property unless the owner has entered into a license agreement with the Village Board to allow outdoor seating on public property.
3. If the restaurant is located in a shopping center, such seating shall only be permitted in front or on the side of the subject establishment unless otherwise approved as part of a special use permit, planned unit development or variation.
4. All outdoor seating must be located on an asphalt, concrete, brick, wood or other similar surface as approved by the Zoning Officer.
5. Outdoor seating shall not be located in such close proximity to parking or drive aisles as to create a safety hazard.
6. Outdoor seating shall not be located in a required landscape area such as a parking lot landscape island.

10-5-16²⁸: OUTDOOR BEAUTIFICATION DISPLAYS

Outdoor beautification displays shall be permitted in the C5A and C5B zoning districts provided that the following provisions are met:

1. An annual permit must be obtained from the Village for the outdoor display of statues, sculptures or similar works of art. A permit shall not be required for the outdoor display of live or imitation plant materials and any associated containers or support structures. The fee for the permit shall be as set forth in the Village Code and the permit shall be posted in a conspicuous location inside the building.
2. No more than a total of 2 outdoor beautification display areas shall be permitted for each property and the total outdoor beautification display area shall not exceed 10 square feet. A greater number of display areas and/or a greater total display area shall be permitted with the approval of a Special Use Permit.
3. If the outdoor beautification display is located on a sidewalk, a continuous 5-foot wide area must be maintained free from any obstruction for pedestrian use and handicapped access.
4. All outdoor beautification displays shall be located adjacent to the first floor storefront of the business requesting the annual permit and shall not be permitted in a parking lot.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

5. The outdoor beautification display area shall be maintained clean and free from refuse and clutter at all times and the display must be maintained in a good and attractive condition.
6. Outdoor beautification displays shall not be permitted in locations that obstruct the vision of pedestrians or motorists, restrict access or otherwise create a dangerous situation.
7. If any statue, sculpture or other similar work of art is located on the public right-of-way (e.g. sidewalk), the following provisions must also be met.
 - a. A signed indemnification statement provided by the Village must be executed by the business seeking the annual permit.
 - b. The applicant shall submit to the Village a certificate of insurance in the amount of \$1,000,000 listing the Village as an additional insured and including a statement that the policy shall not be changed or cancelled without 30 days notice to the Village. If any provision of the insurance policy is changed contrary to these requirements, the annual permit may be immediately revoked by the Village.

10-5-17:¹⁸ LANDSCAPE AND ILLUMINATION STANDARDS FOR OTHER DEVELOPMENTS:

The provisions of Sections 10-5-13(L) and (M) of the Zoning Code shall apply to all planned unit developments, special uses, and multi-family and single-family attached residential developments.

10-5-18:³¹ VACANT GROUND FLOOR STOREFRONT WINDOWS:

- (A) **Treatment of Storefront Windows During Vacancy:** Any ground floor space located within the Village's C5A or C5B Central Business District zoning districts that is vacant or becomes vacant shall within 30 calendar days of the date of a letter from the Village notifying the property owner of their responsibility, contain a decorative storefront window display. Said display shall be in place until the commercial space is no longer vacant. Property owners are encouraged to partner with a local government or community service organization to create a decorative display. The window display shall be in accordance with the provisions of this Section.
 1. A decorative storefront window display shall be placed in any vacant storefront window visible from the public sidewalk or right-of-way. The purpose of the window display is to make the business areas more attractive, to encourage shopping in other stores even if there are vacancies in the C5A or C5B zoning districts, and to deter vandalism. Among the window displays which would satisfy with the obligation established in this section are the following: paintings, photos, sculptures, art, student projects (i.e. elementary, middle or high school projects for art, social studies, language arts, etc.), merchandise from local businesses (i.e.

CHAPTER 5: SUPPLEMENTARY REGULATIONS (continued)

merchandise from area stores to help advertise those businesses), current religious holiday displays (i.e. displays commemorating Christmas, Chanukah, Easter, etc.), current secular holiday displays (i.e. displays commemorating Independence Day, Labor Day, Memorial Day, Halloween, etc.), live or artificial plants, community organization projects (i.e. projects completed by the Boy Scouts, Girl Scouts, Glen Ellyn Historical Society, Jaycees, etc.), seasonal displays (i.e. displays depicting fall, summer, winter or spring), announcements for local events and other similar items or products. These items may be displayed inside the window or painted or affixed to the glass in storefront windows. An informational sign up to one square foot in total sign area, identifying the name and contact information for each exhibit shall be permitted.

2. Visibility into the space shall be maintained in a manner that allows public safety officials the ability to view the interior of the space.
3. Window or other signage shall be permitted in accordance with Title 4, Chapter 5 of the Village Code entitled "Sign Code."

(B) **Prohibited Window Display Content:**

1. Covering vacant display windows with plain paper, butcher paper, newspaper, soap, tarp, plastic sheets or unpainted plywood is prohibited. The previously mentioned items may be acceptable if they are used as a backdrop or background to a decorative display.
2. Lewd or obscene words or images shall not be allowed in any window display.
3. No trash, debris, crates, cardboard boxes or other packing materials may be stacked or stored in any vacant storefront windows.

(C) **Vacant Ground Floor Storefront Maintenance:** The storefront window of any vacant ground floor space in the Village's C5A or C5B Central Business District zoning districts shall be maintained in good condition and kept neat, clean and attractive.

(D) **Responsibility for Compliance:** Any person owning, leasing, maintaining, in possession of, or control of, any vacant ground floor space located within the C5A or C5B Central Business District zoning districts shall be responsible for adherence to the provisions of this Section.

CHAPTER 6

Flood Hazard and Land Use Regulations¹⁸

10-6-1: APPLICATION OF REGULATIONS:

This Chapter of the Zoning Code shall apply to all lands within the corporate limits of Glen Ellyn, and the unincorporated territory lying one and one-half miles beyond those limits, which have been or hereafter shall be designated as Floodways, Flood Fringes or Areas of Special Flood Hazard on the Flood Insurance Rate Map (FIRM).

10-6-2: BASE FLOOD:

Wherever the areas expected to be inundated by the base flood have been specifically identified, it is the intention of this Zoning Code to provide protection in those areas against the high waters of that flood.

10-6-3: MAPS AND PROFILES:

(A) **Village Maps:** The following official maps, which depict the Floodplains, Floodways, Flood Fringes, Areas of Special Flood Hazard and Floodway encroachment lines, are available for inspection in the offices of the Village of Glen Ellyn, and are incorporated into this Zoning Code:

1. Flood Insurance Rate Map
Village of Glen Ellyn
Prepared by U.S. Department of Housing and Urban Development
Effective January 22, 1982; and
2. Flood Insurance Rate Map applicable to unincorporated territory within one and one-half (1 1/2) miles beyond the Village corporate limits;

(B) **Determination of Base Flood Area Location and Elevations:** The determination of the base flood location and elevation shall be as set forth in the DuPage Countywide Stormwater and Flood Plain Ordinance, as adopted by the Village of Glen Ellyn.

10-6-4: USE REGULATIONS:

Development in, and use or filling of a Flood Fringe and an Area of Special Flood Hazard will be permitted only if protection is provided against the base flood by proper elevation, compensatory storage, and other provisions of this Zoning Code and the DuPage County Countywide Stormwater and Flood Plain Ordinance. No use shall be permitted which will adversely affect the capacity of channels, the floodway or drainage facilities or systems. In addition to all other restrictions and regulations contained in this Zoning Code, the following restrictions shall apply to floodways, flood fringes and areas of special flood hazard.

(A) Permitted Uses:

1. Flood Fringe or Area of Special Flood Hazard:

CHAPTER 6: FLOOD HAZARD AND LAND USE REGULATIONS (continued)

- a) Any use permitted in the floodway.
 - b) Required yard setbacks, provided that a residential structure or attached garage shall be placed a minimum distance of 30' from such area.
2. Floodway: Only the following uses are permitted in the floodway, provided they will not impede or increase the flow and passage of flood waters and are in accordance with all other provisions of this Zoning Code and the DuPage County Countywide Stormwater and Flood Plain Ordinance:
- a) Arboreta, wildlife sanctuaries, woodland preserves, and habitat structures.
 - b) Bridges, culverts, and associated roadways, sidewalks, and railways necessary for crossing over the floodway or providing access to other appropriate uses in the floodway and any modification thereto.
 - c) Erosion control structures.
 - d) Cultivation and harvesting of crops.
 - e) Earthwork, including regulatory floodway regrading, without fill, to create a positive slope toward a watercourse.
 - f) Nurseries or orchards, exclusive of buildings.
 - g) Outlet installations for sewage treatment plants.
 - h) Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows and including open pavilions.
 - i) Required yard setbacks, provided that a residential structure or attached garage shall be placed a minimum distance of 30' from a floodway, flood fringe, and area of special flood hazard.
 - j) Stormwater facilities relating to the control of drainage or flooding, including storm sewer outfalls.
 - k) Utility transmission lines.
 - l) Water quality structures.
- (B) **Special Uses**: The following special uses may be allowed in or near a floodway, flood fringe or area of special flood hazard upon the issuance of a special use permit in accordance with the provisions of this Zoning Code, provided the use

CHAPTER 6: FLOOD HAZARD AND LAND USE REGULATIONS (continued)

will not impede or increase the flow and passage of waters. The floodway and flood fringe may be used in calculating the density for the entire tract of a planned unit development.

1. Floodproofing activities to protect existing structures.
2. Parking lots, where required by regulations, but not in a floodway.
3. Residential structure or garage less than 30' from a floodway, flood fringe, or area of special flood hazard.

In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than 50% of the market value of the building before it was damaged or replaced and which do not increase the outside dimensions of the building.

A special use permit shall not be required for any of the permitted or special uses in the CC Community College zoning district where the subject use or project is in accordance with an approved Master Plan, provided that the subject use or project is in compliance with the provisions of the DuPage County Countywide Stormwater and Floodplain Ordinance as adopted and amended by the Village.²⁷

(C) Prohibited Uses: The following uses and activities shall be prohibited in the floodway, flood fringe, and area of special flood hazard except in the CC Community College zoning district where the subject use, activity, or project is in accordance with an approved Master Plan and the provisions of the DuPage County Countywide Stormwater and Floodplain Ordinance as adopted and amended by the Village.²⁷

1. Earthwork, including the filling-in of land, removal of topsoil, and damming or relocating any water course.
2. Sanitary landfills, dumps, junk yards, and outdoor storage of vehicles or materials.
3. Sewage disposal systems (on-site).
4. Structures and buildings with the exception of retaining walls, flood control structures, culverts, and bridges.
5. Swimming pools and decorative ponds.

10-6-5: OPEN STORAGE OF FLOATABLE MATERIALS:

Logs, waste, lumber, lumber products and other floatable materials or containers shall not be placed, displayed or stored in the Floodway, Floor Fringe or Area of Special Flood Hazards.

CHAPTER 6: FLOOD HAZARD AND LAND USE REGULATIONS (continued)

10-6-6: OPEN STORAGE OF OTHER MATERIALS:

The open storage or display on a Floodway or Flood Fringe of inoperable motor vehicles and similar nonmovable machinery and other nonfloatable materials and products, where permitted by the regulations of the zoning district applicable to such land, shall be considered the same as the placement of fill on the Floodplain and shall be subject to the regulations of this Zoning Code relating to compensatory storage.

10-6-7: OPEN STORAGE OF HAZARDOUS MATERIALS:

The open storage of materials anywhere in the base flood area which are flammable, explosive, toxic or could be otherwise injurious to human, animal or plant life is prohibited.

CHAPTER 7

Planned Unit Developments

10-7-1: POLICY STATEMENT:

- (A) It is the policy of the Village to promote progressive development of land and construction thereon by encouraging more creative and imaginative design for land developments than is possible under the more conventional zoning regulations by allowing Planned Unit Developments as a particular type of Special Use within each zoning district. The Planned Unit Development provisions are intended to allow more efficient use of land and thus result in more economical land development. Further, the Planned Unit Development provisions allow greater design flexibility than is normally permitted by the district regulations, thereby encouraging more rational utilization of the topographic and natural characteristics of the property as a means of promoting preservation of natural site qualities, better urban amenities, more open space and a higher quality project;

- (B) The following objectives may be obtained through the use of the Planned Unit Development procedure:
 - 1. To permit a maximum choice in the types of environment available to the public by allowing a variety of housing and/or commercial uses in a single development and permitting a flexible application of the individual district regulations for each use;

 - 2. To promote a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses serving nearby residential areas;

 - 3. To encourage a development pattern which preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage pattern;

 - 4. To facilitate a development pattern more in harmony with the objectives of the Comprehensive Plan for land use, transportation facilities and community facilities;

- (C) The Planned Unit Development is intended to provide for developments incorporating a single type or a variety of related uses which are planned and developed as a unit. Such development should provide amenities not otherwise required by law and establish facilities and open space greater than the minimums required by law;

- (D) The Planned Unit Development may also provide for a greater population density in undeveloped areas than that reflected by the present zoning restrictions, provided the developer demonstrates that any increment of public cost attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the Planned Unit Development;

CHAPTER 7: PLANNED UNIT DEVELOPMENTS (continued)

- (E) The Planned Unit Development may provide for a wide range of development techniques and ownership methods, including conventional subdivisions, cluster developments, zero lot line subdivisions with common areas controlled by an owners' association, condominium ownership of land and buildings, or other ownership techniques. The entire development shall be controlled by means of a Planned Unit Development ordinance including graphics which establish densities, approximate height and location of buildings and improvements, and records the location of natural features of property in keeping with the land use development policies of the Village.

10-7-2: PROVISIONS GOVERNING ALL PLANNED UNIT DEVELOPMENTS:

- (A) Planned Unit Developments may be authorized as a Special Use within the R1 through R4 and C2 through C5 Zoning Districts. All unimproved land, redevelopments or additions to existing structures in the C5 District shall be developed only by the Planned Unit Development procedures. Any development within the R5 and C6 Zoning Districts shall be accomplished only by Planned Unit Development procedures;
- (B) All Planned Unit Developments shall be consistent with the current Glen Ellyn Comprehensive Plan and all approved supplemental reports;
- (C) Wherever there is a conflict or difference between the provisions of this Chapter and those of other chapters of this Zoning Code, the provisions of this Chapter shall prevail. Subjects not covered by this Chapter shall be governed by the respective provisions found elsewhere in this Zoning Code;
- (D) Construction and improvements within any Planned Unit Development shall comply with all applicable Village ordinances. Any proposed deviation from Village standards or requirements must be clearly listed on the preliminary plan submittal and fully justified as necessary to the proper development of the property consistent with the objectives set forth in this Chapter.
- (E) The standards set forth in this Chapter shall apply to all proposed Planned Unit Developments, provided, however, that the Plan Commission, after a noticed public hearing, may recommend and the Village Board may approve, the waiver of any standard contained in this Chapter 7 relating to an existing commercial development. Any proposed waiver must be clearly listed as part of the preliminary plan submittal and must be listed in the public notice.⁹

10-7-3: MINIMUM PROJECT SITE:

The site of the Planned Unit Development shall be under single ownership and/or unified control and shall have an area conforming to the specific requirements set forth in the individual district regulations. The site of a Planned Unit Development shall constitute at least a conforming Zoning Lot within the district in which the property is located.

CHAPTER 7: PLANNED UNIT DEVELOPMENTS (continued)

10-7-4: DESIGNATED OPEN AREAS OR RECREATIONAL FACILITIES:

- (A) Except as hereinafter provided, a minimum of twenty percent (20%) of the land within any residential Planned Unit Development project shall be reserved and designated for common open areas and/or recreational facilities for use by the residents or users of the area being developed; and at least fifteen percent (15%) of the land within any commercial Planned Unit Development project (except within the C5 District) shall be reserved and designated for common open areas and/or recreational facilities for enjoyment by the users of the area being developed. The designated common open areas or recreational facilities shall not be of an isolated or of an unusable size and/or character. All such designated common open areas and/or recreational facilities shall be so designated in the Planned Unit Development documents;
- (B) The designated common open area or recreational facilities reserved under a Planned Unit Development shall either be held by the owners of the project area and restricted for use by each resident, occupant or user thereof as open space or recreational facilities or be dedicated to, and accepted by, the Village, the Glen Ellyn Park District, a school district or other public entity to be retained as common open areas for parks, recreation and/or related public uses;
- (C) The responsibility for the maintenance of all required common open areas and/or recreational facilities to be designated as part of the Planned Unit Development project shall be specified by the developer as part of the Preliminary Plan documentation and responsibility, as is approved by the corporate authorities, shall be incorporated in appropriate restrictive covenants, condominium declarations or the like before approval of the Final Development Plan, unless the open area and/or recreational facilities are dedicated to and accepted by the Village, the Glen Ellyn Park District, a school district or other public entity.

10-7-5: UTILITY REQUIREMENTS:

- (A) All public facilities and improvements shall be constructed in accordance with existing ordinances and regulations of the Village, including the regulations of the Glen Ellyn Subdivision Ordinance;
- (B) All public utilities, including, but not limited to, telephone and electrical systems, shall be located underground within the limits of all Planned Unit Developments. Appurtenances to the utility systems which can be effectively screened may be excepted from this requirement, if the Plan Commission finds that such exception will not violate the intent or character of the proposed Planned Unit Development.

10-7-6: FUTURE EXPANSION OR STAGING:

- (A) All areas of a Planned Unit Development shall be developed within twelve (12) months after approval of the Final Planned Unit Development Plat, unless a staging plan or phased expansion of the Planned Unit Development is approved as part of the Final Planned Unit Development Plat;

CHAPTER 7: PLANNED UNIT DEVELOPMENTS (continued)

- (B) In the event a staging plan or future expansion plan is approved as part of a Final Planned Unit Development Plat, then all areas designated for development after the initial stage or phase shall be landscaped or otherwise maintained in a neat and orderly manner pursuant to a landscape plan and erosion control plan approved as part of the Final Planned Unit Development Plat.

10-7-7: EVALUATION FACTORS:

The Planned Unit Development may be authorized as a Special Use, provided that it fulfills the intentions of the following factors, which shall be considered by the Plan Commission and the Village Board, among other factors, when evaluating a Special Use for Planned Unit Development:

(A) **Factors Affecting the Community as a Whole, including:**

1. Uses or use;
2. Intensity of use; and
3. Traffic;

(B) **Factors Affecting the Neighborhood:**

1. Heights;
2. Front, side and rear yard definitions and uses where they occur at the development periphery;

(C) **Factors Affecting the Development Itself:**

1. Bulk;
2. Gross residential and/or commercial building areas;
3. Area ratios and the designation of the land surfaces to which they apply;
4. Spaces between buildings;
5. Common open areas and/or recreational facilities;
6. Width of streets in the development;
7. Setbacks of buildings from streets within the development;
8. Off-street parking and loading facilities compared to the standards for such facilities contained in this Zoning Code;

CHAPTER 7: PLANNED UNIT DEVELOPMENTS (continued)

(D) Factors Affecting the Development Procedures:

1. The order in which development will proceed in complex multi-use developments;
2. The time required to complete the development and its various stages or phases, if any;
3. Streets, lighting, parking or other improvements being performed by the Village, which in any way affect the development.

10-7-8: RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS:

In the Residential Planned Unit Development, land may be used only under the following conditions:

(A) **Allowable Uses:** Within the R1 through R4 Zoning Districts, uses within residential planned developments may only include any of the permitted or Special Uses allowed in the zoning district in which the planned development is located and any permitted or Special Use allowed in the C2 Community Commercial District, provided no more than five percent (5%) of the land area shall be devoted to such commercial uses. Within the R5 Zoning District, allowable uses may include single-family dwellings, attached or detached, and two-family dwellings;

(B) **Design Regulations:** For the allowable uses, the following standards and provisions shall be required:

1. Lot Area per Family Dwelling: The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the zoning district or districts in which the property is located. Additional dwelling units may be permitted according to the provisions of Subsection (B) 5 below. Net development areas shall be determined by subtracting the areas set aside for non-residential uses from the gross development area and deducting twenty percent (20%) of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space, public use or recreational use shall be included in determining the number of dwelling units permitted;
2. Floor Area Ratio: For residential uses, there shall be a maximum floor area ratio of 0.4 and for commercial uses there shall be a maximum floor area ratio of 0.6. The total floor area for residential purposes may be increased by two (2) square feet of additional floor area for every one (1) square foot of open space in excess of twenty-five percent (25%) of the total lot area. In no case shall building height exceed forty-five feet (45');

CHAPTER 7: PLANNED UNIT DEVELOPMENTS (continued)

3. Yard Requirements:

- a. Yards and open spaces adjoining the boundaries of the development shall not be less than the yard requirements of the adjoining residential districts;
- b. A landscaped buffer strip at least ten feet (10') wide shall be provided along all peripheral lot lines;
- c. Spacing between principal buildings in the development shall be at least eighteen feet (18') and shall be consistent with recognized site planning principles, due consideration being given to the openness normally afforded by intervening streets and alleys;
- d. The net building site area for single-family detached dwellings shall not be less than 6,600 square feet except when the housing adjoins permanent open space and then not less than 5,000 square feet will be permitted;

4. **Factors That May Affect Density of the Development:** The number of dwelling units permitted may be increased up to twenty percent (20%) by providing one or more of the following described amenities in accordance with the schedule for each. Such percentages may be applied cumulatively up to the twenty percent (20%) maximum:

a. Designated Open Areas or Recreational Facilities:

12% - Designated open areas or recreational facilities being at least twenty-five percent (25%) of site area;

1-15% - Dedication or donation of sites for public purposes such as schools, parks and public buildings (but not including streets, designated open areas and recreational facilities) with the number of percentage points accumulated to be determined as based on the amount of land donated in proportion to the total size of the development as follows:

<u>Net Percent of Development Area Donated</u>	<u>Percent Points</u>
1	1
5	3
10	6
15	9
20	12
25 or more	15

b. Facilities and Amenities:

CHAPTER 7: PLANNED UNIT DEVELOPMENTS (continued)

- 5% Recreational facilities, which may or may not include a golf course, occupying one (1) square foot for every five (5) square feet of residential floor area;
- 5% Swimming pool - five percent (5%) for each pool, not to exceed ten percent (10%);
- 3% Tennis courts - one percent (1%) for each court, not to exceed three percent (3%);
- 5% Community center building and/or club;
- 1% Provisions for pedestrian facilities, such as plaza, trails, bicycle racks, interior sidewalks, benches, etc.;

c. Traffic and Parking:

- 5% Provision of fifty percent (50%) of all required parking in an enclosed structure or structures;
- 10% Provision of twenty-five percent (25%) of required parking in an underground structure.

10-7-9: COMMERCIAL PLANNED UNIT DEVELOPMENT STANDARDS:

- (A) **Allowable Uses:** Within the C2 through C6 Zoning Districts, uses within commercial and/or office planned developments may only include any of the permitted or Special Uses allowed in the district in which the planned development is located;
- (B) **Arrangement of Commercial Uses:**
 - 1. Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the sides of the development abutting areas occupied or likely to be occupied by residences;
 - 2. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential development;
- (C) **Designated Open Areas:** Except within the C5 Zoning District, at least ten percent (10%) of the land area of the development designated as common open area shall be developed for open plazas, pedestrian malls, tot lots, passive or active recreational facilities, trails and other quasi-public spaces and uses with adequate arrangement, design and planting;

CHAPTER 7 - Planned Unit Developments (continued)

- (D) **Intensity of Use:** The coverage of all principal and accessory buildings and structures shall not exceed fifty percent (50%) of the lot area, except that the percentage of coverage may be increased two percent (2%) for each ten percent (10%) of required off-street parking which is located either below grade or in a parking structure, up to a maximum lot coverage of sixty-five percent (65%).

CHAPTER 8

Nonconformities

10-8-1: POLICY STATEMENT:

Within the districts established by this Zoning Code or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code or future amendments. It is the intent of this Zoning Code to permit these nonconformities to continue only until they are removed or discontinued, except as otherwise permitted, and not to encourage their survival or allow their renewal once they have been discontinued. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as otherwise specifically permitted herein.

10-8-2: AUTHORITY TO CONTINUE NONCONFORMITIES:

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this Zoning Code and which remains nonconforming and any such building, structure, or use which shall become nonconforming upon the adoption of this Zoning Code or of any subsequent amendment thereto, or upon the annexation of nearby improved property, may be continued subject to the regulations which follow.

10-8-3: LAWFULLY EXISTING BUILDINGS, STRUCTURES AND USES:

For the purposes of this Chapter, a building, structure or use shall be deemed to be lawfully established or lawfully existing on the date of adoption of this Zoning Code if it was established or existed pursuant to a building permit which was lawfully issued prior to such date and on which construction was begun within the period of time required by the applicable building code.

10-8-4: AVOIDANCE OF UNDUE HARDSHIP:

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently.

10-8-5: NONCONFORMING USE OF LAND:

In any district where open land is being used as a nonconforming use, and such use is the principal use and not accessory to the main use conducted in a building, such use shall be discontinued not later than two (2) years from the date of passage of this Zoning Code. During the two-year period, such nonconforming use shall not be extended or enlarged, either on the same or adjoining property. Any building incidental and subordinate to such use of land, such as a shed, tool house, storage building, office or trailer, shall be removed at the end of the two-year period, or, if such building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only for conforming uses.

CHAPTER 8: NONCONFORMITIES (continued)

10-8-6: NONCONFORMING BUILDINGS AND STRUCTURES:

Any lawfully existing building or structure which does not conform with the regulations of the district in which it is located shall be subject to the provisions of this section:

(A) **Repairs and Alterations:** Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located. For the purpose of this Section, ordinary repairs, as determined by the Building and Zoning Official, shall include the replacement of storage tanks where the safety of operation of the installation require such replacement;

(B) **Additions and Enlargements:**

1. A nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such nonconforming building or structure, and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located;
2. A nonconforming building or structure other than a single-family dwelling, which is nonconforming only as to bulk, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all regulations of the district in which it is located;
3. Non-Conforming Single-Family Dwelling^{15, 18, 20}: A single-family dwelling which is non-conforming due to zoning bulk control regulations (setback, lot coverage ratio, height, lot width, lot area) may be modified as outlined in the following table, provided all alterations and additions thereto conform to all regulations in the district in which it is located:

	Lots less than 50' in width OR less than 6,534 square feet in area		Lots with a width of at least 50' AND with at least 6,534 square feet in area	
	Prohibited	Permitted	Prohibited	Permitted
Alteration Class I		X		X
Class II	X		X	
Class III	X		X	
Addition Class I		X		X
Class II	X			X
Class III	X		X	
Accessory Structure		X		X

CHAPTER 8: NONCONFORMITIES (continued)

4. An addition above or within the perimeter of an existing structure that has an existing nonconforming lot coverage shall be permitted provided:
 - a. The existing lot coverage ratio does not exceed 25%;
 - b. The existing front perimeter wall projects no more than 5 feet into the minimum required front yard setback for the zoning district;
 - c. The existing side perimeter walls project no more than 2 feet into the minimum required side yard setback for the zoning district;
 - d. The existing rear perimeter wall projects no more than 10 feet into the minimum required rear yard setback for an interior lot or no more than 15 feet for a corner lot;
 - e. That the sum of the first floor area and the second floor area not exceed the equivalent of a 40% lot coverage ratio; and
 - f. The addition or alteration is permitted in Section 10-8-6(B)3 above.²⁵
- (C) **Moving:** No building or structure which does not conform to all of the regulations of the district in which it is located, shall be moved in whole or part to any other location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved;
- (D) **Restoration of Damaged Nonconforming Building:** A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building or structure new, no repairs or restoration shall be made unless such restoration is started within one hundred eighty (180) days from the date of the partial destruction and is diligently pursued to completion;
- (E) **Restoration of Damaged Single-family Dwelling on Sub-standard Sized Lot:** In the event that a single-family dwelling or structure accessory to a single-family dwelling located on a Zoning Lot which existed on October 28, 1974 or which was lawfully established thereafter and which has less than the required minimum lot width or area, is destroyed or damaged by fire or other casualty or act of God, the bulk requirements of this Zoning Code shall not be applicable to the restoration or reconstruction of such single-family residence or accessory structure, provided the restored or reconstructed dwelling or accessory structure is not larger than that which was damaged or destroyed and does not exceed the limits established by the footprint of the original structure;²

CHAPTER 8: NONCONFORMITIES (continued)

- (F) **Restoration of Damaged Single-Family Dwelling on Standard Sized Lot:** In the event that a single-family dwelling located on a Zoning Lot which meets the requirements of this Ordinance is destroyed or damaged by fire or other casualty or act of God, the bulk requirements of this Zoning Code shall not be applicable to the restoration or reconstruction of such single-family residence provided the restored or reconstructed dwelling is within the limits of the original foundation and original building height;¹
- (G) **Discontinuance of Use of Nonconforming Building or Structure:** A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use not permitted in the district, or which use is permitted only by the granting of a Special Use Permit in the district in which it is located, and (1) which is vacant, unoccupied, or not used on the effective date of this Zoning Code and remains vacant, unoccupied, or not used for a continuous period of one hundred eighty (180) days thereafter or (2) such a building, structure, or portion thereof which becomes vacant, unoccupied, or not used after the effective date and remains unoccupied, or is not used for a continuous period of one hundred eighty (180) days, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which the building or structure is located;
- (H) **Change of Use in Nonconforming Building or Structure:** The nonconforming use of a building or structure may be changed to a use permitted in the district in which it is located.

10-8-7: NONCONFORMING USE OF BUILDINGS OR STRUCTURES:

The lawfully existing, nonconforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

- (A) **Expansion of Nonconforming Use Prohibited:** The nonconforming use of part of a building or structure shall not be expanded or extended into any other portion of such building or structure;
- (B) **Discontinuance:** If a nonconforming use of a building or structure is discontinued for a period of ninety (90) days, it shall not be renewed;
- (C) **Change of a Nonconforming Use:** A nonconforming use shall not be changed to another nonconforming use.

10-8-8: SPECIAL USES NOT NONCONFORMING:

Existing uses which are Special Uses under the provisions of this Zoning Code shall not be nonconforming uses, but shall require a Special Use Permit for any enlargement or extension or intensification or change of use.

10-8-9: INTERMITTENT OR PARTIAL USE:

The causal, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use. The existence of a

CHAPTER 8: NONCONFORMITIES (continued)

nonconforming use on part of a lot, tract or parcel shall not be construed to establish a right to extend the nonconforming use to the entire lot, tract or parcel.

10-8-10: NONCONFORMING USES NOT VALIDATED:

A use in violation of a provision of Ordinance No. 1904-Z, as amended as of the adoption of this Zoning Code, shall not be validated by the adoption of this Zoning Code.

CHAPTER 9 (Reserved)

CHAPTER 10
Administration and Enforcement

10-10-1: ORGANIZATION:

(A) **Administration:** The administration of this Zoning Code is hereby vested in the following:

1. Village Department of Planning and Development;
2. Plan Commission;
3. Zoning Board of Appeals; and
4. Village Board of Trustees;

(B) **Scope of this Chapter:** This Chapter outlines the authority of each of these offices, then describes the procedures and substantive standards with respect to the following administrative functions:

1. Issuance of Zoning Certificates;
2. Issuance of Occupancy Certificates;
3. Issuance of Driveway Approach Permits;
4. Appeals;
5. Variations;
6. Amendments;
7. Special Uses;
8. Special Uses for Planned Unit Developments;
9. Fees; and
10. Penalties.

10-10-2: VILLAGE DEPARTMENT OF PLANNING AND DEVELOPMENT:

The Village Department of Planning and Development, including the Director of that department and the Building and Zoning Official, shall enforce this Zoning Code and in addition thereto, and in furtherance of such authority, shall perform the following duties:

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

1. Issue all Zoning Certificates and make and maintain records thereof, including review of all information submitted regarding compliance with performance standards and approve the same before issuance of any Zoning Certificate;
2. Issue all Certificates of Occupancy;
3. Issue all Driveway Approach Permits;
4. Conduct inspections of buildings, structures, and open land uses to determine compliance with the terms of this Zoning Code;
5. Maintain permanent and current records of this Zoning Code, including nonconforming uses, Special Uses, Amendments, Special Uses for Planned Unit Developments, Variations, Appeals and applications therefore, and records of hearings thereon;
6. Receive, file and forward for action all Appeals and applications for Appeals, Variations, Amendments, Special Uses, Special Uses for Planned Unit Developments, all of which may be filed initially with the Director of the Department of Planning and Development;
7. Provide such clerical and technical assistance as may be required by the Plan Commission and Zoning Board of Appeals in the exercise of their duties;
8. Initiate, from time-to-time, a study of the provisions of this Zoning Code; and
9. Make recommendations annually to the Plan Commission and/or corporate authorities as to the effectiveness of this Ordinance.

10-10-3: PLAN COMMISSION:

- (A) **Establishment:** The Plan Commission of the Village has been heretofore duly established by Chapter 4 of Title 2 of the Village Code;
- (B) **Jurisdiction:** The Plan Commission is hereby vested with the following jurisdiction and authority with reference to this Zoning Code:
 1. To establish a time for and conduct public hearings on and make written findings of fact and recommendations to the Village Board on the following matters:
 - a. Applications for Amendments to the Zoning District Map or the text of this Zoning Code;
 - b. Special Use Permits and any Variations required to accommodate a use other than a single-family or two-family dwelling;^{15, 25}

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

- c. Special Use Permits for Planned Unit Developments, including any request for change or modification in plans for such developments as required by this Zoning Code;
 - d. All zoning requests pertaining to newly annexed property, including review of all plats and plans in connection therewith;
 - e. Plats of subdivision, including review of such plats for conformance to the Comprehensive Plan, this Zoning Code and the subdivision regulation ordinance of the Village;
 - f. All Special Use Permits and Variations pertaining to the Flood Hazard Land Use Regulations (Chapter 6) of this Zoning Code; and
 - g. Appeals or Application for Variations to the DuPage Countywide Stormwater and Flood Plain Ordinance as adopted by the Village of Glen Ellyn, acting as the Stormwater Oversight Committee therefore.
2. To review the recommendations of the Department of Planning and Development as to the effectiveness of this Zoning Code and report its conclusions and recommendations to the Village Board, from time to time, but not less frequently than bi-annually;
 3. To review the Zoning District Map for accuracy not less frequently than annually so that the Zoning District Map may be annually updated and published in the manner required by the Illinois Revised Statutes; and
 4. To hear, decide and consider all other matters referred to it by the Village Board or upon which it is required to act pursuant to the provisions of this Zoning Code, or as prescribed by the applicable provisions of the Glen Ellyn Village Code or Illinois Revised Statutes.

10-10-4: ZONING BOARD OF APPEALS:

- (A) **Establishment:** The Zoning Board of Appeals of the Village has been heretofore duly established by Chapter 14 of Title 2 of the Village Code;
- (B) **Jurisdiction:** The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
 1. To establish a time for and conduct public hearings on and make written findings of fact and recommendations to the Village Board concerning applications for all Zoning Variations for single-family and two-family dwellings, in the manner prescribed by and subject to the standards established in this Zoning Code;²⁵
 2. 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 Code; and

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

3. To hear and decide all matters referred to it by the Village Board or upon which it is required to act under this Zoning Code, or as prescribed by the applicable provisions of the Illinois Revised Statutes.

10-10-5: VILLAGE BOARD OF TRUSTEES:

The Village Board of Trustees is the elected legislative authority of the Village and has reserved unto itself the final authority on Variations, Special Uses, Amendments and Special Uses for Planned Unit Developments, to be exercised pursuant to its legislative discretion.

10-10-6: ZONING CERTIFICATE:

- (A) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employee unless the application for such permit has been examined by either the Director, Village Department of Planning and Development or the Building and Zoning Official of that department and has affixed to it the Director's certificate or Building and Zoning Official's certificate indicating that an existing or proposed building, structure or use complies with all the provisions of this Zoning Code. Any permit or certificate issued in conflict with the provisions of this Zoning Code shall be null and void;
- (B) Every application for a Zoning Certificate shall be accompanied by:
 1. Two (2) copies of a current plat of the parcel of land, lot, lots, block or blocks, or parts or portions thereof which constitute the proposed Zoning Lot, drawn to scale showing the actual dimensions and monumenting, as certified by a registered Illinois land surveyor, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land;
 2. Two (2) copies of additional drawings drawn to a scale in such form as may, from time-to-time, be prescribed by either the Director, Department of Planning and Development, or the Building and Zoning Official, showing the proposed Zoning Lot, the ground area, height and bulk of the building or structure, the building lines in relation to the lot lines, the use to be made of the building, structure or land and such other information as may be required for the proper enforcement of this Zoning Code;
 3. The Director, Department of Planning and Development, may, in those cases where in his judgment the information is not necessary because of existing evidence in Village records, waive all or any portion of the requirements of paragraphs 1. and 2. above;
- (C) Every application for a Zoning Certificate for any property located in the C1 through C6 Zoning Districts shall also include the following information:

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

1. The location and dimensions of all driveways, parking spaces, waste disposal and recycling² areas, screening and landscaped areas on the plot plan of the proposed site;
 2. All structures, streets, streams and any other significant features within two hundred feet (200') of the proposed site on the plot plan of the proposed site;
 3. A narrative description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions or external effects which are limited or otherwise regulated by this Zoning Code;
 4. A narrative or pictorial description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the performance standards contained in this Zoning Code; and
 5. Such other information as may be reasonably required by the Director of the Department of Planning and Development to facilitate a determination of whether the proposed commercial use will comply with the provisions of this Zoning Code;
- (D) Nothing in this Section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the issuance of an occupancy permit. Such amendments, if approved, shall be filed with and be deemed a part of the original application;
- (E) The Building and Zoning Official or Director, Department of Planning and Development, shall examine all applications for Zoning Certificates within a reasonable time after filing. If, after examination, no objection to the same is found and it appears that the proposed use of land or buildings or construction will be in compliance with this Zoning Code, then such application shall be approved and a building permit or occupancy permit shall be issued, if the circumstances warrant, as soon as practical. If the examination of an application reveals otherwise, the application shall be rejected and the reasons for the rejection stated in a written report to be attached to the application, with a copy thereof delivered to the applicant. Nothing in this Section shall be construed to prevent the Building and Zoning Official from issuing a permit for the construction of part of a building or structure providing that adequate plans and detailed statements shall have been presented for the same and have been found to comply with this Zoning Code. All work or other construction performed under any permit issued by the Department of Planning and Development and based upon an application for Zoning Certificate shall conform to the approved application and plans, and approved amendments thereto. The location of all new construction as shown on the approved plot diagram, or on an approved amendment thereto, shall be strictly followed. It shall be unlawful to reduce or diminish the area of a lot, plot or Zoning Lot of which a plat or other drawing has been filed and has been used as the basis for the issuance of a permit, unless a

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

revised plat showing the proposed change in conditions shall have been filed and approved; except that this shall not apply when the lot is reduced by reason of a street opening or widening or other public taking of private property;

- (F) Any permit or approval issued under the provisions of this Zoning Code may be revoked whenever there has been any false statement, misrepresentation or omission of a material fact in the application, plat, plans, drawings or other information on which the permit or approval was based.

10-10-7: OCCUPANCY CERTIFICATE - ZONING:

- (A) **Occupancy Certificate Requirements:** No building, alteration or addition thereto, constructed after the effective date of this Zoning Code and no addition to a previously existing building shall be occupied, and no land, unused and vacant on the effective date of this Zoning Code, shall be used for any purpose until an occupancy certificate has been issued by the Planning and Development Department. No change in a use shall be made until an occupancy certificate has been issued stating that the use or occupancy complies with the provisions of this Zoning Code.
- (B) **Application Required:** Every application for a building permit or Zoning Certificate shall be deemed to be an application for an Occupancy Certificate. Every application for an Occupancy Certificate for a new use of land where no building permit is required shall be made directly to the Planning and Development Department.
- (C) **Compliance with Approved Plans and Applicable Standards:** No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Zoning Code shall be issued until construction has been completed and the premises are inspected and certified to be in conformity with the plans and specifications upon which the zoning certificate application was based. No occupancy certificate for a building, alteration, or addition thereto constructed after the effective date of this Zoning Code shall be issued, and no addition to a previously existing building shall be occupied until the premises have been inspected and certified to be in compliance with all applicable standards.
- (D) **Temporary Occupancy Certificate:** A temporary occupancy certificate may be issued for a period not to exceed one-hundred and eighty (180) days pending the completion of a building or alteration thereof. Such temporary occupancy certificate shall not be construed as in any way waiving the duties and obligations of the owners or occupants to complete the construction or alteration within the time period established in the temporary occupancy certificate.²⁰
- (E) **Amendments to Original Application:** Nothing in this Section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same at any time before the issuance of an occupancy permit. Such amendments, if approved, shall be filed with and be deemed a part of the original application.

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

- (F) **Compliance with Approved Plot Diagram:** All work or other construction performed under any permit issued by the Planning and Development Department and based upon an application for zoning certificate shall conform to the approved application and plans and approved amendments thereto. The location of all new construction as shown on the approved plot diagram, or on an approved amendment thereto, shall be strictly followed. It shall be unlawful to reduce or diminish the area of the lot, plot, or zoning lot of which a plat or other drawing has been filed and has been used as the basis for the issuance of a permit, unless a revised plat showing the proposed change in conditions shall have been filed and approved, except that this shall not apply when the lot is reduced by reason of a street opening or widening or other public taking of private property.
- (G) **Revocation of Permit or Approval:** Any permit or approval issued under the provisions of this Zoning Code may be revoked whenever there has been any false statement, misrepresentation, or omission of a material fact in the application, plat, plans, drawings, or other information on which the permit or approval was based.
- (H) **Occupancy Certificate Issuance or Written Notice of Denial:** 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 five (5) working days after the Planning and Development Department is notified in writing that the building or premises is ready for inspection for occupancy.

10-10-8: DRIVEWAY APPROACH PERMITS:

- (A) A Driveway Approach Permit shall be required when:
1. Property is developed or redeveloped;
 2. Any existing driveway approach is reconstructed (resurfacing is not considered reconstruction) or widened;
 3. An additional driveway approach is proposed to be constructed;
 4. The intensity of use of any building, structure or land is increased through the addition of dwelling units, gross floor area, seating capacity or other manner that may change parking or access requirements; or
 5. The use of land or a building is changed to a different use, unless a driveway approach is not required, proposed nor existing;
- (B) A permit for a temporary driveway approach may be granted if it is conditioned upon being replaced by a specified future date with one of the following:
1. An adjacent public street or access (frontage) road; or
 2. A shared driveway, as shown on an approved development plan for the site;

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

- (C) Every application for a Driveway Approach Permit shall be accompanied by:
1. Two (2) copies of a drawing showing the driveway design and geometrics including curb return radius, width of driveway at the property line, curbed or uncurbed, dimension of any channelizing islands or medians and slope between property line and street, measured parallel to the driveway between the edge of the street and the property line;
 2. Two (2) copies of a sketch (not necessarily to scale) showing the distances between proposed driveway(s) and existing driveway(s) on both sides of the street, within 200 feet each direction from the subject property lines, with distances to be measured parallel to the street. The sketch shall also identify the type of land use currently served by these existing driveway(s);
 3. Narrative or pictorial identification of proposed driveway signage/markings/stripping for intersection control, inbound/outbound movements, turn prohibitions (if any) and similar information required to show compliance with this Zoning Code;
 4. Based on a review of site topography, street alignment, existing driveways and other factors, the Director of Planning and Development may require a survey to establish the site distance along the intersecting street measured from the driveway and/or potential vehicular conflicts;
 5. The Director, Department of Planning and Development, may, in those cases where in his judgment the information is not necessary because of existing evidence in Village records, waive all or any portion of the requirements of paragraphs 1. through 4. above;
- (D) Nothing in this Section shall prohibit the filing of amendments to an application or to a drawing or other record accompanying same, at any time before the issuance of a Driveway Approach Permit. Such amendments, if approved, shall be filed with and be deemed a part of the original application;
- (E) The Building and Zoning Official or Director, Department of Planning and Development, shall examine all applications for Driveway Approach Permit within a reasonable time after filing. If, after examination, no objection to the same is found and it appears that the proposal will be in compliance with this Zoning Code, then such application shall be approved and a permit shall be issued, if the circumstances warrant, as soon as practical. If the examination of an application reveals otherwise, the application shall be rejected and the reasons for the rejection stated in a written report to be attached to the application, with a copy thereof delivered to the applicant. All work or other construction performed under any permit issued by the Department of Planning and Development shall conform to the approved application and plans, and approved amendments thereto. The location of all new construction as shown on the approved plot diagram, or on an approved Amendment thereto, shall be strictly followed. It shall be unlawful to reduce or diminish the area of a lot, plot or Zoning Lot of

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

which a plat or other drawing has been filed and has been used as the basis for the issuance of a permit, unless a revised plat showing the proposed change in conditions shall have been filed and approved; except that this shall not apply when the lot is reduced by reason of a street opening or widening or other public taking of private property;

- (F) Any permit or approval issued under the provisions of this Zoning Code may be revoked whenever there has been any false statement, misrepresentation or omission of a material fact in the application, plat, plans, drawings or other information on which the permit or approval was based.

10-10-9: APPEALS:

- (A) **Scope of Appeals:** 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 Code may be taken to the Zoning Board of Appeals by any person aggrieved or by any officer or department of the Village. Such an Appeal shall be taken within forty-five (45) days after the decision complained of, by filing with the Director, Department of Planning and Development, and with the Zoning Board of Appeals, a notice of Appeal specifying the grounds thereof. The Director, Department of Planning and Development, shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the decision appealed from was taken;
- (B) **Notice of Appeal:** The notice of Appeal shall contain at least the following information:
1. The name, address and phone number of the person filing the Appeal;
 2. The location of the property involved in the decision complained of;
 3. Identification of the section or provision of this Zoning Code in dispute;
 4. The written decision of the enforcing officer or department or the reason given by the enforcing officer or department in support of the decision from which the Appeal is taken;
 5. A description of the proposed use of the property, including a plat or plot diagram; and
 6. A brief narrative argument and a summary of the factual evidence upon which the Appeal is based;
- (C) An Appeal shall stay all proceeding in furtherance of the action appealed from, unless the Director, Department of Planning and Development, certifies to the Zoning Board of Appeals, after notice of the Appeal has been filed with the Director, that by reason of facts stated in the Director's statement to deny a stay, would, in the Director's opinion, cause eminent peril to life and/or property, in which case the proceedings shall not be stayed unless determined otherwise by the

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

Zoning Board of Appeals or as ordered by a court of competent jurisdiction, for due cause shown;

- (D) The Zoning Board of Appeals shall fix a reasonable time for the hearing of an Appeal and give at least ten (10) days notice to all parties interested in the Appeal. The notice shall be by publication in a newspaper in general circulation within the Village and also by mailing the notice thereof to the parties in interest. Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals shall reach its decision within a reasonable period of time after the conclusion of the hearing of the Appeal. The Board may affirm or may reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done and to that end, shall have all the powers of the officer from whom the Appeal is taken. The Director, Department of Planning and Development, shall maintain records of all actions of the Zoning Board of Appeals relative to Appeals. The decision of the Zoning Board of Appeals shall be a final administrative decision, based upon the evidence presented at the hearing of the Appeal. Judicial review of the decision of the Zoning Board of Appeals on Appeals shall be in accordance with the Illinois Revised Statutes.

10-10-10: PETITION (APPLICATION) PROCEDURES:

- (A) **Procedures Applicable to All Petitions for Variations, Amendments, Special Use Permits and Special Use Permits for Planned Unit Developments:** Request for Variation, Amendment, Special Use, and Special Use for Planned Unit Development may be filed as follows:
1. Requests for Variation, Special Use and Special Use for Planned Unit Development may be initiated by resolution or motion of the Village Board or by petition or application which seeks to vary the provisions of the Zoning Code or to obtain a Special Use or Special Use for Planned Unit Development as specified within this Zoning Code;
 2. Map Amendments may be initiated by resolution or motion of the Village Board, by the Zoning Board of Appeals, by the Plan Commission or by petition or application by the fee owner, other person having a proprietary interest in the property, and/or any person having the right to represent the fee owner of the particular parcel or parcels of property affected by the Map Amendment, or their agent or attorney;
 3. Text Amendments may be initiated by resolution or motion of the Village Board, the Zoning Board of Appeals or the Plan Commission, or by petition (application) by any resident or property owner in the Village and shall state in particular the section, subsection and/or paragraph of this Zoning Code to be amended;
- (B) **Petitioner - Applicant Requirements:** If any of the following requirements relating to the petitioner or applicant change at any time during the processing of the petition, the Village must be notified in writing within ten working days as to

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

the nature of these changes. The petitioner or applicant shall comply with the following requirements:¹

1. Each petition or application shall be filed by the fee owner, other person having a proprietary interest in the property, and/or any person having the right to represent the owner, or their agent or attorney, unless otherwise specified herein;
2. Where the petitioner or applicant is a nominee, agent, attorney, or one other than the fee owner, then the petition or application must disclose the name and address of the fee owner and of any person or entity for whom the petitioner or applicant is acting; and all of said persons or entities shall be deemed to be a petitioner or applicant for the purpose of disclosing interests as required in this Section 10-10-10 (B);
3. In the case where the fee owner has entered into a contract for the sale of the property sought to be affected, the contract purchaser shall be a co-petitioner to the petition or application or shall provide a letter of authorization to represent the fee owner;
4. In case of property that is the subject of a land trust agreement, the trustee of such trust, as such trustee, shall be the petitioner or co-petitioner to the petition or application or the applicant shall provide a letter of authorization from the trustee authorizing the applicant to represent the beneficial interest of the trust;
5. Where the petitioner or applicant is a corporation, the petition or application shall include the correct names and addresses of all officers and directors and of all stockholders or shareholders owning any interest in excess of five percent (5%) of all outstanding stock of such corporation. If any owner of five percent (5%) or more of the stock is also a corporation, the same disclosures shall be made concerning that corporation;
6. Where the petitioner or applicant or his principal, if other than the applicant, is a business or entity doing business under an assumed name, the petition or application shall include the name and residence of all true and actual owners of such business or entity;
7. Where the petitioner or applicant is a partnership, limited partnership, joint venture, syndicate, trust or an unincorporated voluntary association, the petition or application shall include the names and addresses of all partners, limited partners, joint venturers, syndicate members, trust beneficiaries or members of the unincorporated voluntary association;
8. Where property is the subject of a land trust agreement, the petitioner or applicant shall provide a trust disclosure in compliance with "An Act to required disclosure of all beneficial interest," Chapter 148, Sec. 71 *et. seq.*, Illinois Revised Statutes, signed by the trustee of the trust;

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

9. Where any person disclosed pursuant to the requirements of this Section 10-10-10 (B) is not a natural person, then the partners, limited partners, joint venturers, syndicate members, trust beneficiaries, members of the unincorporated voluntary association, officers, directors and stockholders (owning any interest in excess of five percent) shall be disclosed so that all interested natural persons are disclosed.
10. The Village Engineer, the Director of Planning and Development, or their designee shall require a Plat of Assessment, Consolidation, Resubdivision or Subdivision if the development site is comprised of a portion (or portions) of previously platted land, more than one lot of record, or contains more than one Property Identification Number (PIN) per zoning lot.²⁰

10-10-11: NOTICE REQUIREMENTS FOR VARIATIONS, AMENDMENTS, SPECIAL USES AND SPECIAL USE PERMITS FOR PLANNED UNIT DEVELOPMENTS:

- (A) No public hearing before either the Zoning Board of Appeals or the Plan Commission on any request or petition for Variation, Amendment, Special Use or Special Use for Planned Unit Development shall be held unless notice of the time and place of the hearing is published at least once, not more than thirty (30) nor less than fifteen (15) days before the beginning of the hearing, in one or more newspapers published within the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village which is published in the county where the Village is located;
- (B) Each petition or application for Variation, Amendment, Special Use or Special Use for Planned Unit Development shall include a list of all property owners, as disclosed either by the records of the DuPage County Recorder of Deeds or the tax records maintained by the DuPage County Clerk, for all property within 250 feet of the parcel, exclusive of road rights-of-way. The Department of Planning and Development shall cause notice of the public hearing to be mailed to property owners contained within such list at the addresses identified therein at least ten days prior to the public hearing;
- (C) Each petitioner or applicant shall be responsible for the placement of one or more placards on the parcel or parcels subject to a hearing for Variation, Amendment, Special Use or Special Use for Planned Unit Development not less than fifteen (15) days prior to the date of any public hearing. The placard shall remain until completion of the public hearing, at which time it shall be removed. Such placards shall be provided by the Village and shall contain such information as directed by the Director, Department of Planning and Development. Jurisdiction of the Zoning Board of Appeals or the Plan Commission to hold hearings shall not be affected by the absence of a placard, if such absence is not the result of the applicant's or petitioner's act or omission.

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

10-10-12: VARIATIONS:

- (A) A petition or application for Variation shall be filed with the Director, Department of Planning and Development, and shall contain at least the following information:
1. The name, address and phone number of the applicant, pursuant to Section 10-10-10;
 2. The legal description, common address and permanent index number of the property to be benefited by the Variation;
 3. Identification of the provisions of this Zoning Code from which the Variation is sought;
 4. A description of the proposed use and/or Variation, including a dimensioned site plan or plat. The dimensioned site plan or plat need not be prepared by an architect or engineer;²
 5. A brief summary of the factual evidence upon which the applicant will rely to show that the standards for Variation will be met;
- (B) Upon application to the Department of Planning and Development, the Zoning Board of Appeals, after giving notice as provided herein and by the Illinois Revised Statutes, shall conduct a public hearing. The Zoning Board of Appeals shall also conduct public hearings and make recommendations to the Village Board regarding requested Variations from bulk regulations applicable to single-family lots in Planned Unit Developments, in accordance with the procedures established for other Variations in this Zoning Code, provided the conditions set forth in Section 10-10-15 (F) have been met. Any property owners association related to the Planned Unit Development shall be notified of any proposed Variations from bulk regulations in the same manner as that required for surrounding property owners in Section 10-10-11 (B) of this Code;²
- (C) The Zoning Board of Appeals shall not recommend, and the Village Board shall not vary, the provisions of this Zoning Code, except in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulation of this Zoning Code relating to the use, construction or alteration of buildings or structures or the use of land, and unless it shall have made findings based upon the evidence presented to it in the following cases:
1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and that the Variation, if granted, will not alter the essential character of the locality; or

2. That the plight of the owner is due to unique circumstances; and that the Variation, if granted, will not alter the essential character of the locality;
- (D) For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making its 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 facts favorably to the applicant:
1. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
 2. That the conditions upon which the petition for Variation is based would not be applicable generally to other property within the same zoning district;
 3. That the purpose of the Variation is not based exclusively upon a desire to make more money out of the property;
 4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property or by the applicant;
 5. That the granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 6. That the proposed Variation will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Substantially increase the hazard from fire or other dangers to said property or adjacent property;
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
 - d. Diminish or impair property values within the neighborhood;
 - e. Unduly increase traffic congestion in the public streets and highways;
 - f. Create a nuisance; or
 - g. Result in an increase in public expenditures;
 7. That the Variation is the minimum Variation that will make possible the reasonable use of the land, building or structure;

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

8. In the case of a Planned Unit Development, that the granting of the Variation will not significantly compromise the character and concept of the Planned Unit Development;²
- (E) No Variation from the provisions of Chapter 6 - Flood Hazard Land Use Regulations of this Zoning Code shall be recommended or granted unless the evidence presented at the public hearing establishes the following facts in addition to those facts required for any other Variation:
1. For a Variation from the requirements of this Zoning Code that would result in a structure not being protected to the elevation of the base flood that:
 - a. The structure is to be located on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level;
 - b. The applicant has acknowledged that such construction below the base flood level will increase the risks to life and property and that the applicant proceeds with knowledge of these risks; and
 - c. Any Variation is contingent upon the applicant obtaining approval from other agencies having jurisdiction, when the Variance violates the requirements of such agencies;
 2. For a Variation from the requirements of this Zoning Code that would significantly impede or increase the flow and passage of flood waters that:
 - a. The use will not result in an increased flood height greater than 0.1 feet within the designated regulatory floodway;
 - b. The resulting increase in the base flood elevation will not affect any existing structures or utilities;
 - c. The owners of the properties affected by the increased base flood elevation are compensated for the resulting effect on property values, and they give their written agreement to granting the Variation; and
 - d. The resulting increased flood elevations will not affect any flood protection structures;
- (F) The Zoning Board of Appeals is not required to recommend for approval the full Variation requested, but the Zoning Board of Appeals may recommend and the Village Board may approve a Variation of less extent than that contained in the request;
- (G) The Zoning Board of Appeals may recommend and the Village Board may require such conditions and restrictions upon the premises benefited by a Variation as may be necessary in their opinion to comply with the standards set forth in this Section, to reduce or minimize injurious effect of such Variation upon

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

other property in the neighborhood, and/or to implement the general purpose and intent of this Zoning Code;

- (H) No Variation shall be granted except by ordinance duly passed and approved by the President and Village Board after public hearing and written findings of fact and recommendation from the Zoning Board of Appeals. Without further public hearing, the Village Board may grant, deny or amend the recommendation for Variation. Every Variation which is granted by ordinance of the Village Board shall be accompanied by findings of fact and shall refer to any exhibit containing plats and specifications for the proposed Variation, which exhibit shall remain a part of the permanent records of the Zoning Board of Appeals. The terms of relief granted shall be specifically set forth separate from the findings of the ordinance.

10-10-13: AMENDMENTS:

- (A) For the purpose of promoting the public health, safety, morals, comfort, general welfare; to conserve the value of property throughout the Village; and to lessen or avoid congestion in the public streets and highways, the Village Board may, from time-to-time, in the manner hereinafter set forth, amend the regulations imposed in this Zoning Code, pursuant to the procedures established herein;
- (B) Amendments shall be classified into the following:
1. Text Amendments, which are Amendments to the text of this Zoning Code; and
 2. Map Amendments, which are Amendments to Zoning District Map adopted pursuant to this Zoning Code;
- (C) A petition or application for Amendment shall be filed with the Director, Department of Planning and Development, and shall contain at least the following information:

For Text Amendments:

1. The name, address and phone number of the petitioner or applicant, pursuant to Section 10-10-10;
2. The proposed Text Amendment; and
3. A statement of how the proposed Text Amendment relates to the Comprehensive Plan then in effect or otherwise promotes the public health, safety and general welfare;

For Map Amendments:

1. The name, address and phone number of the petitioner or applicant, pursuant to Section 10-10-10;

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

2. The proposed Map Amendment, including the legal description of the property to be affected, common address and permanent index number, and the precise district into which the property is proposed to be placed;
 3. The present use of the affected property;
 4. The present zoning district in which the affected property is contained;
 5. The proposed use of the affected property;
 6. A vicinity map at a scale approved by the Director, Department of Planning and Development, showing property lines, streets, existing and proposed zoning and such other items as the Director may require; and
 7. A statement of how the proposed Map Amendment relates to the Comprehensive Plan, promotes the public health, safety and general welfare, and how the proposed Map Amendment fulfills the conditions of Section (E) below;
- (D) The Director, Department of Planning and Development, shall transmit the application to the Plan Commission, which shall hold a public hearing on each application for an Amendment at such time and place as shall be established by the Commission, after due notice as required herein. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Commission shall prescribe from time to time;
- (E) Within ninety (90) days after the close of the hearing on a proposed Amendment, the Plan Commission shall make written findings of fact and shall submit the same together with recommendations to the Village Board. For Map Amendments, the Commission shall make written findings of fact based upon the evidence presented to it in each case with respect to the following matters:
1. Identification of the existing uses of property within the general area of the affected property;
 2. Identification of the zoning classification of property within the general area of the affected property;
 3. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district;
 4. The trend or development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district;

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5. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan;
 6. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property; and
 7. The extent to which property values are diminished, if at all, by the particular zoning restrictions;
- (F) A property affected by a proposed Map Amendment shall have at least 200 feet of frontage or 25,000 square feet of area, or shall adjoin a parcel of land which bears the same zoning district classification as that proposed for the affected property by the Map Amendment;
- (G) In case of a written protest against any proposed Text Amendment or Map Amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley there from, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the Amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the Village Trustees then holding office. In such case, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed Amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed Amendment;
- (H) The Village Board shall not act upon a proposed Amendment until it shall have received a written report and recommendation from the Plan Commission. 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.

10-10-14: SPECIAL USES:

- (A) The development and execution of the Glen Ellyn Zoning Code is based upon the division of the Village into zoning districts, within any one of which the use of land and use of buildings are essentially uniform. However, certain uses, because of their unique character, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon the neighboring lands and upon the public need for the particular use at the particular location. Such uses fall into two (2) categories:
1. Uses operated by a public agency or publicly-regulated utilities, which are uses traditionally associated with a public interest, such as parks, recreation areas, public administrative buildings, or the private use of existing public buildings. It is stressed that public uses are associated with the public interest. In the case of a request for a Special Use by a unit of local government, for a public use within its statutory mandate, the review shall

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

not be based on determining the necessity for the public, mandated use on the specific site but, rather, is for assessing the impact of the proposed public use upon neighboring lands, and upon the Village's streets and utilities; or

2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, the Village as a whole or the natural environment or resources;
- (B) A petition or application for a Special Use shall be filed with the Director, Department of Planning and Development, and shall contain at least the following information:
1. The name, address and phone number of the applicant, pursuant to Section 10-10-10;
 2. Legal description of the property for which the Special Use is requested;
 3. Description of the existing use of the affected property;
 4. The present zoning district of the affected property;
 5. Description of the proposed Special Use;
 6. A dimensioned site plan or plat showing at least the location of all buildings, parking areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Plan Commission may require to determine if the proposed Special Use meets the intent and requirements of this Zoning Code; and
 7. A narrative statement evaluating the economic effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with the adjacent and other properties in the district, the effect of traffic, and the relationship of the proposed use to the Comprehensive Plan, and how it fulfills the requirements of paragraph (E) of this Section;
- (C) Upon application to the Department of Planning and Development, the Plan Commission, after giving notice as provided herein and by the Illinois Revised Statutes, shall conduct a public hearing.

Due to the public benefit provided by governmental services, it is in the public interest to review the category of Special Uses to be operated by a unit of local government on a priority basis. The public hearing procedure will be expedited in such cases to the extent permitted by statute;

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- (D) Within ninety (90) days after the close of the public hearing on a Special Use Permit application, the Plan Commission shall render written findings of fact and shall submit the same together with recommendations to the Village Board. The written findings and recommendations shall refer to any exhibits containing plans and specifications for the proposed Special Use, which shall remain a part of the permanent records of the Plan Commission;
- (E) The Plan Commission shall not recommend that a Special Use be granted nor shall the Village Board grant a Special Use, unless it shall find, based upon the evidence presented to the Plan Commission in each specific case, that the Special Use:
1. Will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and/or this Zoning Code;
 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
 3. Will not be hazardous or disturbing to existing or future neighborhood uses;
 4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
 5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village;
 6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
 7. Will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads;
 8. Will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief; and
 9. Will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community;

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- (F) The Plan Commission may recommend and the Village Board may require such conditions and restrictions upon the premises benefited by a Special Use as may be necessary in their opinion to comply with the standards set forth in this Section, to reduce or minimize injurious effect of such Special Use upon other property in the neighborhood, and/or to implement the general purpose and intent of this Zoning Code;
- (G) 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 Plan Commission. Without further public hearing the Village Board may grant, deny or amend the recommendation for Special Use. Every Special Use which is granted by ordinance of the Village Board shall be accompanied by findings 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 Plan Commission. The findings shall specify the reason or reasons for granting the Special Use. The terms of relief granted shall be specifically set forth separate from the findings of the ordinance.

10-10-15: SPECIAL USE FOR PLANNED UNIT DEVELOPMENT:

(A) Pre-Application Conference.³⁵

1. Prior to filing a formal application for a Planned Unit Development, the developer shall request a Pre-Application Conference with the Plan Commission and submit the proposed Planned Unit Development. The purpose of this conference is to afford the applicant an opportunity to avail himself of the advice and assistance of the Plan Commission before preparing the Preliminary Plan and formal application for its approval;
2. The Pre-Application Conference is mandatory, but does not require formal application or filing of a planned development. The Department of Planning and Development shall consult with, advise and assist the applicant in meeting the goals and objectives established in this Zoning Code.²⁵
3. The Director of the Department of Planning and Development, may waive the requirement for the Preliminary and Final Planned Unit Development Plans to be reviewed sequentially and separately and may permit the simultaneous review of the Preliminary and Final Planned Unit Development Plans provided, however, that the Plan Commission at the pre-application meeting may overrule such decision of the Director and require full compliance with the review procedures in Section 10-10-15, if it deems, in its opinion, to be necessary for a full understanding of the proposed development and its impact upon surrounding areas and the Village;
4. At the Pre-Application Conference, the applicant may request relief from specific requirements of Section 10-10-15 (B). In response to that request, the Plan Commission may determine that:

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- a. All the requirements of Section 10-10-15 (B) must be fulfilled; or
 - b. Relief should be granted from specific requirements of Section 10-10-15 (B). The Plan Commission shall indicate in writing the reasons for each waiver and such writing shall be delivered by the Plan Commission to the Director of the Department of Planning and Development, for attachment to the Preliminary Plan when it is filed with the Director by the applicant.
- (B) **Preliminary Plan:** Following the Pre-application Conference, and pursuant to any relief from the specific requirements of this Section 10-10-15 being granted, the applicant may file a Preliminary Plan with an application or petition for a Special Use for Planned Unit Development. The items of general information listed in subparagraph 1. hereof and the maps, plats and graphics listed in subparagraph 2. hereof constitute the minimum requirements for the contents of a Preliminary Plan. The applicant should feel free to supplement the list with whatever materials the applicant may deem appropriate to illustrate compliance with the regulations of this Zoning Code and in particular with the evaluation factors set forth in Section 10-7-7 hereof:
1. General Information:
 - a. The name, address and phone number of the owner and applicant, pursuant to Section 10-10-10;
 - b. Accurate legal description of the property to be subject to the Planned Unit Development, its common address and permanent index number;
 - c. Present zoning classification for the property to be subject to the Planned Unit Development;
 - d. The type of Planned Unit Development being requested, residential or commercial;
 - e. A listing of each separate use to be contained within the proposed Planned Unit Development;
 - f. A listing of any proposed deviations from all Village regulations or standards, including, by way of illustration and not limitation, this Zoning Code, the Subdivision Regulations ordinance, building codes, other development codes or business regulations, together with an explanation of the reasons deemed by the applicant to justify the requested deviation;
 - g. A quantitative summary including, but not limited to, the following required items:

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- (1) Acreage or square footage of the property proposed to be subject to the Planned Unit Development (subject parcel);
- (2) Acreage or square footage for each proposed use area of land, including identified usable open space;
- (3) Floor area ratios for each use;
- (4) Residential density including tabulation by use, area and dwelling type of the number of dwelling units and bedrooms per unit, the units per acre or area per unit in estimated population;
- (5) Number and locations by use area of parking spaces;
- (6) Areas of designated or commonly-owned and maintained open space as required by Section 10-7-4;

2. Maps, Plats and Graphics:

- a. **Survey** - An accurate survey drawn to scale, prepared by an Illinois Registered Land Surveyor and showing the boundary dimensions of the property to be subject to the Planned Unit Development (subject property) including locations and dimensions of all existing public ways contiguous thereto;
- b. **Existing Site Conditions** - A map or plat drawn to scale and illustrating existing land conditions including existing topography, with contour intervals of not less than two feet (2'), obtained from a field survey and referenced to an approved bench-mark, existing tree cover over ten inches (10") in diameter, location of any soil borings or seepage tests, existing water-related features, prominent vegetation, unique soil conditions and other environmental data;
- c. **Surrounding Conditions** - A map or plat illustrating the use, type, elevation and location of all properties and improvements thereon within 250 feet of the perimeter of the subject property;
- d. **Preliminary Planned Unit Development Plat** - An accurate dimensioned plat of the subject property showing at least the following information:
 - (1) Each proposed use area and arrangement of all buildings and structures therein, including location, height, size and relative distances;
 - (2) The proposed location, size, height, elevations and orientation of all signs;

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- (3) The proposed number and arrangement of all off-street parking and loading spaces, location and width of driveways, entrances and exits and their relationship to existing streets;
 - (4) All areas to be maintained as permanent designated open areas or recreational facilities as required by Section 10-7-4;
 - (5) The proposed location for public parks, public playgrounds, public schools, commonly-owned community buildings and open areas other than those required by Section 10-7-4;
 - (6) The proposed location and dimensions of all pedestrian walkways;
and
 - (7) The proposed location and dimensions of all streets, vehicular accesses or driveways;
- e. **Grading and Landscape Plan** - A site plan drawn to scale and illustrating all excavation and/or filling of the property together with a preliminary plan for the re-vegetation and formal landscaping of the site, including location and type of plant materials to be used and indicating which existing plant materials are to remain or be moved on the site;
 - f. **Utility and Drainage Plan** - A proposed site plan illustrating existing and proposed underground utilities, including gas mains, electric transmission lines, telephone lines, water distribution lines, sanitary sewers, storm sewers, cable communication lines and the like, with pipe size and direction of flow being shown, the location and topography of all drainage retention facilities and a drainage plan with sufficient control grades to indicate the intent of the drainage plan, and the location and size of any public rights-of-way for the widening, extension or connection of major streets, the installation and maintenance of private or public utilities or emergency access areas;
 - g. **Building Plans** - Preliminary building plans for all buildings, other than detached single-family dwellings, including proposed floor plans, exterior elevations, cross-sections, perspective drawings, and outline specifications of the type of building materials, type of wall and roof construction and type of pavement and surfacing materials proposed to be used (in lieu of preliminary building plans for single-family dwellings, proposed architectural guidelines for the construction of single-family dwellings shall be provided);
3. Supporting Documentation:
 - a. A statement signed by the owners of the property describing the arrangements by which the owners propose to regulate use of the

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property and otherwise ensure development in accordance with the Comprehensive Plan;

- b. A cost-revenue study showing both the immediate and long-term effects of the development on schools and municipal services, including a letter signed by the superintendents of affected school districts, or other appropriate official of the districts, and any affected park districts, public library, fire department or other public body, indicating the developer has notified the district or public body of the proposed development and its proposed effect on school enrollment or the services provided by the district or public body;
- c. A traffic analysis prepared by a Registered Professional Engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project, with said estimate shown for the average week, twenty-four (24) hour period, and for the peak morning and evening traffic hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted of new street construction and new traffic control measures required to accommodate the estimated traffic increases;
- d. An environmental impact study including air quality and water quality data;
- e. For land which was outside the Village limits on September 26, 1972, a natural resource analysis report from the Kane-DuPage Soil and Water Conservation District shall be provided, prior to any scheduled public hearing date;
- f. Any soil boring or seepage tests, or other tests or information concerning existing land or environmental conditions;
- g. A statement of economic justification or a market analysis of proposed uses in the Planned Unit Development;
- h. A proposed draft of covenants, conditions and regulations to assure proper maintenance and repair of, and to provide for maintaining adequate personnel to assure security of, all areas and facilities under common ownership, including but not limited to, common-area utilities, designated open areas, recreational facilities and drainage facilities, with provisions for the payment for such maintenance, repairs and security and enforceability thereof, by or on behalf of the Village. The proposed draft shall include, where appropriate, any proposed charter and/or by-laws of an association for owners or tenants within the Planned Unit Development and/or a copy of any proposed condominium, townhouse, recreation or easement or other operating documents;

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- i. A statement indicating the preliminary time schedule for development and construction of the entire project;
- j. A statement indicating the stages, if any, which will be followed in carrying out construction of the proposed Planned Unit Development, and interim use and maintenance of areas not under construction at any given time;
- k. Evidence of the capability of the proposed developers to implement the general type of development proposed in the Planned Unit Development documents;
- l. A written statement providing that the owners and developers agree to be bound by the covenants, conditions and regulations proposed by the applicant and further agree to register such agreements with the DuPage County Recorder of Deeds, which statement shall be signed by all owners of record and the applicants and filed with the Director, Department of Planning and Development, before any public hearing on the Preliminary Plan will be conducted by the Plan Commission;

(C) **Approval of Preliminary Plan:**

1. Upon receipt of the Preliminary Plan documents, as defined herein, the Director, Department of Planning and Development, shall make record thereof, and within three (3) days thereafter, shall transmit said Preliminary Plan to a Development Committee consisting of the Director, Department of Planning and Development, who shall act as the Chairman of the Development Committee, the Building and Zoning Official, Director, Department of Public Works, the Chairman of the Plan Commission or his designee, and any other technical person or persons as may be invited by the Chairman of the Development Committee;
2. Within five (5) days after receipt of a Preliminary Planned Unit Development, the Chairman of the Development Committee shall notify the members thereof and the applicant of the date, place and time of a meeting to review said Preliminary Plan for the purpose of determining compliance with the requirements of Section 10-10-15 (B). The meeting of the Development Committee shall be held no less than fifteen (15) days after mailing of the notice thereof;
3. Within thirty (30) days after the meeting with the applicant, the Development Committee shall complete its review of the Preliminary Plan and shall prepare a written report noting any deficiencies of the application, which report shall be filed with the Village Clerk;
4. Upon completion of the report of the Development Committee, the Director, Department of Planning and Development, shall transmit the report and Preliminary Plan documents to the Chairman of the Plan Commission. The Plan Commission, at its next scheduled meeting, shall

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review the Preliminary Plan documents and written report of the Development Committee to determine whether all necessary information has been filed, as required by this Zoning Code:

- a. The Plan Commission shall give written notice to the applicant of any deficiencies in the Preliminary Plan documents and shall allow him such time as he may request within which to correct such deficiencies. A copy of such notice shall be filed with the Director, Department of Planning and Development;
 - b. When the applicant has cured the deficiencies and made the necessary corrections to the Preliminary Plan documents, the Plan Commission may refer the application to the Architectural Review Commission for its review and report. Should the Architectural Review Commission fail to review and file a written report on the Preliminary Plan documents with the Director, Department of Planning and Development, within thirty (30) days after referral to that Commission, then that Commission shall be deemed to have waived review of the Preliminary Plan documents at that time;
5. The Plan Commission shall establish the time for and conduct a public hearing concerning the Preliminary Plan, after giving due notice as provided in Section 10-10-11. Within ninety (90) days following the conclusion of the public hearing, the Plan Commission shall make written findings concerning the evaluation factors set forth in Section 10-7-7 and make its recommendations to the Village Board for final action with reference to the Preliminary Plan. Further, since planned developments are Special Uses, no planned development shall be recommended by the Plan Commission unless the Plan Commission shall also make the findings in accordance with Section 10-10-14 (E);
 6. The Village Board, after receipt of the Preliminary Plan of the Planned Unit Development and the findings and written recommendations of the Plan Commission, may approve, with or without modification or conditions, disapprove, or disapprove with recommendations to the applicant, such Planned Unit Development by ordinance. The Village Board may require such special conditions in the approval of the Planned Unit Development as it may deem necessary to insure conformity with the intent of all elements of the Comprehensive Plan and the stated purposes for planned developments. Planned Unit Developments shall be approved only by ordinance containing findings and setting forth the specific terms of relief, with reference to exhibits presented during the public hearing before the Plan Commission and made a part of the permanent records of the Plan Commission;
 7. Approval of a Preliminary Plan of a Planned Unit Development by ordinance of the Village Board shall not constitute approval of any Final Development Plan, rather it shall be deemed an expression of approval of the layout submitted as a preliminary guide to the preparation of the Final

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Development Plan. The Planned Unit Development shall thereafter be developed essentially in accordance with any condition and exhibits presented as part of the Preliminary Plan documents and in accordance with the procedures established in this Zoning Code. No building permit shall be issued for any building or structure in the Planned Unit Development unless a Final Development Plan has been approved and filed with the Recorder of Deeds. Neither a Preliminary Plan nor a Final Development Plan shall be a substitute for a Preliminary or Final Plat of Subdivision as may be required by the Glen Ellyn Subdivision Regulations ordinance;

(D) **Final Plan:**

1. The Final Development Plan or plans shall be filed with the Director, Department of Planning and Development, within six (6) months after the passage and approval of an ordinance approving a Preliminary Plan, or within such extension thereof as may be granted by the Village Board. Failure to file the Final Plan within the prescribed time shall void approval of the Preliminary Plan. The Final Plan shall conform with the Preliminary Plan, including any conditions imposed by the Village Board;
2. The Final Development Plan documents (Final Plan) shall include:
 - a. Final architectural and engineering plans and specifications for all development, except plans for detached single-family homes;
 - b. Plans and specifications for all utilities, roadway improvements and drainage, including by way of example and not limitation, all sanitary sewer lines, storm sewer lines, water distribution lines, underground telephone, gas and electric lines, lot and block or site drainage, roads, roadways and walkways;
 - c. If the development constitutes the subdivision of lands, as defined in the Subdivision Regulations ordinance, then the Final Development Plan shall include the Final Plat of Subdivision meeting all Village subdivision regulations;
 - d. An accurate legal description of each unsubdivided area, including any common open space or area to be dedicated as open space;
 - e. A dimensioned plat drawn to scale and accurately locating all buildings to be constructed and designating the special uses to which each building or land area shall be put;
 - f. Final version of the covenants by which the owner or developer proposes to regulate land and buildings, assure adequate maintenance and security and otherwise protect the proposed development, accompanied by the written representation and warranty of the owner, in form and substance satisfactory to the Attorney for the Village, to

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the effect that said owner of the real property which is the subject of the proposed development will not sell or otherwise dispose of any interest in said property prior to the filing of record of said covenants in the office of the Recorder of Deeds in DuPage County, Illinois;

- g. Such deeds or easement agreements, if any, as are required or approved by the Village Board to convey a suitable ownership interest in any parcels within the proposed development which are to be subject to public ownership by the Village or other public body;
- h. Final construction schedule, stating the date scheduled for final completion of construction work on all buildings, structures, facilities and features within the proposed development;

(E) **Approval of Final Plan:**

- 1. A request for approval of a Final Plan shall be filed with the Director, Department of Planning and Development, at the same time as the filing of the Final Plan documents, with the request being in such form and containing such information as shall be established from time to time by the Plan Commission;
- 2. Upon receipt of a request for approval of a Final Plan, the Director, Department of Planning and Development, shall transmit the same to the Plan Commission prior to its next regularly scheduled meeting;
- 3. The Plan Commission shall review the Final Plan to determine whether all necessary information has been filed as required by the Zoning Code and shall, within sixty (60) days of receipt of a complete set of the Final Plan documents, make its findings and recommendations to the Village Board. If the Plan Commission finds that the Final Plan documents contain substantial deviations from the approved Preliminary Plan, then the Plan Commission may recommend to the Village Board that the applicant resubmit a revised Preliminary Plan in accordance with Section 10-10-15 (B);
- 4. The Village Board, after receipt of the findings and recommendations of the Plan Commission concerning a Final Plan shall approve, with or without modifications or conditions, disapprove or disapprove with recommendations to the applicant, the Final Plan, pursuant to the standards set forth in Section 10-10-15 (D);
- 5. The Final Plan, as approved by the Village Board, shall constitute the final land use and zoning plat and shall be filed with the DuPage County Recorder of Deeds. No permit allowing construction of a building or any other improvements shall be issued until the Final Plan is recorded. All recording costs shall be paid by the applicant. No building permit, Zoning Certificate or Occupancy Certificates shall be issued for any building or

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use that is not in accordance with an approved Final Plan for any property affected by an approved Final Plan;

6. The Village may require as a condition of the issuance of a building permit that the applicant file a surety bond or letter of credit or escrow a cash deposit to insure the completion of the project as approved within the period specified. Such bond, letter of credit or escrow agreement shall be deposited in the manner provided by Section 501 of the Glen Ellyn Subdivision Regulations ordinance;
7. Any application for a Planned Unit Development which has been denied wholly or in part by the Village Board shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Plan Commission or unless the Final Plan was disapproved with recommendations to the applicant and the newly submitted Final Plan conforms to said recommendations;

(F) **Changes After Approval of Final Plan**^{2, 35}:

1. After approval of the Final Plan, any requested change in or deviation from the Final Plan shall be reviewed in the same manner as a new Planned Unit Development, with the exception of the requirement for a pre-application meeting. The Planning and Development Director may at his or her discretion allow the proposed amendments to the Preliminary and Final Planned Unit Developments Plans to be reviewed simultaneously. The applicant shall be required to advise the Director of Planning and Development of the existence and address of any property owners' association related to the subject property, and shall provide proof that such property owners' association was given notice in advance of any proposed changes or deviations to the approved Final Plan and of the procedure to be followed with respect to such proposed changes or deviations;
2. In the case of a residential Planned Unit Development where five (5) years after the date of the Village Board ordinance approving the Final Plan have elapsed and where in excess of eighty percent (80%) of the single-family home lots have been developed in the entire Planned Unit Development or in an identified phase thereof, all requested Variations to bulk regulations applicable to single-family residential lots shall be addressed by the Zoning Board of Appeals in accordance with the procedures established for variations in this Zoning Code.

10-10-16: TERMINATION OF SPECIAL USES, VARIATIONS, MAP AMENDMENTS AND PLANNED UNIT DEVELOPMENTS:³³

- (A) An approval pursuant to the provisions of this Zoning Code of a Variation, Special Use or Special Use for Planned Unit Development shall become null and void should a building permit to begin construction not be applied for within

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

twenty-four (24) months of the approval by ordinance, unless this time limit is expressly extended by the Village Board by ordinance in accordance with Section 10-10-16(D).

- (B) A project pursuant to an approved Map Amendment, Variation, Special Use or Special Use for Planned Unit Development, called the Proposal, shall be subject to the following construction requirements:
1. Construction must begin within twenty-four (24) months of the approval by ordinance or in accordance with an approved construction schedule;
 2. Construction must be continuous and may not be discontinued for a period of 180 days or more.
 3. The approved use must occupy the site within 180 days of the date of approval or 120 days post completion of construction, whichever is later.

These time limitations may be extended in accordance with Section 10-10-16(D).

- (C) In any case in which any of the conditions listed in sub-paragraph (B) above have occurred, the body (Plan Commission or Zoning Board of Appeals) which made the original recommendation regarding the Proposal may initiate a public hearing after due notice in accordance with Section 10-10-11 has been given and written notice sent to the applicant at the address contained in the application to consider the following actions:
1. Granting a further extension of the Proposal;
 2. Modifying the Proposal;
 3. Terminating the Proposal and requiring the developer to remove associated structures; or
 4. In the case of a Map Amendment, rezoning the property.²

The findings and recommendations of the reviewing body shall be forwarded to the Village Board for their consideration and final action.

- (D) Upon the request of the applicant, the Planning and Development Director shall have the authority to grant one twelve (12) month extension of a previously approved Zoning Code Variation, Special Use Permit or Special Use Permit for a Planned Unit Development based upon the review and approval of appropriate justification submitted by the applicant. The Planning and Development Director shall have no obligation to grant any such extension and may at his or her discretion forward the request to the Village Board for consideration and action. Any subsequent requests for extensions shall be acted on by the Village Board by Ordinance.

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

10-10-17: FEES: ^{4, 14, 15}

- (A) **Fees:** The fee schedule for all administrative procedures and applications for benefits or relief under this Code shall be as set forth in Section 10-1-2 of the Glen Ellyn Village Code.

Note: In those situations when single-family residential petitions require both a Zoning Variation and a Special Use, the petitioners will be charged only the higher of the two fees.

- (B) **Deposits:** Each application for a Planned Unit Development, Commercial Special Use, Commercial Variation, Subdivision, and any development project larger than five acres made by the owner of the property or his authorized representative to the Director of the Planning and Development Department shall include an agreement to reimburse the Village for out of pocket costs associated with this development. These out of pocket costs will cover services provided by the Village's Consulting Engineer, Consulting Attorney, Consulting Planner, appraiser and transcriber, as well as reproduction costs, recording costs, etc.

The agreement shall be accompanied by an initial deposit in an amount to be determined by the Planning and Development Director but no less than \$1,000. The Village will provide an itemized list of Village expenses related to this development, and the applicant will deposit funds to reimburse the Village for those expenses on a monthly basis. If the expenses are not reimbursed, then reviews associated with out of pocket costs will cease, and the application will not be moved forward through the review process. At the completion of the review process, and following development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

10-10-18: ENFORCEMENT AND PENALTIES - GENERAL:

- (A) Any person, persons, firm or corporation or anyone acting in behalf of said person, persons, firm or corporation, who violates the terms of this Zoning Code shall be guilty of a petty offense punishable by a fine not to exceed Five Hundred Dollars (\$500.00) for each week the violation remains uncorrected with each week or part thereof constituting a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Zoning Code;
- (B) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Zoning Code, the proper authorities of the Village or any person whose property value or use is or may be affected by such violation may, in addition to other remedies, institute an appropriate action or proceeding in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises, and such violation shall

CHAPTER 10 – ADMINISTRATION AND ENFORCEMENT (continued)

subject the owners or party in interest to the penalties set forth within the ordinances of the Village including but not limited to those set forth in this paragraph and paragraph (A) above and such other enforcement powers as the Village shall possess by law or by ordinance.¹⁵

10-10-19: ADOPTION CLAUSE - EFFECTIVE DATE:

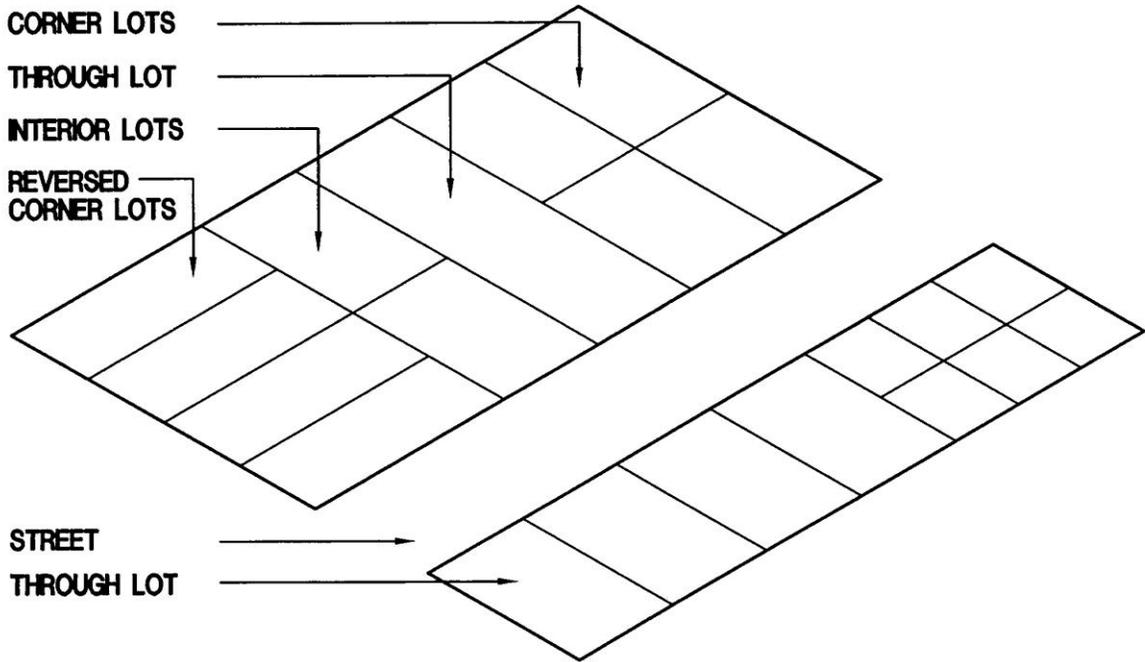
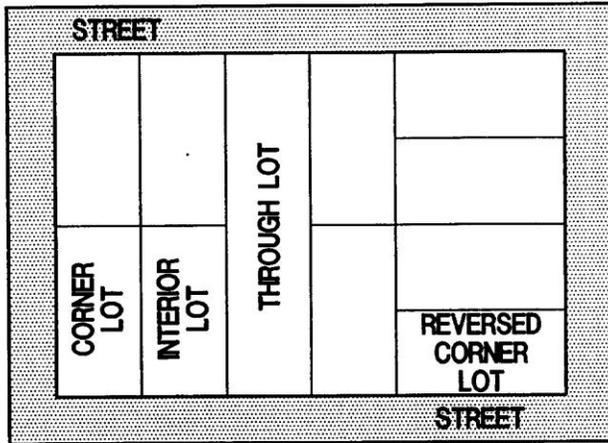
The zoning ordinances of the Village are hereby revised and amended in their entirety, effective June 1, 1989, by the substitution in lieu thereof of this Zoning Code to be known as the Glen Ellyn Zoning Code, passed and approved by the corporate authorities of the Village on May 8, 1989 as Ordinance Number 3617-Z.

APPENDIX ILLUSTRATIONS

The illustrations contained in this Appendix are provided solely to clarify the intent of textual provisions and are not to be considered a part of the Zoning Ordinance for purpose of construction, interpretation or otherwise.

Appendix (continued)

FIGURE 1 - Example of Lot Types

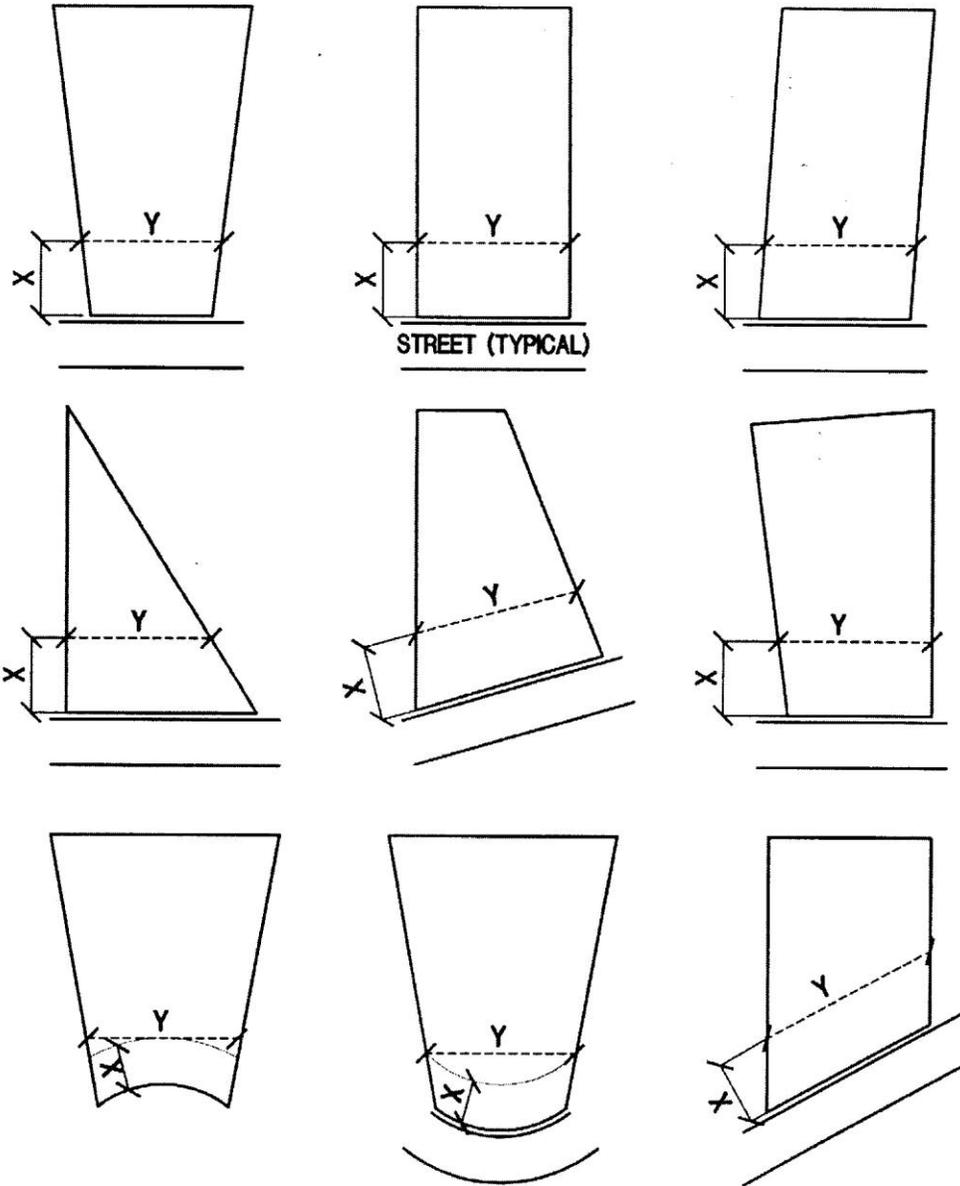


- CORNER LOT is a lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees.
- REVERSED CORNER LOT is a corner lot where the side street side lot line is substantially a continuation of the front lot line of the first lot to its rear.
- INTERIOR LOT is a lot other than a corner or a reversed corner lot.
- THROUGH LOT is a lot having a pair of opposite lot lines along two more or less parallel public streets. On a through lot, both street lines shall be deemed front lot lines.

Appendix (continued)

FIGURE 2 - Lot Width and Depth Explained

LOT WIDTH

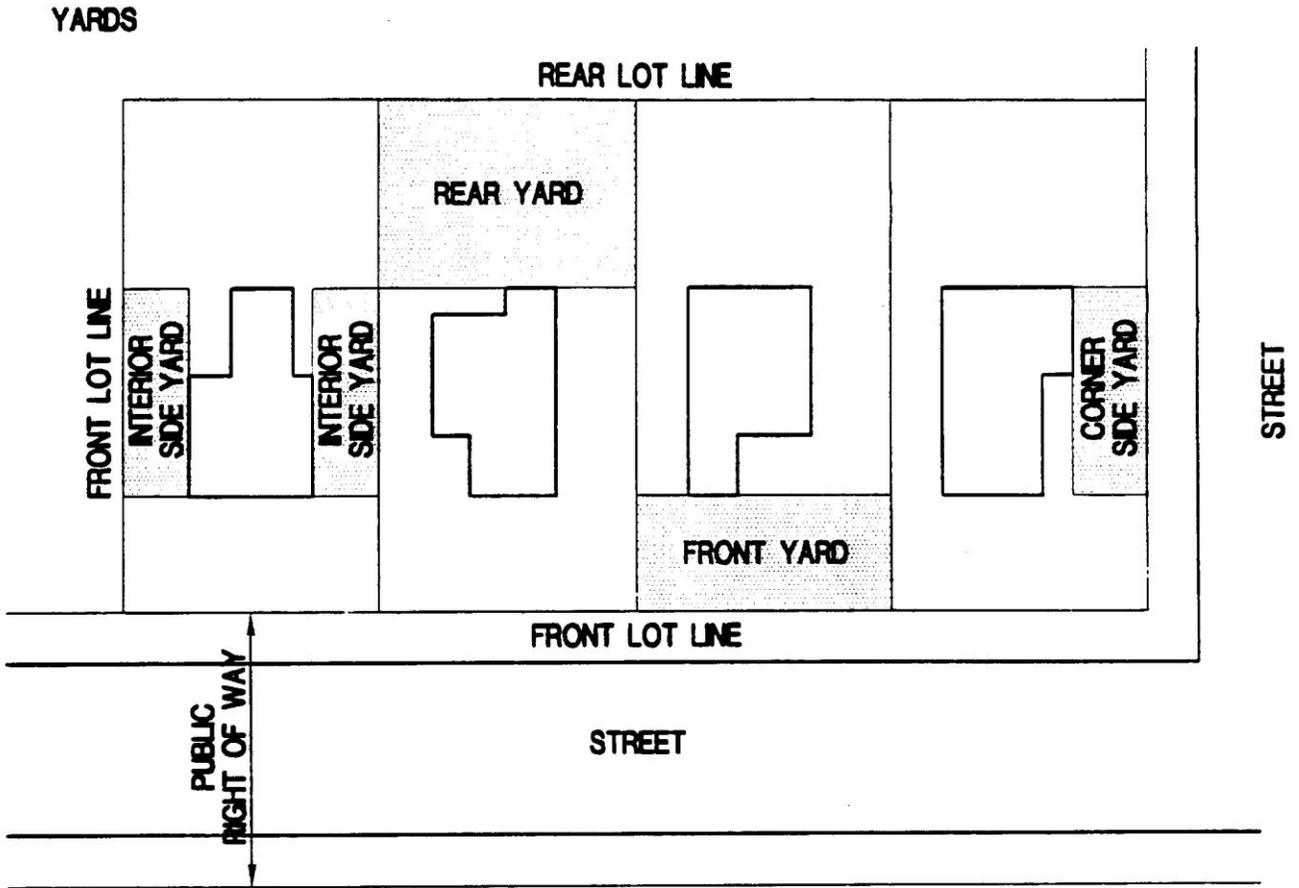


X = MINIMUM ALLOWED FRONT YARD SETBACK

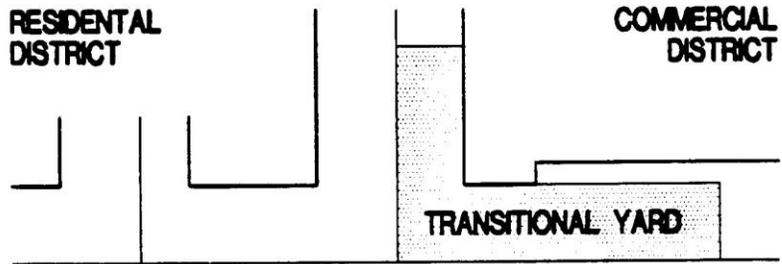
Y = LOT WIDTH - DISTANCE BETWEEN SIDE LOT LINES MEASURED AT THE MINIMUM FRONT YARD SETBACK LINE

Appendix (continued)

FIGURE 3 - Required Yards

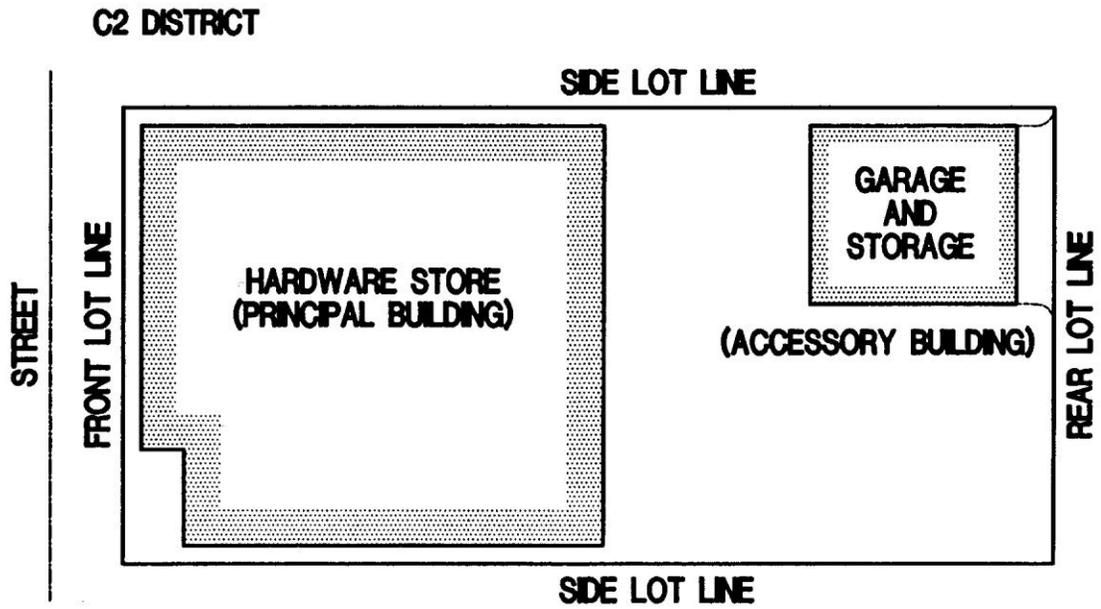
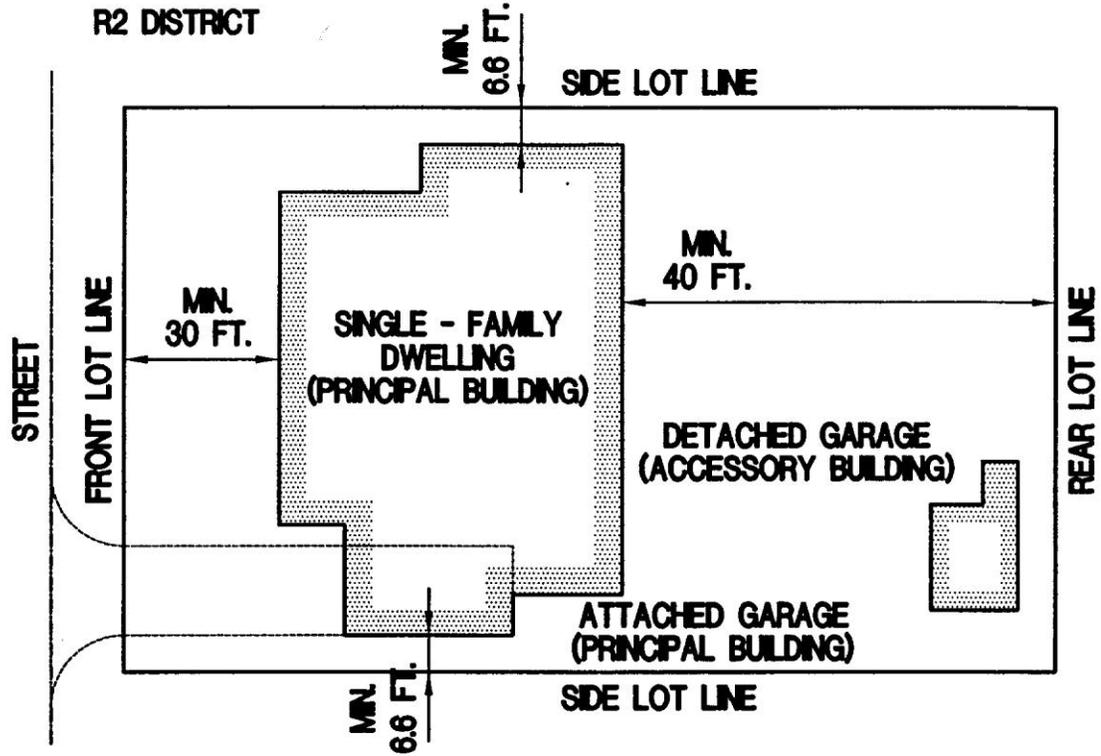


TRANSITIONAL YARDS



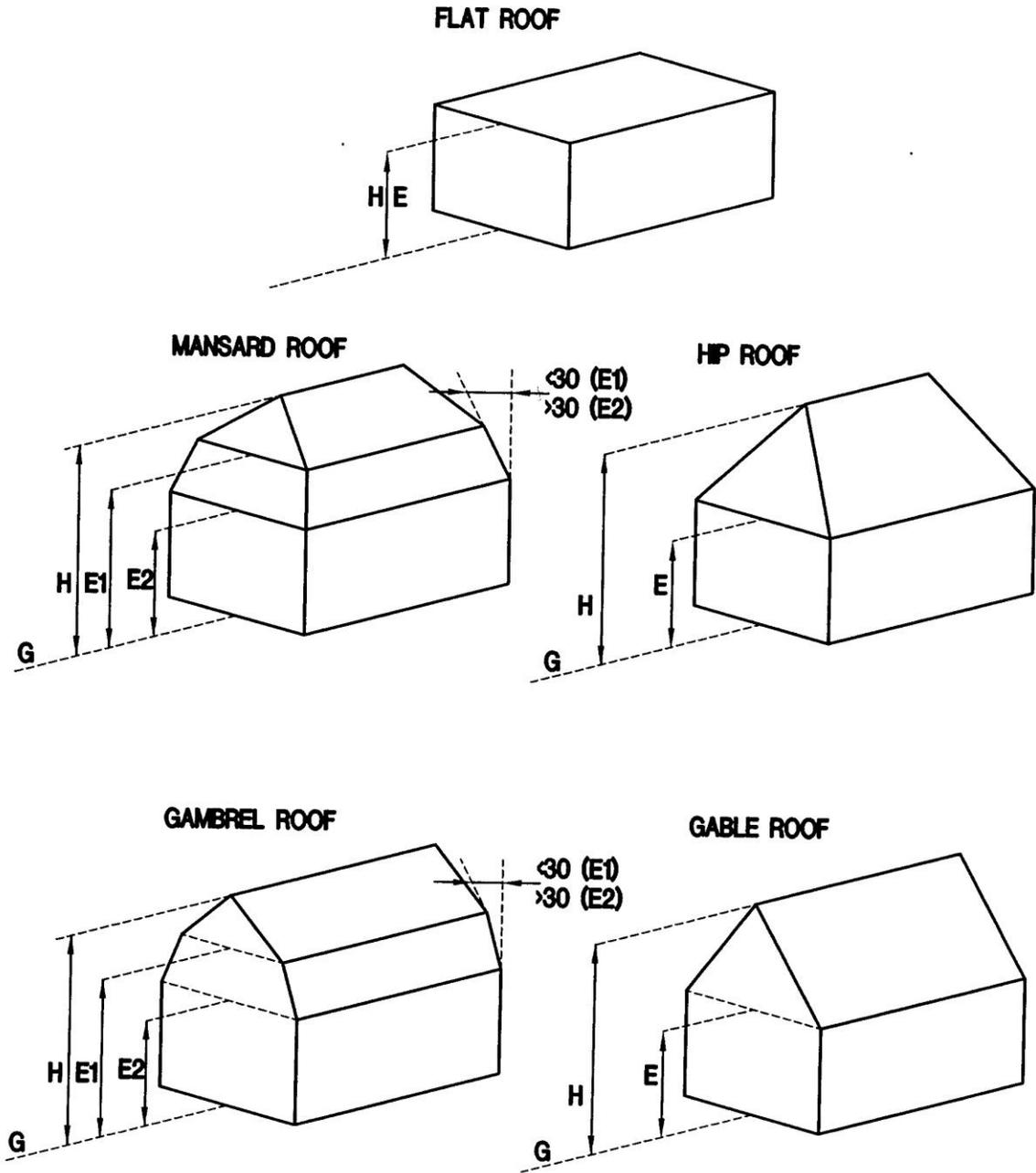
Appendix (continued)

FIGURE 4 - Building (Principal and Accessory)



Appendix (continued)

FIGURE 5 - Building Height

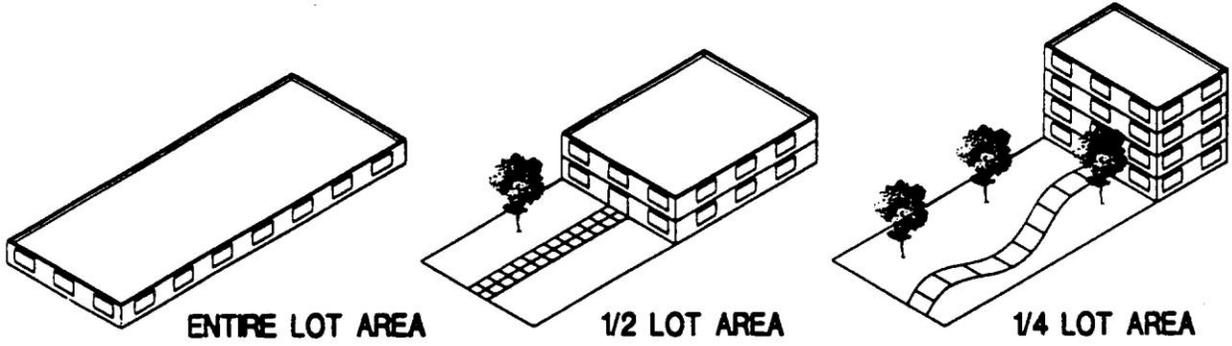


H = HEIGHT OF BUILDING
E = EAVE HEIGHT
G = GRADE, AVERAGE EXISTING

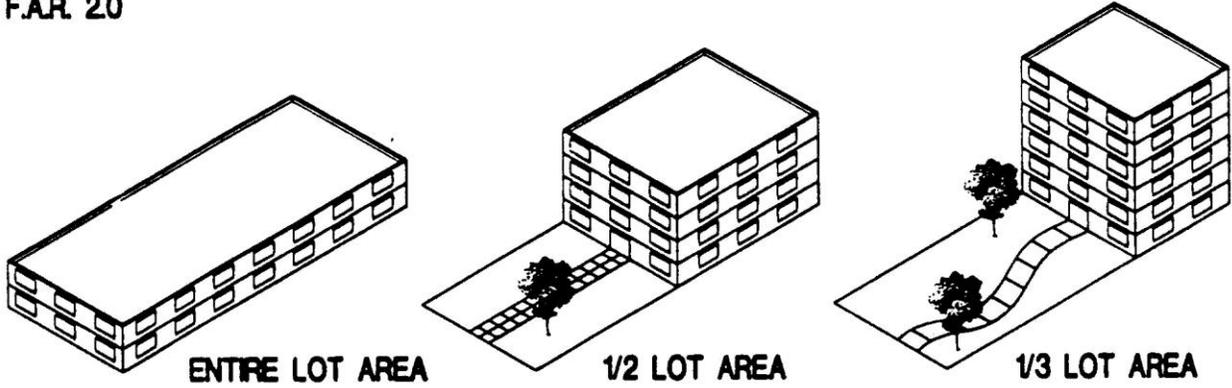
Appendix (continued)

FIGURE 6 - Floor Area Ratio (Illustrated)

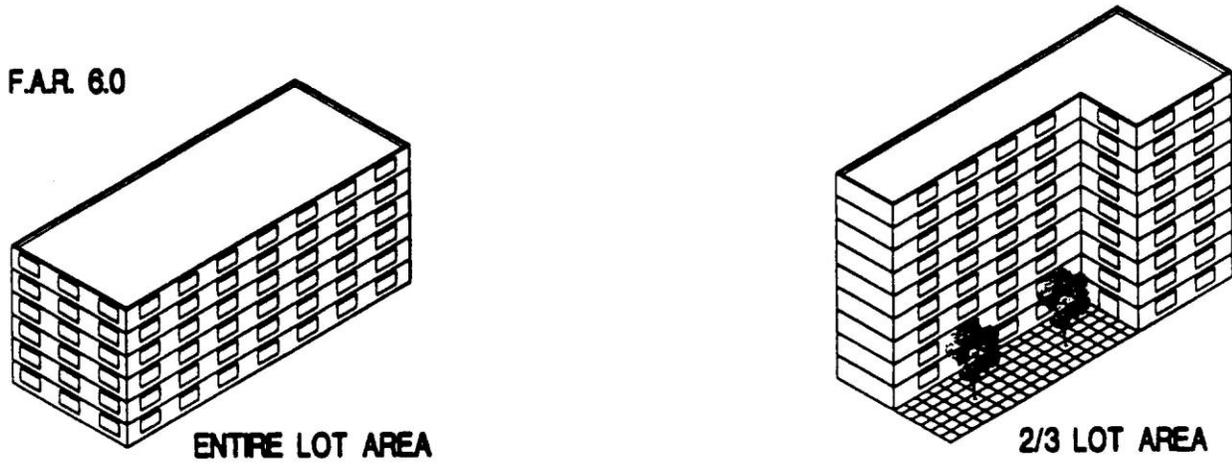
F.A.R. 10



F.A.R. 20

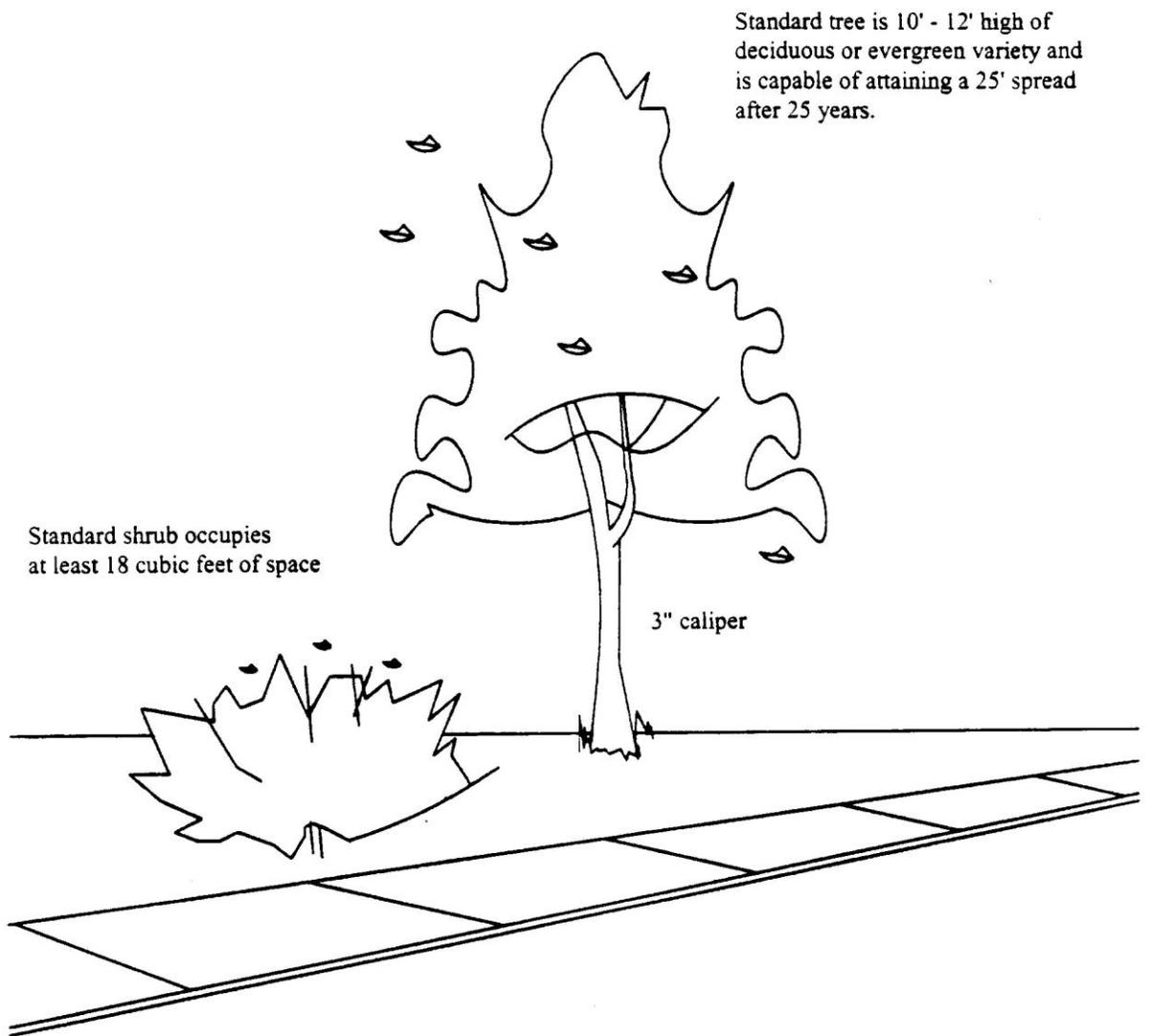


F.A.R. 60



Appendix (continued)

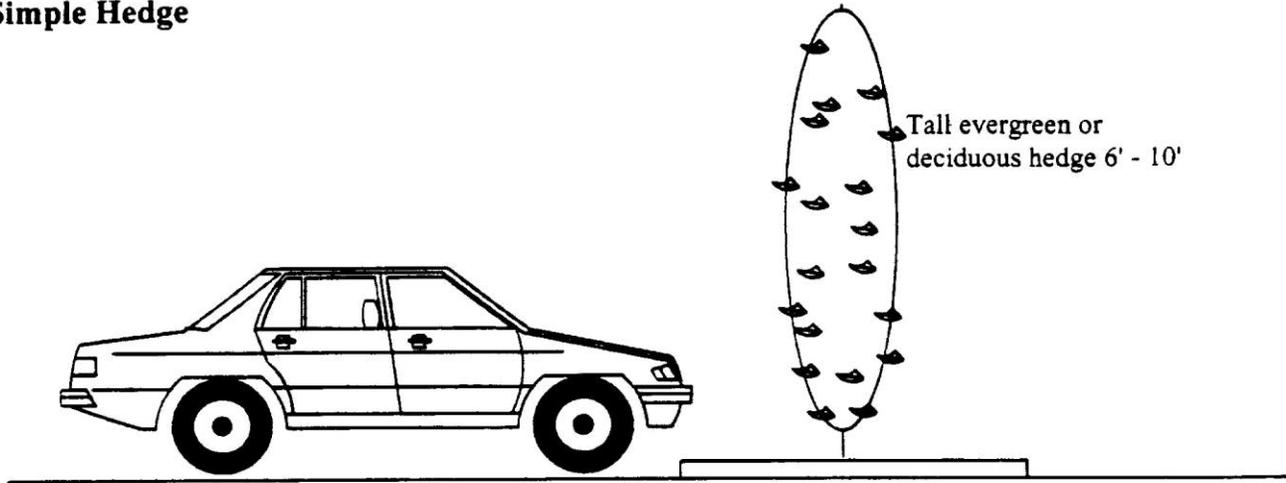
FIGURE 7 - Standard Tree and Shrub



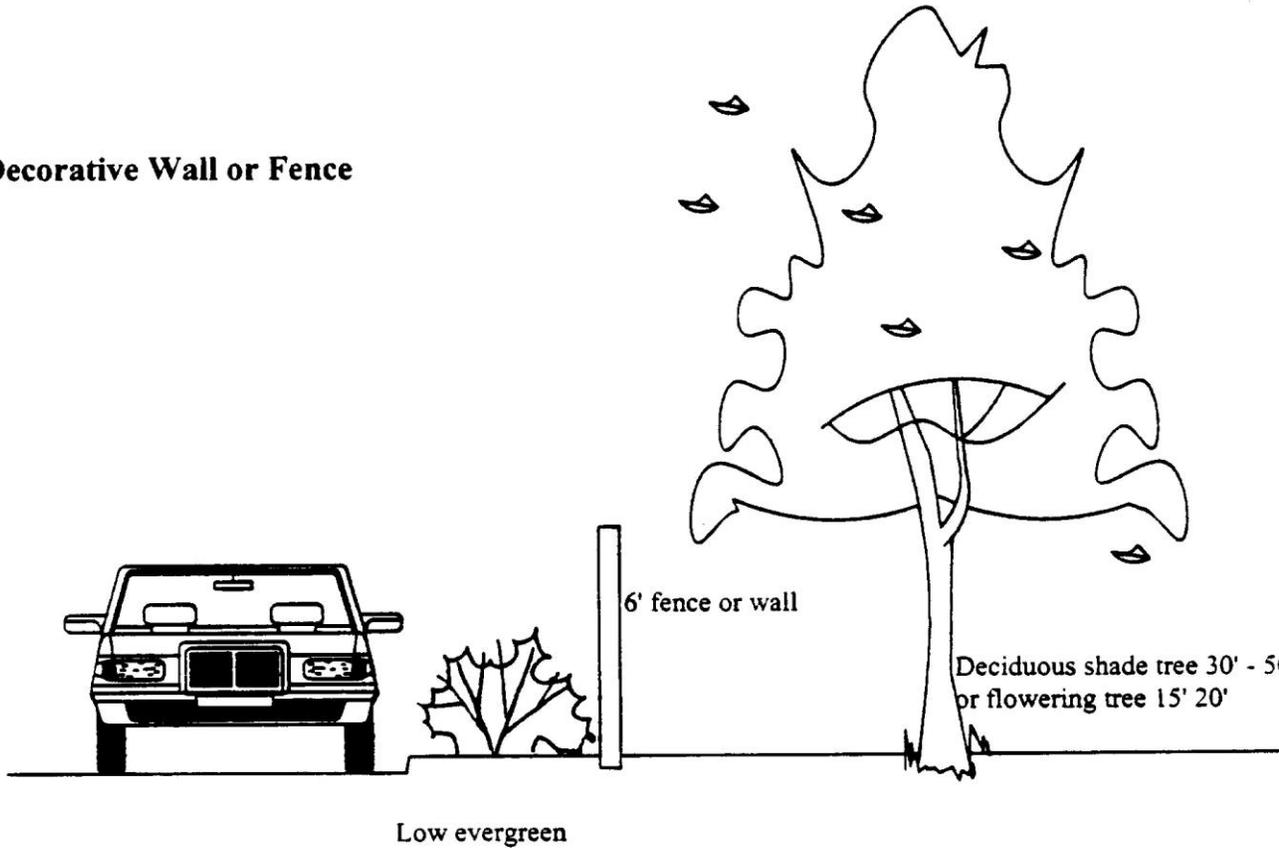
Appendix (continued)

FIGURE 8 - Screening

Simple Hedge



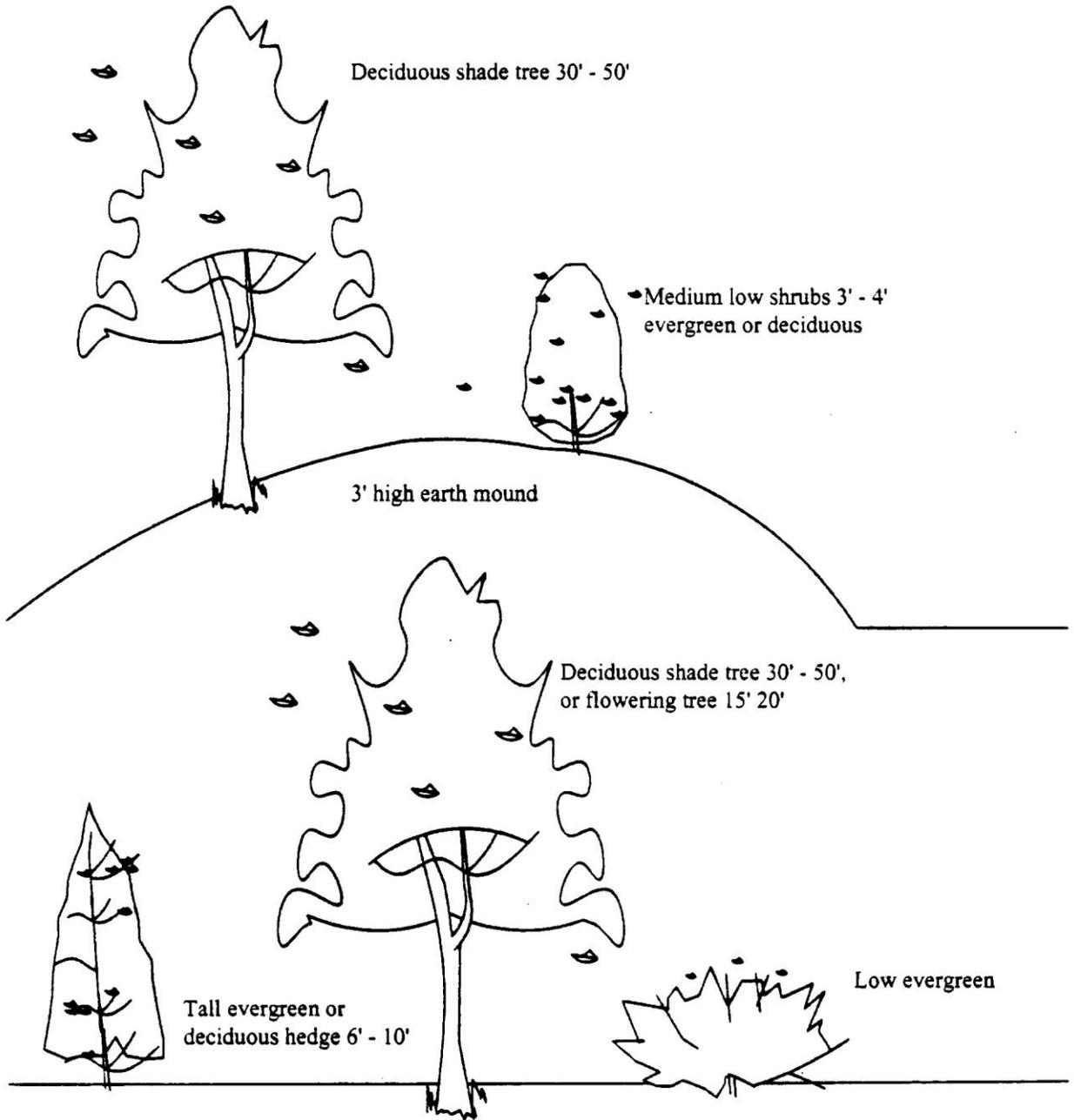
Decorative Wall or Fence



Appendix (continued)

FIGURE 9 - Screening (continued)

Earth Mound and Plantings



Multi-Level Plantings

Appendix (continued)

FIGURE 10 - Area of Comparison (sample)

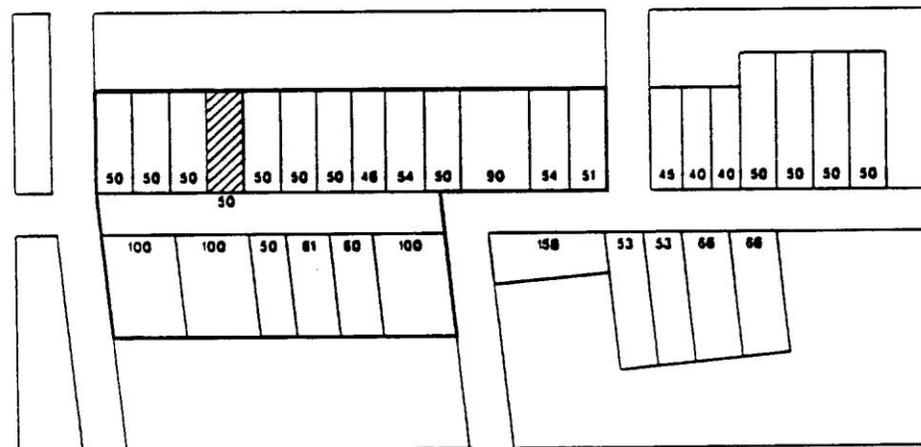
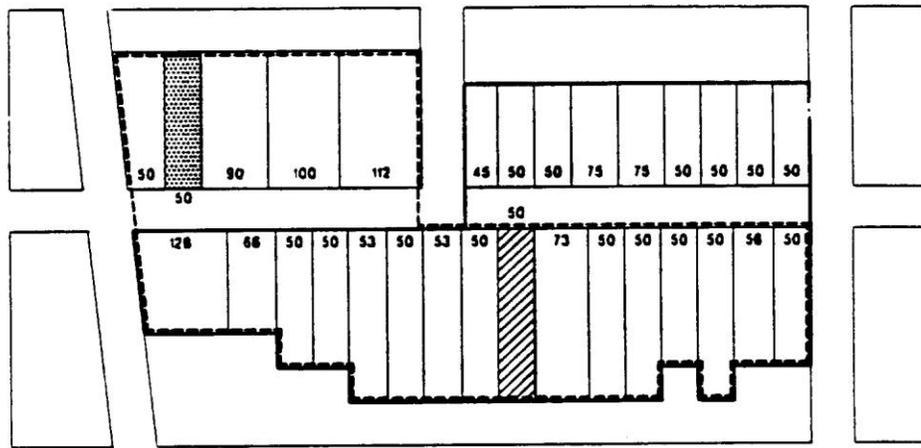
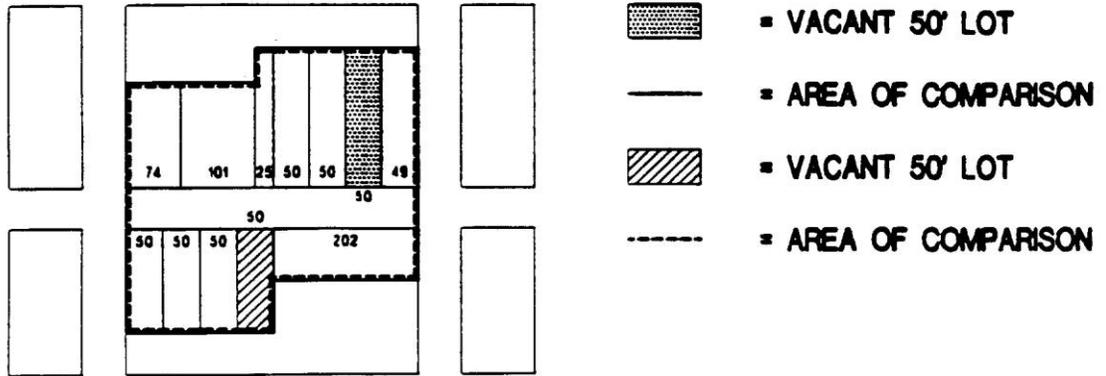
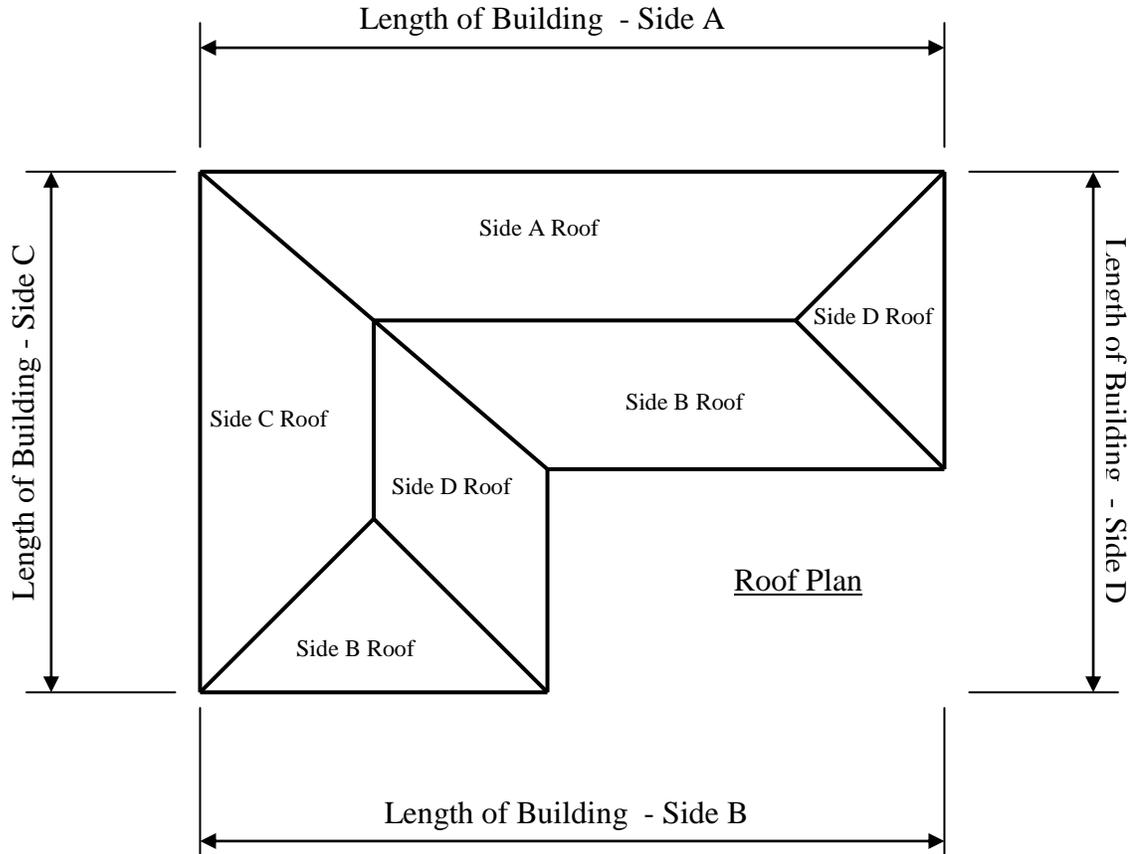


FIGURE 13 – DORMERS

Length of Building Side:

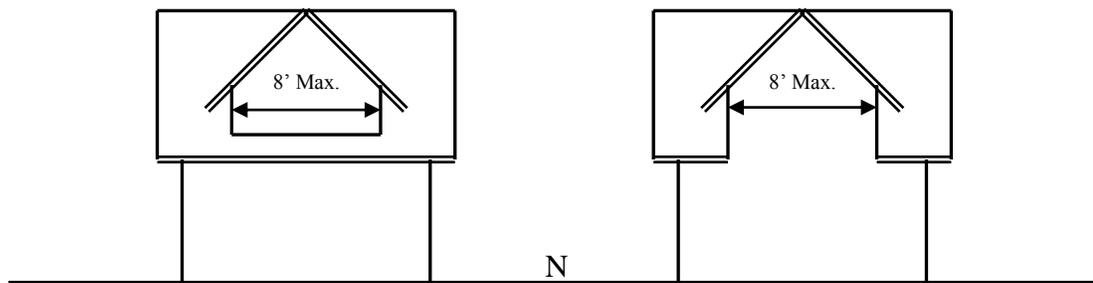


Dormers with eaves located above the maximum permitted eave height may be constructed provided the following criteria are met:

1. No dormer is greater than 8 feet in width from outside of wall to outside of wall.
2. The space between dormer walls located on the same roof side must be a minimum of 5 feet.
3. The total width of all dormers located on any roof shall not exceed 25% of the length of the building on that same side.

Example:

If side B in the diagram above were 60 feet wide, a total of 15 feet of dormers (60 feet x 25% = 15 feet) could be located anywhere within the Side B roof areas, provided they meet the criteria 1-3 above.



Dormer Examples

Appendix (continued)

FIGURE 14
YARD SETBACKS IN
COMMUNITY COLLEGE
ZONING DISTRICT

