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Section 1.00 – TITLE

This ordinance, including the Zoning Map made a part hereof, shall be known and may be cited and referred to as the Montgomery Zoning Ordinance.

Section 2.00 – INTENT AND PURPOSE

This ordinance is adopted for the following purposes:

1. To promote the public health, safety, morals, comfort and general welfare;
2. To divide the Village of Montgomery into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residence, business, manufacturing and other specified uses;
3. To provide adequate light, air, privacy and convenience of access to property;
4. To protect the character and the stability of the residential, business and manufacturing areas within the Village of Montgomery and to promote the orderly and beneficial development of such areas;
5. To regulate the intensity of the use of lot area, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
6. To establish building lines and the location of buildings designed for residential, business and manufacturing, or other uses within such areas;
7. To fix reasonable standards to which buildings or structures shall conform therein;
8. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts; and;
9. To prevent additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.

Section 3.00 – RULES AND DEFINITIONS

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context herein clearly indicates otherwise.

3.01 RULES

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural, the singular.
2. The word “shall” is mandatory and not discretionary.
3. The word “may” is permissive.
4. The word “lot” shall include the words “plot”, “piece”, “parcel”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrase “arranged for”, “intended for”, “maintained for”, and “occupied for”.
5. The masculine gender includes the feminine and neuter.
6. Whenever a word or term defined in this chapter appears in the rest of this title, its meaning shall be construed as set forth in the definition thereof; and words herein not defined shall be interpreted in accordance with applicable definitions contained in Webster’s Dictionary.

3.02 DEFINITIONS

Abutting: To have a common property line or district line.

Accessory Building or Use: An "accessory building or use" is one which:

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

See the Table of Permitted Yard Obstructions for accessory buildings and uses in this Ordinance.

Acreage: Any tract or parcel of land which has not been subdivided or platted.

Adult Business Uses: The following uses as defined herein:

a. *Adult bookstore*

A facility whose business is the sale and distribution of sexually explicit material and materials displaying specified anatomical areas and/or specified sexual activities (whether actual or simulated, e.g. comic books, animated videos, etc) in a printed format. The establishment is considered an adult bookstore when the floor area used for sale of merchandise relating to adult material comprises more than ten percent of the total floor area used for sale of any merchandise (or other services or materials offered to the public) in the building. There shall be no booths or any other means for viewing videos or other visual recordings allowed in an adult bookstore.

b. *Adult Theater*

An enclosed building or an enclosed space within a building which is used for presenting video or audio (regardless of format) materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein (whether actual or simulated, e.g. animated videos, actual videos, etc). Sexually explicit material and materials displaying specified anatomical areas and/or specified sexual activities (whether actual or simulated, e.g. comic books, animated videos, etc) shall not be sold or rented at an adult theater.

Other Adult Definitions

Specified Anatomical Areas:

The following are considered to be a sexual anatomical area or genital area: genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

Specified Sexual Activities:

The following are considered to be specified sexual activities:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or breasts; or,
- Sex acts, actual or simulated, including intercourse, oral copulation, bestiality or sodomy; or,
- Masturbation, actual or simulated; or
- Excretory functions.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley: Any right-of-way which affords secondary means of vehicular access to abutting properties.

Alternative Surfaces: Acceptable alternative surfaces that will be considered are Crushed Limestone Aggregate meeting the IDOT standard gradation CA-1 or CA-7. Other materials may be considered for use as alternative surfaces subject to Village engineer approval.

Amusement Game Arcade: Any establishment, room or place where more than four (4) mechanical amusement devices as defined in chapter 3-1/2 of the Montgomery Code of Ordinances are available to the public.

Animal Hospital: Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit.

Auto Recycling Yard: An open area of land and any accessory buildings or structures thereon which are used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber ties and bottles.

Automobile Laundry: A building or portion thereof where automobiles are washed using automatic or hand operated mechanical devices. A self service wash rack for the purpose of this ordinance shall be considered an automobile laundry.

Automobile Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and painting of vehicles.

Automobile Repair, Minor: Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under "automobile repair, major".

Automobile Service Station: A place where gasoline, stored only in underground tanks, kerosene, lubrication oil or grease, for operation of automobiles are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs; and including washing of automobiles, Automobile service stations shall not include sale, storage, or rental of automobiles or trailers (new or used).

Automobile and Trailer Sales Area: An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Awning: A roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

Basement or Cellar: A story partly or wholly underground. Where more than one-half ($\frac{1}{2}$) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Bed and Breakfast Guest Home: A residential building containing an aggregate of not more than five (5) lodging rooms offered for rent to transient guests for a continuous period of thirty (30) days or

less, and containing the owner's principal residence; food may be served only to overnight guests, exclusively between the hours of 5:00 am. and 10:00 a.m.

Block: A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of municipalities.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to four (4) or more persons, who are not members of the keeper's family.

Borrow Pit: Any place or premises where dirt, soil, sand, gravel or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

Buildable Area: The space remaining on a zoning lot after the minimum yard requirements have been complied with.

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land.

When portion thereof is completely separated from every other portion by a party wall, then such portion shall be deemed to be a separate building.

Building, Completely Enclosed: A building separated on all sides from the adjoining open spaces by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

Building, Detached: A building surrounded by open space on the same zoning lot.

Building Height: The vertical distance from curb level to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge of gable, hip or gambrel roofs, provided that where buildings are setback at least twenty-five (25) feet from the front lot line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. Chimneys, towers, spires, elevator penthouses, cooling towers and similar customary accessory structures and equipment, other than signs, shall not be included in calculating building height.

Building, Principal: A non-accessory building in which the principal use of the zoning lot on which the building is located is conducted.

Building, Temporary: Any building not designed to be permanently located in the place where it is intended to be placed or affixed.

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

Business: Any occupation, employment or enterprise where merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Center or Clinic, Medical: A medical center or clinic is an establishment where three (3) or more licensed physicians, surgeons, dentists, or other licensed medical practitioners engage in their respective medical practice, operating on a group or individual basis with pooled facilities, such as coordinated laboratory, x-ray and allied departments, and the diagnosis and treatment of humans, which need not, but may include a prescription drug counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said physicians, surgeons, dentists and other licensed medical practitioners.

Club or Lodge, Private: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof the use of such premises being restricted to members and their guests.

Community Event: Means a short-term cultural and/or community event which is conducted, organized and sponsored solely by non-profit organizations or for the purpose of promoting or fundraising for community engagement and is open to all participants on an equal basis. Such community event shall have the purpose of promoting or benefiting the village and its residents and/or the sponsorship of non-profit organizations.

Conforming Building or Structure: Any building or structure which: (a) complies with all regulations of this ordinance or of any amendment thereof governing bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted use or special uses, as herein allowed in the district in which it is located.

Contiguous: In actual contact.

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

Curb Level: The established level of the curb pavement edging, along the front lot line, at a point directly in front of the center line of the building wall facing the front lot line or if a curb pavement edging does not exist, the established level, at such point, along the center line of the roadway pavement; except in cases of exceptional differences in grade elevations between lot corners or within the area of a lot, as determined by the zoning officer, the established curb level may be the average elevation of the finished ground grades at the building foundation walls even though such average elevation is higher than such established level of the curb pavement edging, or center line or roadway pavement.

Day Care or Child Care Center: A special use as a facility which regularly provides child care for less than twenty-four (24) hour days for:

- a. More than eight (8) children in a family home, or
- b. More than three (3) children in a facility other than a family home, which complies with all licensing requirements of Children and Family Services. (Refer to Illinois Revised Statutes.)

Day Care Home: The accessory use of a dwelling unit licensed by the state as a day care home and/or night care home in accordance with the Illinois Department of Children and Family Services licensing standards for day and night care homes, or the accessory use of a dwelling unit for the care of no more than three (3) children other than the resident family's natural, adopted or foster children.

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".

Drive-in Establishment: An establishment or part thereof in which are provided facilities where serving or consuming commodities or both are intended to occur in patrons' automobiles parked on the premises, or where commodities are purchased by customers waiting in automobiles for consumption off the premises.

Dwelling: A building or portion thereof designed or used exclusively for residential purposes, including single family, two family and multiple family dwellings, but not including mobile homes or other trailers and lodging rooms in hotels, motels or lodging houses.

Dwelling, Attached or Townhouses: A dwelling joined to two or more dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

Dwelling, Detached: A dwelling which is surrounded on all sides by open spaces on the same lot.

Dwelling, Multiple Family: A dwelling containing three (3) or more dwelling units including apartments (rental units) and condominiums (individual ownership of units).

Dwelling, Single Family: A dwelling containing one dwelling unit only

Dwelling, Semi-detached or Duplex: A dwelling joined to one other dwelling by a party wall, or vertical cavity wall, and above ground physically unifying horizontal structural elements.

Dwelling, Two-Family: A dwelling containing two dwelling units only.

Dwelling Unit: One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each dwelling unit.

Efficiency Unit: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

Establishment, Business: A building, structure, or land used in whole or in part as a place of business, the ownership or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

Facade: The face or wall of a building as it is presented to view; the apparent width and/or height of a building as viewed from streets, driveways and parking lots. Minor changes in wall elevations do not constitute the creation of additional facades.

Family: One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons not so related, maintaining a common household in a dwelling unit.

Fast Food: A premises specializing in the rapid preparation and service of food and/or beverages, with sales of food and/or beverages being made only at a counter or window, and no sales of food and/or beverages being made at tables by wait staff.

Fence: A structure used as a boundary, a screen, a means of containing persons or animals, a means of protection or for landscaping aesthetics and which is constructed of wood, metal or plastic parts and wood, metal or plastic fencing materials or of other similar materials.

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 fifty percent (50%) 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 beyond it.

Floor Area, for Determining Floor Area Ratio: The sum of the gross horizontal area of the several floors including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings. The floor area shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells; (b) mechanical equipment, except if located on the roof, when either open or enclosed - i.e., bulkhead, waste tanks, and cooling towers; (c) habitable attic space as permitted by the building code of the Village of Montgomery, Illinois; (d) interior balconies and mezzanines; (e) enclosed porches; and (f) accessory uses. The floor area of structures used for bulk storage of materials - i.e., grain elevators, petroleum tanks shall also be included in the floor area and such floor area shall be determined on the basis of height of such structures with one floor for each ten (10) feet of structure height and if such structure measures less than ten (10) feet but not less than five (5) feet over such floor height intervals, it shall be construed to have an additional floor.

Floor Area, for Determining Off-Street Parking and Off-Street Loading Requirements:

Floor area when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for a use shall be the sum of the gross horizontal area of the several floors of the building, excluding the horizontal areas of basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

Floor Area Ratio: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio requirements as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

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

Garage, Private: An accessory building designed with three walls and a door that entirely encloses the vehicle and used for the storage of motor vehicles owned and used by the occupants of the principal building to which it is accessory. Only one of the motor vehicles may be a commercial vehicle which does not exceed one and one-quarter (1-1/4) ton capacity. A travel trailer or a boat that, in each case, is owned and used by the occupant of such principal building may be stored in a private garage.

Garage, Public: A building or portion thereof other than a private, or storage garage, designed and used for equipping, servicing, or repairing motor vehicles. Hiring, selling, or storing of motor vehicles may be included.

Garage, Storage: A building or portion thereof designed or used exclusively for storage of motor vehicles and in which motor fuels and oils are not sold, except as herein regulated, and motor vehicles are not equipped, repaired, hired, or sold.

Grade, Street: The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the Village Engineer shall establish such street grade or its equivalent for the purpose of this section.

Gross Density: The ratio between total number of dwelling units on a site and total site area in acres.

Guest House: Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

Home Occupation: In all residence districts, a gainful occupation or profession conducted entirely within the dwelling by a member of the family residing in the dwelling and when such occupation or profession is incidental and secondary to the use of the dwelling for dwelling purposes.

Hospice: A facility which provides care and residence for terminally ill persons.

Hospital or Sanitarium: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

Hotel, Apartment: A hotel in which more than fifty percent (50%) but no more than eighty percent (80%) of the accommodations are in dwelling units occupied or intended for occupancy by permanent guests.

Hotel: A building in which lodging rooms are provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house, or a rooming house and where customary hotel services such as maid, telephone and secretarial, bellboy, desk services, the use and upkeep of furniture, furnishings and laundry of linens are provided. Facilities shall include a common entrance lobby and interior hallways when lodging rooms do not have doorways opening directly to the outdoors except for emergencies. Facilities may include restaurants, cocktail lounges, and meeting rooms. No more than fifty percent (50%) of the accommodations in a hotel may be in dwelling units occupied or intended for occupancy by permanent guests.

kennel: Any lot or premises or portion thereof where more than four (4) months of age, are kept, or more than two (2) such animals are boarded, bred, or cared for in return for compensation, or are kept for the purpose of sale.

Laboratory, Commercial: A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

Launderette: A business that provides coin operated self-service type washing, dry- cleaning, and ironing facilities, providing that: (a) not more than four (4) persons, including owners, are employed on the premises; and (b) no pick-up or delivery service is maintained.

Limited Access Highway: Is a trafficway, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Livestock: Riding horses, ponies, donkeys, sheep, goats, swine, poultry and cattle.

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

Lot: A parcel of land legally described as a distinct portion or piece of land of record.

- a. **Lot, Access:** Properties with Single Family Homes or Two Family Homes (Duplexes) are permitted only one access point per unit (a Duplex can have two drive ways, one to each unit). Townhomes, Multiple Family Residential and Non-Residential structures and uses shall be allowed access from multiple streets at the Village's discretion and approval based on traffic safety and acceptable engineering practices. The Village shall determine which street shall be the access point. See lot definitions below.
- b. **Corner Lot:** A lot of which two (2) or three (3) adjacent sides abut for their full lengths upon streets, provided that the interior angle at the intersection of two (2) sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersecting at an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner. In case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents above described. For access restrictions see Lot Access definition.
- c. **Double Frontage Lot:** A lot having a pair of opposite lot lines along two (2) parallel or substantially parallel streets, and which is not a corner lot. The Village shall determine which street line shall be the front lot line. For access restrictions see Lot Access definition. The rear yard and corresponding rear setback line shall be the same depth as the front yard of the adjacent lot. If there are varied front yards on either side of a double frontage lot then the deeper front yard shall be used. For example, if one front yard is twenty (20) feet and the other is twenty-five (25) feet the twenty-five (25) foot yard shall be used. However, for residential uses the rear yard shall adhere to the same restrictions for open space and accessory uses and structures as if it was a front yard. For example, if a shed, swimming pool, and a six (6) foot fence are prohibited in the front yard, they would also be prohibited in the rear yard for a double frontage lot. If the lots on both sides of the double frontage lot are also double frontage lots then the rear yard shall adhere to the districts rear yard requirement. **(see Section 4.06(6)(b))**
- d. **Interior Lot:** A lot that is not a corner lot. For access restrictions see Lot Access definition.
- e. **Multiple Frontage Lot:** A lot having frontage on four (4) or more streets. Multiple Frontage Lots shall be prohibited except in the case of a Planned Unit Development. For access restrictions see Lot Access definition.
- f. **Reversed Corner Lot:** A corner lot, the side lot line adjoining a street of which is substantially a continuation of the front lot line of the first lot to its rear. For access restrictions

see Lot Access definition.

Lot Area: The area of horizontal plane bounded by the front, side and rear lot lines of the lot.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot Frontage: A lot line along a public street.

Lot Lines: The property lines bounding the lot.

- a. **Front Lot Line:** The front lot line shall be that line of a lot along a public street; for a lot that has multiple lot lines along a public street the Village shall determine which lot line shall be the front lot line.
- b. **Interior Side Lot Line:** A lot line which does not abut a street right-of-way line and is not a rear lot line.
- c. **Rear Lot Line:** That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in case of an irregular, triangular, or goreshaped lot, a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line.
- d. **Corner Side Lot Line:** A side lot line of a corner lot which abuts a street, which is not a front or rear lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

Lot Width: The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width within the buildable area.

Manufacturing Establishment: An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, good, or products.

Marquee or Canopy: A roofline structure of a permanent nature which projects from the wall of a building and may overhang the public way, and is designed and intended to protect pedestrians from adverse weather conditions.

Mobile Home: A trailer designed and constructed for dwelling purposes which contains cooking, sanitary and electrical facilities and has a gross area of three hundred (300) square feet or more.

Mobile Home Park: A parcel or tract of land with facilities for locating three (3) or more mobile homes and to be used solely for long term occupancy of mobile homes of a type designed to be transported after fabrication, on wheels, or a flat bed or other trailers or detachable wheels, and which are designed for permanent occupancy.

Motel: A building in which lodging rooms are provided and offered to the public for compensation and where each lodging room has a doorway opening directly to the outdoors. Facilities may include restaurants, cocktail lounges and meeting rooms. No more than fifty percent (50%) of the lodging rooms may be occupied or intended for occupancy by permanent guests.

Net Density: The ratio between total number of dwelling units on a site and total site area (in acres) including parks and common open space but exclusive of existing street and alley rights-of-way and all other non-residential uses.

Net Site Area: The area inside of lot lines exclusive of established or existing street and alley rights-of-way.

No-Access Strip: A strip of land along the rear lot line, adjoining a thoroughfare right-of-way, of a through lot, and which is designated on a recorded subdivision plat or a property deed as land over which motor vehicular travel shall not be permitted.

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

Non-Conforming Use: Any building or structure and the use thereof or the use of land that does not conform with the regulations of this ordinance or any amendment hereto governing use in the district in which it is located, but conformed with all of the codes, ordinances, and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.

Noxious Matter: Matter which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursery School: A facility for the education of five (5) or more children of pre-elementary school age.

Nursing Home or Rest Home: A building containing facilities for the care and home of aged, chronically ill, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons not members of the family residing on the premises are received, and provided with food, shelter, and care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

Off-Street Parking Area or Lot: Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or commercial off-street parking spaces when permitted herein by district regulations.

Office, Professional: Any office used primarily for accounting, consulting, correspondence, editing, administration and related services.

Open Sales Lot: Land used or occupied for the conduct of any non-accessory business, sales, service, storage or display of goods conducted outside completely enclosed buildings.

Outdoor Sales Area: That part of a lot adjacent to the principal building and used for outdoor sales, storage, or display of goods in conjunction with or accessory to the principal use.

Park: A large tract of land kept in a natural state with few or no buildings and usually reserved for passive open space and trails for the enjoyment and recreation of visitors and/or a landscaped village square.

Park, Large Active: A park in excess of 20 acres which, in addition to passive open space and trails, contains some active elements including but not limited to, sports fields, indoor sports fields, restaurant and concession facilities, tennis courts, golf courses, swimming pools or lakes, buildings and facilities which can house educational facilities, farming demonstrations, and other related uses. Large Active Parks, by definition, have unique impacts on surrounding properties and public and emergency services that warrant special conditions in the placement and operation of said Large Active Parks.

Party Wall: An interior wall of adjoining buildings - extending from its footing below grade to the underside of the roof, which divides and is in common use by such adjoining buildings.

Pawnbroker: Every owner, operator or employee engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger shall be deemed to be a pawnbroker.

Performance Standard: A criteria established to control smoke and particulate matter, noise, odor, toxic, or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

Periodic Church Use: Churches or other similar religious institutions operating from a structure regularly used by an existing and currently operating public school during such hours or days during which the public school does not regularly utilize the structure in question (example: A structure used for a public grammar school which does not regularly hold classes on Saturday or Sunday may be used by a church or other similar religious institution on Saturday or Sunday). For purposes of this definition only, a public school is considered to be “currently operating” if it has held regularly scheduled public school classes at the facility in question within the three months prior to the time of the Periodic Church Use, and if there are regularly scheduled school classes scheduled for the facility within the three months following the Periodic Church Use. For purposes of this definition only, a “public school” includes only a public elementary school, public junior high school, public high school, public college or public university.

Plan Commission: The Plan Commission of the Village of Montgomery, Illinois.

Planned Unit Development: A special use of a parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings and more than one (~) principal use - planned and constructed as a unified development where specific regulations of a given zoning district may be modified.

Principal Residence: The dwelling unit used by the resident(s) thereof as his or her primary residence for sleeping hours and the dwelling unit used by the resident(s) thereof for voter's registration and personal income tax returns and as his or her address for one or more of the following: driver's license, personal credit cards, post office residence, automobile registration, and other purposes.

Public Open Space: Any publicly-owned open area, including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways.

Public Utility: Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation of water.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

Research Laboratory: A building or group of buildings, in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Reservoir Parking Spaces: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment

Residential Community Library Kiosk: means a free-standing structure no larger than twenty-four (24) inches on any side and set on a post in a residential area that exists for the purpose of the community's self-service of literary or reference materials and/or books. The intent of the Residential Community Library Kiosk is to locate the kiosks in more centralized gathering locations, such as clubhouses, however, not to preclude Residential Community Library Kiosks from being installed on private residential zoning lots.

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

Satellite Antenna, Private: Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit. This definition includes, but is not limited to, satellite receivers, satellite dish antennae, satellite discs, direct broadcast systems (DSB's), and television reception only systems (TVRO's).

Self-Service Storage Facility: A structure or group of structures containing separate storage spaces of varying sizes that are rented out to different tenants who are to have access to such space for the purpose of storing and removing personal property.

Setback Line: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. Setback lines include front, interior side, corner side and rear. A building, structure, use or other obstruction shall not encroach into the area between the setback line and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this ordinance.

Shopping Center: A commercial development in excess of the (10) acres of land, improved with a structure containing three (3) or more distinct and separate retail businesses, also sharing common parking areas and access drives.

Shopping Plaza: A commercial development in excess of one (1) acre of land, improved with a structure containing three (3) or more distinct and separate retail businesses, also sharing common parking areas and access drives.

Sign: Any structure, vehicle, device, or any part thereof, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business and which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen by persons in the public right-of-way. The definition “sign” shall not, however, be interpreted as prohibiting any structure, vehicle, device of any part thereof used for the purpose of disseminating political, economic, social, or philosophical ideas entitles to constitutional protection as non-commercial speech. In any instance where this code would purport to prohibit any such activity, the conditions of this code shall be interpreted as permitting the utilization of a sign to express such non-commercial speech subject to such other limitations as are included in this code. Signs include the following types:

- a. **Advertising sign or billboard:** A commercial sign which directs attention to a business, commodity, service, activity, idea, slogan or entertainment each of a commercial nature conducted, sold, offered or available elsewhere than upon the property where such sign is located or to which it is affixed.
- b. **Business Sign:** A sign which directs attention to a business, commodity, service, activity, idea, slogan or entertainment conducted, sold, offered or available upon the premises where such sign is located or to which it is affixed.
- c. **Church Bulletin Board Sign:** A sign attached to the exterior of a church or located elsewhere on the church premises, and used to indicate the services or activities of the church and including its name, if desired.
- d. **Commercial Sign or Sign of a Commercial Nature:** Any sign, the content of which advertises or publicizes any business, commodity, service, activity, idea, slogan or entertainment conducted, sold, offered, or available by a person, corporation or entity which has as its goal or effect the distribution of profits to the owners of the advertising enterprise. In determining whether the form of advertising is commercial or non-commercial, the officials of the municipality shall determine whether the text of such advertising would be entitled to the protection accorded by the First Amendment of the United States Constitution.
- e. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use, except that time and/or temperature signs and barber poles as regulated in Section 12.00 shall not be construed to be flashing or to have moving parts.
- f. **Ground Sign:** A permanent sign which is supported by a solid base anchored to the ground. See examples of acceptable signs in the sign section for reference.
- g. **Identification Sign:** A sign used to display and identify the name of the individual, business, profession, organization, or institution occupying the premise upon which such sign is located.
- h. **Non-Commercial Sign or Sign of a Non-Commercial Nature:** Any sign, the content of which relates to a social, philosophical or similar idea which would be entitled to the protection of the First Amendment of the United States Constitution.
- i. **On-Site and Off-Site Signs:** On-site signs are commercial or non-commercial signs the content of which relate to commodities, services, activities, ideas, slogans or entertainment

offered at or relating to the zoning lot upon which the signs are placed. Off-site signs are commercial signs placed upon a zoning lot where the content of the sign relates to commodities, services, activities, ideas, slogans or entertainment not offered or relating to the zoning lot upon which the signs are placed.

- j. **Permanent Sign:** Any sign which is not a temporary sign, and which is designed to be in compliance with Articles 9, 10, and 12 of the BOCA Basic Building Code/1981.
- k. **Residential Development Sign:** A permanent ground sign placed at the major entrance to and identifying a multi-family development or multi-family planned unit development.
- l. **Real Estate Sign:** A business sign placed upon a property advertising that particular property for sale or for rent or for lease.
- m. **Temporary Sign:** A sign intended to be displayed a limited length of time.
- n. **Window Sign:** A temporary or permanent wall sign which is visible to persons in the public right-of-way and which is placed within or on the outside of a window or on the inside of a glass window, or on the inside of a building and within one (1) foot of a window.

Sign Face: The surface of a sign or sign board upon, against, or through which a message is displayed.

Single Ownership: A lot in single ownership is one where the owner does not own adjoining vacant property.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it. The floor of a story may have split levels provided that there are not more than four (4) feet of difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third ($1/3$) the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

Story, Half: A half-story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half ($4\frac{1}{2}$) feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half-story in a sloping room shall not be counted as a story.

Street: A public or private right-of-way or easement which is designated as a permanent right-of-way easement for common use as the primary means of vehicular access to properties abutting on it.

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

Street Line: The street right-of-way line abutting a property line of a lot.

Structure: Anything constructed or erected, the use of which requires a permanent location on or in the ground or attached to something having a permanent location on or in the ground, including, but without limiting the generality of the foregoing, signs, back stops for tennis courts, and pergolas.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

Swimming Pool, Commercial or Public: A swimming pool and the apparatus and equipment pertaining to the swimming pool, open to members upon payment of an hourly, daily, weekly, monthly, annual or other fee, or to the public whether or not an admission fee is charged.

Swimming Pool, Private: A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Toxic Materials: A substance (liquid, solid or gaseous) which, by reason of an inherent deleterious property, tends to destroy life or impair health, as in accordance with I.E.P.A. standards.

Trailer: A vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet the building code requirements, and has been reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" includes "camper" and "house car". A permanent foundation shall not change its character nor shall the erecting of additions to said trailer, unless the trailer and any additions conform to all Village laws.

Trailer, Sports or Camping: A trailer designed for camping or other recreational purposes.

Use: The purpose or activity for which the land, buildings and structures thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

- a. **Lawful Use:** The use of any building, structure, or land that conforms with all of the regulations of this ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this ordinance or any amendment thereto, for the structure or land that is being examined.
- b. **Mixed Use:** A mix of land uses within an area which include a combination of two or more of the following land use classifications: business/commercial/retail, institutional, civic, public and residential. Mixed Use can also include a combination of two or more of the following uses in one building: business/commercial/retail, institutional, civic, public and residential.
- c. **Non-Residential Use:** Any use that is not a Residential Use including Mixed Use.
- d. **Permitted Use:** Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this ordinance for the district in which such use is located.
- e. **Principle Use:** The main use of land or building as distinguished from a subordinate or accessory use.
- f. **Residential Use:** Residential uses include single-family, two-family and multi-family uses.

- g. **Special Use:** A use that has operational, physical and other characteristics that may be different from those of the permitted uses in a district, but which is a use that upon compliance with special standards is compatible with the intended overall development within a district.
- h. **Temporary Use:** Any use designated, operated, built or occupied for short or intermittent periods of time and may include tents, trailers any other structures on wheels or other supports for business, educational or recreational purposes.

Vehicle, Motor: Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

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

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

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

- a. **Corner Side Yard for Residential Uses:** A yard which is bounded by the front facade of a principle building or structure, corner side setback line, rear yard line and a corner side lot line. A building, structure, use or other obstruction shall not encroach into the corner side yard except for such permitted obstructions as are set forth in this ordinance. For planning or subdivision platting purposes if there is no principle building or structure on site than the front yard setback line shall be used in its place until a principle building or structure is proposed.
- b. **Corner Side Yard for Non-Residential Uses:** A yard which is bounded by the front setback line, corner side setback line, rear yard line and a corner side lot line. A building, structure, use or other obstruction shall not encroach into the corner side yard except for such permitted obstructions as are set forth in this ordinance.
- c. **Front Yard for Residential Uses:** A yard which is bounded by the interior side lot lines or interior side lot line and corner side lot line, front lot line, and the front facade of a principle building or structure. A building, structure, use or other obstruction shall not encroach into the front yard except for such permitted obstructions as are set forth in this ordinance. For planning or subdivision platting purposes if there is no principle building or structure on site than the front yard setback line shall be used in its place until a principle building or structure is proposed.
- d. **Front Yard for Non-Residential Uses:** A yard which is bounded by the interior side lot lines or interior side lot line and corner side lot line, front lot line, and the front setback line. A building, structure, use or other obstruction shall not encroach into the front yard except for such permitted obstructions as are set forth in this ordinance.
- e. **Interior Side Yard for Residential Uses:** A yard which is bounded by the rear setback line, side setback line, side lot line and the front façade of a principle building or structure. A building, structure, use or other obstruction shall not encroach into the interior side yard except for such permitted obstructions as are set forth in this ordinance. For planning or

subdivision platting purposes if there is no principle building or structure on site than the front yard setback line shall be used in its place until a principle building or structure is proposed.

- f. **Interior Side Yard for Non-Residential Uses:** A yard which is bounded by the rear setback line, side setback line, side lot line and the front setback line. A building, structure, use or other obstruction shall not encroach into the interior side yard except for such permitted obstructions as are set forth in this ordinance.
- g. **Rear Yard:** A yard which is bounded by interior side lot lines or interior side lot line and corner side lot line, rear lot line, and the rear setback line. A building, structure, use or other obstruction shall not encroach into the rear yard except for such permitted obstructions as are set forth in this ordinance.

Zero Lot Line: A single family residence established on a zoning lot with one side of the structure coterminous with one interior side lot line of the adjacent zoning lot.

Zoning Officer: The person charged with the responsibility of administering and enforcing the Montgomery Zoning Ordinance.

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

Section 4.00 – GENERAL PROVISIONS

4.01 INTERPRETATION

1. **MINIMUM REQUIREMENTS.** The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. **RELATIONSHIP WITH OTHER LAWS.** Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are more restrictive or less restrictive than comparable conditions imposed by any other provision herein or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
3. **EFFECT OF EXISTING AGREEMENTS.** The ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of the ordinances are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements herein shall govern.

4.02 SEPARABILITY

It is hereby declared to be the intention of the Village of Montgomery that the several provisions of this comprehensive amendment are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this comprehensive amendment to be invalid, such judgment shall not affect any other provision not specifically in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this comprehensive amendment to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

4.03 SCOPE OF REGULATIONS

1. **CHANGE IN STRUCTURES OR USE.** Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargement of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.
2. **NON-CONFORMING BUILDINGS STRUCTURES AND USES.** Any lawful building, structure or use existing on the effective date of this zoning ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, subject to the provisions of Section 5.00.
3. **BUILDING PERMITS.** Where a building permit for a building or structure has been issued in accordance with a law prior to the effective date of the ordinance and provided that construction is begun within ninety (90) days of such effective date and completed within eighteen (18) months, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may upon

completion be occupied under a certificate of occupancy by the use for which originally designated subject to the provisions of Section 5.00.

4.04 USE AND BULK REGULATIONS

1. USE. No building, structure or land or part thereof shall hereafter be erected, raised, moved, converted, extended, enlarged, or structurally altered except in conformity with the regulations herein specified for the district in which it is located unless otherwise stated in this ordinance.
2. BULK. All new buildings and structures shall conform to the bulk regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Village of Montgomery.

4.05 LOT COVERAGE AND AREA

1. MAINTENANCE OF YARDS COURTS AND OTHER OPEN SPACES. The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space, or minimum lot area allocated to any building, shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.
2. DIVISION OF ZONING LOTS. No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
3. LOCATION OF REQUIRED OPEN SPACE. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
4. REQUIRED YARDS FOR EXISTING BUILDINGS. No yards now or hereafter provided for a building existing on the effective date of this zoning ordinance shall subsequently be reduced below, or further reduced below if already less than the minimum yard requirements of the ordinance for equivalent new construction.
5. CONTINUOUS PARCELS. When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the district in which they are located, are contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.
6. LOTS OR PARCELS OF LAND OF RECORD. Any single lot or parcel of land, held in one (1) ownership, which was of record at the time of adoption of the ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or useable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions and areas.

7. SETBACK ESTABLISHED. On every zoning lot a front yard of not less than that required by the zoning district shall be provided. However, where lots within the same block and comprising forty percent (40%) of the frontage on the same street are already developed on the effective date of this ordinance with front yards with an average depth of less than the required front yard, then such average depth of those improved lots shall be the minimum required front yard depth for such frontage in said block. Surveys shall be required for each lot to determine the average front yard.

8. Residential Lot Coverage Standards

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Lot Coverage (35%)	Proposed Maximum Lot Coverage for Principle Structures and Driveways.	Proposed Maximum Lot Coverage for All Structures (e.g. house, driveway, patio and etc.)
E-R Estate	18,500	125	6,475	35%	45%
R-1 One-Family	14,000	100	4,900	35%	45%
R-2 One-Family	11,000	75	3,850	40%	50%
R-3 Traditional Neighborhood	9,000	75	3,150	40%	50%
R-4 Traditional Neighborhood	7,200	60	2,520	45%	55%
R-5A Two-Family	7,200 Single 9,000 Two-Family	60 75	2,520 3,150	60%	70%
R-5B Attached Single Family	11,000 Single 9,000 Two-Family	75	3,850 3,150	65%	75%
R-6 Multiple Family	7,200 Single 9,000 Multiple	75	2,520 3,150	65%	75%

The maximum lot coverage noted herein is subject to a Village engineering review if the Village staff determines that unique circumstances related to the specific drainage area in question requires further review. If that review determines, based in generally accepted engineering principles, that reduced lot coverage is required to maintain proper drainage for the drainage area in which said lot is located a lower maximum shall be imposed for the lot or lots in question.

4.06 ACCESSORY BUILDINGS AND USES

I. PERMITTED YARD OBSTRUCTIONS. The following table regulates permitted obstructions in yards and easements. A permitted yard obstruction is noted with a letter “P” indicating that the listed item is permitted to be located in the front, corner side, side, or rear yard or in an easement which lies concurrent to that permitted yard. Accessory structures and uses not listed in this table shall be considered to be prohibited yard obstructions. Accessory structures and uses listed in this table shall conform with the bulk regulations in this ordinance. The table also indicates if a permit is required with “Y” for yes and “N” for no. Bulk Regulation Diagrams have also been provided for reference.(See **Table of Permitted Yard Obstructions** next page)

2. LOCATION. No part of an accessory building shall be located closer than three (3) feet to the interior side lot line. No part of an accessory building shall be located closer than three (3) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard, except where there is an accessory building with doors opening onto an alley such building shall not be located closer than five (5) feet to the rear lot line. In a residential district, no detached accessory building shall be closer than ten (10) feet to the principal building.
3. TIME OF CONSTRUCTION. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
4. PERCENTAGE OF REQUIRED YARD OCCUPIED. No principle or accessory building or buildings shall occupy more than the allowable yard area as specified in each zoning district; see specific zoning districts for regulations.
5. HEIGHT OF ACCESSORY BUILDINGS. Accessory buildings shall be measured as in *Appendix A (A-10) "Building Height Measurement"*.
 - a. *Residential*. No accessory building shall exceed fifteen (15) feet in height.
 - b. *Non-residential*. No accessory building shall exceed twenty (20) feet in height.

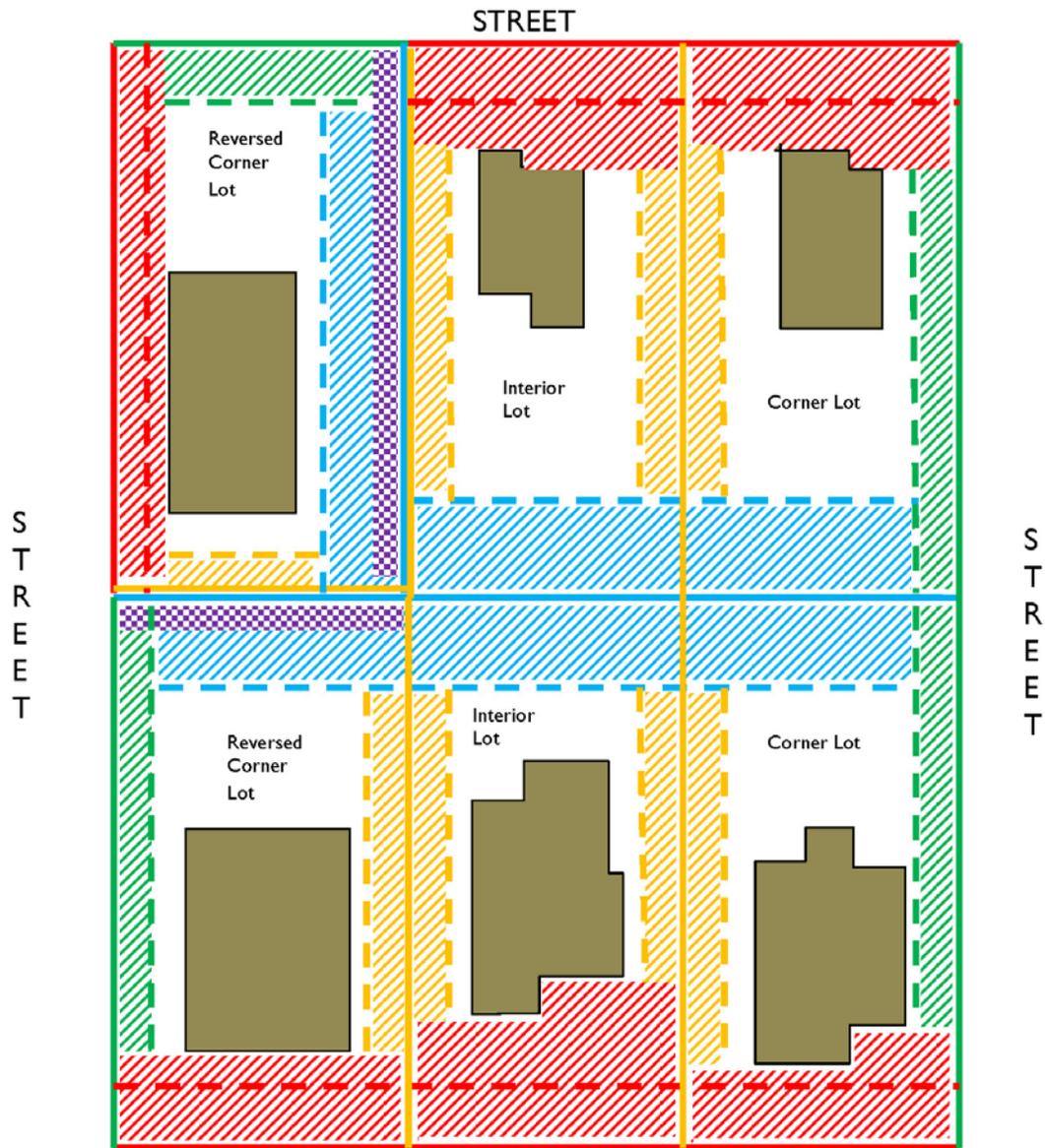
Table of Permitted Yard Obstructions

STRUCTURE OR USE (See Sections 4.06(2)-4.06(7) for additional requirements)	FRONT YARD	CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD	EASEMENT	PERMIT REQUIRED
Air conditioner window units, not projecting more than 18 inches	P	P	P	P		N
Air conditioner condenser unit			P	P		N
Animal houses, in residential districts, for domestic animals, not to exceed sixteen (16) square feet in area and four (4) feet in height			P	P		N
Antenna, freestanding, for non-commercial purposes				P		N
Arbors and trellises, attached or detached	P	P	P	P		N
Pergolas, attached or detached	P	P	P	P		Y
Architectural ornamentation, e.g. sills, belt courses, cornices not projecting more than eighteen (18) inches	P	P	P	P		N
Manual or Power Awnings and canopies, in residential districts, projecting no more than thirty-six (36) inches from the structure	P	P	P	P		N
Awnings and canopies, in non-residential districts, projecting no more than forty-eight (48) inches from the structure	P	P	P	P		Y
Basketball backboards, located no less than six (6) feet from any public sidewalk and five (5) feet from any lot line	P	P	P	P		N
Balconies, projecting no more than sixty (60) inches from the structure but not less than five (5) feet from any property line	P	P	P	P		Y
Barbeque grills, in-ground				P		N
Bay windows, having no foundation and projecting no more than thirty-six (36) inches from the structure	P	P	P	P		Y
Cabanas				P		Y
Carports, attached			P	P		Y
Children's playhouse, not to exceed forty (40) square feet in area with no permanent foundation				P		N
Chimneys, having no foundation and projecting no more than twenty-four (24) inches from the structure	P	P	P	P		N
Decks, open to the sky and less than thirty-six (36) inches above the ground under the deck			P	P		Y
Decks, permanently roofed-over				P		Y
Dog runs, in residential districts, open to the sky and not to exceed thirty-two (32) square feet in area				P		N
Driveways and walkways	P	P	P	P		Y
Eaves and gutters, projecting no more than thirty-six (36) inches from the structure	P	P	P	P		Y
Fall-out, storm shelters, attached or detached, above or below grade				P		Y
Fences and walls in accordance with Section 4.06(7)	P	P	P	P	P*	Y

STRUCTURE OR USE (See Sections 4.06(2)-4.06(7) for additional requirements)	FRONT YARD	CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD	EASEMENT	PERMIT REQUIRED
Fire escapes, open to the elements and projecting no more than five (5) feet from the structure	P	P	P	P		N
Fireplace, permanent outdoor				P		Y
Flag poles, the height of which shall not exceed thirty (30) feet and not less than five (5) feet from the property line	P	P	P	P		N
Garages and carports, detached in accordance with Section 13.0				P		Y
Garden ponds, fountains				P		N
Gardens, vegetable, crop			P	P	P*	N
Gazebos				P		Y
Greenhouse, private				P		Y
Ground Mounted Solar Energy Systems in accordance with Section 4.06(11)				P		Y
Lamp posts	P	P	P	P		N
Laundry drying (clotheslines)				P	P*	N
Lawn and garden ornaments, sculpture and statuary, and garden furniture (non-structural)	P	P	P	P	P*	N
Outdoor storage of firewood			P	P	P*	N
Outdoor storage, in Non-Residential Districts in accordance with district requirements for Special Uses			P	P		Y
Parking/storing boats, trailers, campers, recreational vehicles and trucks**			P	P		N
Parking spaces and aisles, loading berths, except covered or enclosed, in accordance with Section 13.0 and bulk regulations for each district			P	P		Y
Patios and terraces			P	P		Y
Patio, permanently roofed-over				P		Y
Porches, projecting no more than eight (8) feet from the structure and not less than five (5) feet from any property line	P	P	P	P		Y
Portico chere, projecting no more than fourteen (14) feet from the structure		P	P	P		Y
Recreational equipment, structural, e.g. childrens' fort with foundation or mounted to the ground				P		N
Recreational equipment, non-structural/moveable, e.g. childrens' swing set				P	P*	N
Residential Community Library Kiosks, located no more than 3 ft. from property line. Also, may not be placed within corner sight triangle on in any right of way areas.	P	P		P	P*	Y
Satellite antennas, freestanding in accordance with Section 4.06(8)				P		Y
Sheds (tool/garden) or similar buildings or structures for domestic storage purposes (motor vehicle storage of cars,				P		Y

STRUCTURE OR USE (See Sections 4.06(2)-4.06(7) for additional requirements)	FRONT YARD	CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD	EASEMENT	PERMIT REQUIRED
trucks, vans etc is prohibited) with a maximum size of 200 square feet						
Shrubs, flowers	P	P	P	P	P*	N
Signs and nameplates, in accordance with Section 12.0	P	P	P	P		Y
Steps, at, above or below the first floor level	P	P	P	P		Y
Swimming pools, hot tubs, Jacuzzi and outdoor spas				P		Y
Tennis, basketball courts, private				P		N
Trash receptacles and enclosures			P	P		N
Trash receptacle enclosures in Non-Residential Districts			P	P		Y
Trees	P	P	P	P		N
Utility meters, distribution boxes, pedestals and other above ground appurtenances	P	P	P	P		N
Utility Scale Solar Energy Systems in accordance with Section 4.06(11)				P		Y
TM-SWET in accordance with Section 4.06(10)		P	P	P		Y
US-SWET in accordance with Section 4.06(10)		P	P	P		Y
Windmills that are antique or decorative (and non-power generating), not exceeding 65 feet in height, with a setback equal to the height of the windmill from all property lines, in the R-1 & R-2 Residential districts only.			P	P		N
* The permitted obstruction may not impede the flow of water through a drainage easement as determined by the Village Engineer						
** In accordance with Montgomery Code of Ordinances Chapter 11, Article II, Section 11-51						
*** In accordance with Section 12A.03(C)(22) Easements						

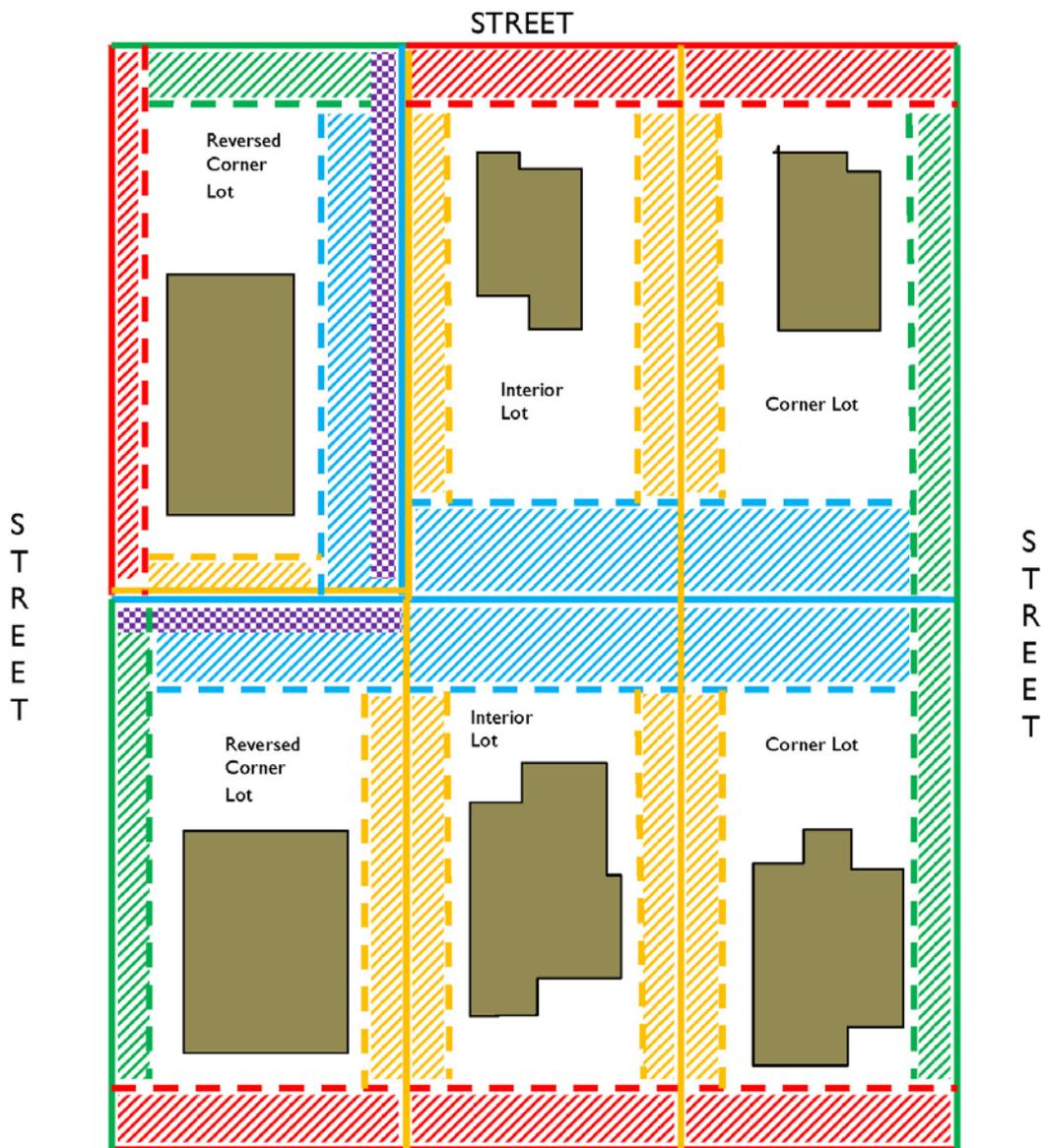
Residential Use Bulk Regulation Diagram



<p>Buildings prohibited in rear 5 feet on Reversed Corner Lots</p> <p>Front Lot Line</p> <p>Rear Lot Line</p> <p>Side Lot Line</p> <p>Corner Side Lot Line</p>	<p>Buildable Area: The space remaining on a zoning lot after the minimum yard requirements have been complied with.</p> <p>Front Setback Line</p> <p>Rear Setback Line</p> <p>Interior Side Setback Line</p> <p>Corner Side Setback Line</p>	<p>Building</p> <p>Front Yard</p> <p>Rear Yard</p> <p>Interior Side Yard</p> <p>Corner Side Yard</p>

Not to Scale.
For Reference
Purposes Only.

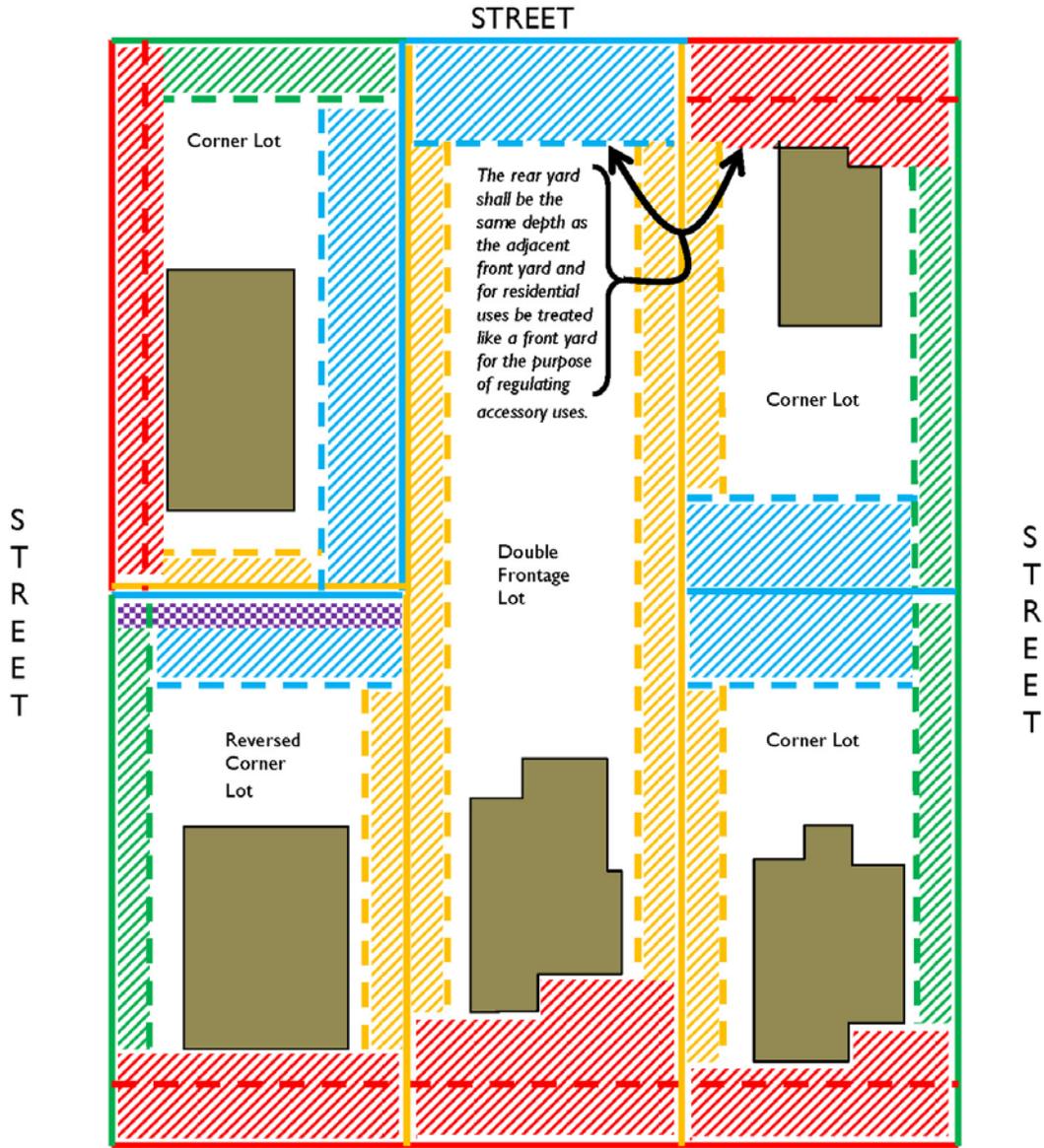
Non-Residential Use Bulk Regulation Diagram



Buildings prohibited in rear 5 feet on Reversed Corner Lots		Buildable Area: The space remaining on a zoning lot after the minimum yard requirements have been complied with.		Building	
Front Lot Line		Front Setback Line		Front Yard	
Rear Lot Line		Rear Setback Line		Rear Yard	
Side Lot Line		Interior Side Setback Line		Interior Side Yard	
Corner Side Lot Line		Corner Side Setback Line		Corner Side Yard	

Not to Scale. For Reference Purposes Only.

Double Frontage Lot Diagram



STREET

Not to Scale.
For Reference
Purposes Only.

Buildings prohibited in rear 5 feet on Reversed Corner Lots		Buildable Area: The space remaining on a zoning lot after the minimum yard requirements have been complied with.		Building	
Front Lot Line		Front Setback Line		Front Yard	
Rear Lot Line		Rear Setback Line		Rear Yard	
Side Lot Line		Interior Side Setback Line		Interior Side Yard	
Corner Side Lot Line		Corner Side Setback Line		Corner Side Yard	

4. LOTS

- a. ON REVERSED CORNER LOTS. On a reversed corner lot in a residential district accessory buildings (garages, gazebos, porches, sheds for example) or portions thereof are prohibited within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.
- b. ON DOUBLE FRONTAGE LOTS. The rear yard and corresponding rear setback line shall be the same depth as the front yard of the adjacent lot. If there are varied front yards on either side of a double frontage lot then the deeper front yard shall be used. For example, if one front yard is twenty (20) feet and the other is twenty-five (25) feet the twenty-five (25) foot yard shall be used. However, for residential uses the rear yard shall adhere to the same restrictions for open space and accessory uses and structures as if it was a front yard. For example, if a shed, swimming pool, and a six (6) foot fence are prohibited in the front yard, they would also be prohibited in the rear yard for a double frontage lot. If the lots on both sides of the double frontage lot are also double frontage lots then the rear yard shall adhere to the districts rear yard requirement. **(see Double Frontage Lot Definition)**

7. ADDITIONAL STANDARDS REGULATING FENCES WALLS AND HEDGES.

- a. *Permit Required:* A building permit shall be obtained prior to installing or replacing a fence. Application for a building permit shall include a description of the type of fence, height of the fence and total linear feet of fence to be installed and a copy of the plat of survey indicating lot dimensions, all easements and where the fence is to be located on the lot; a landscape plan shall also be provided if applicable.
- b. *Prohibited Fences:* The following fence types are expressly prohibited in all zoning districts unless permitted in this ordinance, annexation agreements Planned Unit Developments or any other development related agreements or ordinances: plastic snow fences. Plastic snow fences may be used on a temporary basis during times of snow cover, for fencing off areas of construction and utility work or other similar temporary uses pursuant to a valid building permit as approved by the Director of Community Development.
- c. *Fence Height:*
 - i. Residential Districts.

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances fences shall not exceed the maximum height as listed in the Residential District Fence Height Table for the uses identified. The height of a fence shall be measured from the average grade of the lot to the top of the fence panel. Any combination of decorative landscape berming and fencing may not exceed the specified height limits for that yard.

Residential District Fence Height Table

Use	Yard	Maximum Fence Height in Feet
Residential	Front	3' or 4' if an open fence
	Corner Side	6'

Use	Yard	Maximum Fence Height in Feet
	Interior Side	6' or 8' if adjacent to a non-residential district
	Rear	6' or 8' if adjacent to a non-residential district
	Buildable Area	6'
Non-Residential	Front	3' or 4' if an open fence
	Corner Side	6'
	Interior Side	6' or 8' if adjacent to a non-residential district
	Rear	6' or 8' if adjacent to a non-residential district
	Buildable Area	6'
Public or Private Utilities (water, gas, electric etc.)	Front	8'
	Corner Side	8'
	Interior Side	8'
	Rear	8'
	Buildable Area	8'
Public Parks or Schools	Front	15'
	Corner Side	15'
	Interior Side	15'
	Rear	15'
	Buildable Area	15'

ii. Non-Residential Districts.

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances fences shall not exceed the maximum height as listed in the Non-Residential District Fence Height Table for the uses identified. The height of a fence shall be measured from the average grade of the lot to the top of the fence panel. Any combination of decorative landscape berming and fencing may not exceed the specified height limits for that yard.

Non-Residential District Fence Height Table

Use	Yard	Maximum Fence Height in Feet
Non-Residential	Front	3' or 4' if an open fence in MD, B-1, B-2 and B-3 Districts and 8' in all other districts
	Corner Side	3' or 4' if an open fence in MD, B-1, B-2 and B-3 Districts and 8' in all other districts
	Interior Side	6' in MD, B-1, B-2 and B-3 Districts and 8' in all other districts

Use	Yard	Maximum Fence Height in Feet
	Rear	6' in MD, B-1, B-2 and B-3 Districts and 8' in all other districts
	Buildable Area	6' in MD, B-1, B-2 and B-3 Districts except 3' or 4' if an open fence between the Front Yard and the front façade of the building in MD, B-1, B-2 and B-3 Districts and 8' in all other districts
Public or Private Utilities (water, gas, electric etc.)	Front	8'
	Corner Side	8'
	Interior Side	8'
	Rear	8'
	Buildable Area	8'
Public Parks or Schools	Front	15'
	Corner Side	15'
	Interior Side	15'
	Rear	15'
	Buildable Area	15'

d. *Chain Link Fences:*

i. Residential Districts.

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances chain link fences shall be prohibited except chain link fences shall be permitted for Public Park and School property in all yards and buildable area and shall be black vinyl coated and landscaped per Section 12A.03(E)(3)(b). Landscaping shall only be required for perimeter fencing not for tennis courts, ball fields, basketball courts etc. Landscaping shall be placed between the property line and the fence for screening purposes. Chain link fences may also be used (without complying with the design requirements of black vinyl coating and landscaping) for temporary fencing off of areas of construction and utility work or other similar temporary uses pursuant to a valid building permit as approved by the Director of Community Development.

ii. Non-Residential Districts.

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances chain link fences shall be permitted as indicated in the Non-Residential District Chain Link Fence Table for the uses identified. If permitted, the chain link fence shall be black vinyl coated and landscaped as indicated. For public park and school property landscaping shall only be required for perimeter fencing not for tennis courts, ball fields, basketball courts etc. Landscaping shall be placed between the property line and the fence for screening purposes. Chain link fences may also be used (without complying with the design requirements of black vinyl coating and

landscaping) for temporary fencing off of areas of construction and utility work or other similar temporary uses pursuant to a valid building permit as approved by the Director of Community Development.

Non-Residential Chain Link Fence Table

Use	Yard	Chain Link
Non-Residential	Front	Not Permitted
	Corner Side	Not Permitted
	Interior Side adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Rear adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Interior Side adjacent to residential district	Not Permitted
	Rear adjacent to residential district	Not Permitted
	Buildable Area	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
Public or Private Utilities (water, gas, electric etc.)	Front	Not Permitted
	Corner Side	Not Permitted

Use	Yard	Chain Link
	Interior Side adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Rear adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
	Interior Side adjacent to residential district	Not Permitted
	Rear adjacent to residential district	Not Permitted
	Buildable Area	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(2)(b)
Public Parks or Schools	Front	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Corner Side	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Interior Side adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Rear adjacent to non-residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Interior Side adjacent to residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Rear adjacent to residential district	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)
	Buildable Area	Permitted, black vinyl coated and landscaped per Section 12A.03(E)(3)(b)

e. *Barbed/Razor Wire:*

i. Residential Districts.

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances the use of barbed/razor wire shall be prohibited.

ii. Non-Residential Districts.

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances the use of barbed/razor wire shall be permitted as indicated in the Non-Residential District Barbed/Razor Wire Fence Table for the uses identified.

Non-Residential Barbed/Razor Wire Fence Table

Use	Yard	Barbed/Razor Wire
Non-Residential	Front	Not Permitted
	Corner Side	Not Permitted
	Interior Side adjacent to non-residential district	Permitted but not in MD, B-1, B-2 and B-3 Districts
	Rear adjacent to non-residential district	Permitted but not in MD, B-1, B-2 and B-3 Districts

Use	Yard	Barbed/Razor Wire
	Interior Side adjacent to residential district	Not Permitted
	Rear adjacent to residential district	Not Permitted
	Buildable Area	Permitted but not in MD, B-1, B-2 and B-3 Districts
Public or Private Utilities (water, gas, electric etc.)	Front	Permitted
	Corner Side	Permitted
	Interior Side adjacent to non-residential district	Permitted
	Rear adjacent to non-residential district	Permitted
	Interior Side adjacent to residential district	Permitted
	Rear adjacent to residential district	Permitted
	Buildable Area	Permitted
Public Parks or Schools	Front	Not Permitted
	Corner Side	Not Permitted
	Interior Side adjacent to non-residential district	Not Permitted
	Rear adjacent to non-residential district	Not Permitted
	Interior Side adjacent to residential district	Not Permitted
	Rear adjacent to residential district	Not Permitted
	Buildable Area	Not Permitted

- f. *Vision clearance - corner lots/service drives:* In any district no solid fence, wall, hedge or shrubbery which exceeds three (3) feet above the street grade nearest thereto shall be permitted within the sight distance triangle formed: (1) at the intersection of any two (2) street right-of-way lines; and/or the intersection of any street right-of-way lines with any service entrance drive (both sides of such drive), by a line drawn between such right-of-way lines, and/or such right-of-way line and service entrance drive line, at a distance along such line of twenty-five (25) feet from the point of intersection thereof. The height may be increased to four (4) feet where the fence is an open fence.
- g. *Fences, detention/retention areas:* Fences shall not be installed in or through a storm water detention or retention pond, or shall a fence be installed less than ten (10) feet from the inlet or outlet opening or less than such greater distance as may be required by generally accepted engineering principles, as approved by the Village Engineer.
- h. *Fences, drainage and utility easements:* Fences may be installed in or across a drainage easement provided that the bottom of the fence has a vertical clearance of not less than eight (8) inches or such greater clearance as may be required by generally accepted engineering principles, as approved by the Village Engineer. The vertical clearance shall be maintained for the entire length of that portion of the fence that is installed in or across the drainage easement.

- i. *Fences for tennis courts and swimming pools:* Fences for tennis courts shall not exceed twelve (12) feet in height. Fences for tennis courts must be erected no less than five (5) feet from a lot line and the finished side of the fence shall face outward or away from the lot on which the fence is erected. Fences for outdoor swimming pools shall meet the requirements as set forth in the International Building Code, adopted pursuant to the Montgomery Village Code.
- j. Metal fences installed to enclose electrical supply stations having energized electrical equipment shall be a minimum of seven (7) feet in height and shall be effectively grounded.
- k. No wires, poles or pickets at the top of a fence shall have pointed ends or edges less than one-half (1/2) inch in width or diameter.
- l. All metal fences shall be at least nine (9) gauge wire or a minimum of .148 inches.
- m. A fence, including all posts, bases and other structural parts, shall be located completely within the boundaries of the lot on which it is located. No fences shall be located closer than twelve (12) inches to a public sidewalk.
- n. All fences must be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
- o. It shall be the responsibility of the owner and/or occupant of the property where a fence is erected to maintain the fence in good repair at all times. If a fence is found to be in a deteriorated condition and/or in need of repair, the Director of Community Development may order the fence to be repaired, replaced or removed depending upon the condition of the fence. Such order shall be in writing.
- p. Trellises and privacy screening must meet setback requirements for the primary structure on the lot or be regulated as fences.

8. TELECOMMUNICATIONS TOWERS.

a. *General Requirements*

- 1. **Compliance with Open Space Provisions.** Property on which antenna towers, dishes and personal wireless service facilities, and all related equipment and structures is located shall comply with the open space regulations of the underlying zoning district.
- 2. **Non-Compliance with Requirements of this Section.** Antenna towers, dishes and personal wireless service facilities which do not comply with the requirements of this section may be authorized only in accordance with the procedures for Special Uses. However, all antenna towers and dishes shall be constructed to meet or exceed the minimum wind velocity and construction standards specified herein and contained in the Building Code.

- a. **Monopole Towers Required.** No antenna tower constructed in the Village may be of a windmill (or open lattice) type design or construction. All towers shall be of a monopole design.
3. **Number Permitted**
 - i. A one or two story building is allowed either (1) roof-mounted antenna tower, dish, or personal wireless service facility, or one (1) ground-mounted dish.
 - ii. A three or four story building is allowed one (1) ground mounted antenna tower, dish, or personal wireless service facility, as well as four (4) roof-mounted antenna towers, dishes, or personal wireless service facilities.
 - iii. Buildings of five or more stories are allowed one (1) ground-mounted antenna tower, dish, or personal wireless service facility, as well as ten (10) roof-mounted roof-mounted antenna towers, dishes, or personal wireless service facilities.
4. *Additional Use Permitted on Lot.* A different existing use or structure on the same lot shall not preclude the installation of antenna towers, dishes or personal wireless service facilities on such lot. For purposes of determining whether the installation of antenna towers, dishes or personal wireless service facilities comply with district bulk regulations, including but not limited to, setback and lot requirements, the dimensions of the entire zoning lot shall control, even though the antenna towers, dishes or personal wireless service facilities may be located on leased property within such zoning lot(s).
5. *Screening.* The base of all ground mounted antenna towers, dishes and personal wireless service facilities, shall be screened by a fence and landscaping, or other means as determined appropriate by the Director of Community Development. Landscaping shall be designed to screen not only the antenna tower, dish, or personal wireless service facility, but also any associated structures or equipment. Landscaping shall be in accordance with requirements of Section 12A.0.
6. *Measuring Height of Ground Mounted Antenna Towers, Dishes or Personal Wireless Service Facilities.* Except where otherwise specified, the measurement of the height of ground mounted antenna towers, dishes and personal wireless service facilities above grade shall include antenna, tower, base pad, and other apparatuses and shall be measured from the established grade.
7. *Lighting.* No signals or lights or illumination shall be permitted on antenna towers, dishes or personal wireless service facilities unless required by the Federal Communications Commission, the Federal Aviation Administration or the Village.
8. *Signage.* No commercial advertising shall be allowed on any antenna towers, dishes or personal wireless service facilities.
9. *Compatibility of Appearance.* Ground mounted antenna towers, dishes, and personal wireless service facilities shall be neutral in color; and, to the extent possible, compatible in appearance and character with the surrounding neighborhood. Roof-mounted antenna towers, dishes, or personal wireless service facilities, and their accompanying support structures; shall be neutral in color or of a color and material which matches the exterior of the building or structure on which they are mounted. Dish antennas

greater than two feet (2') in diameter, when mounted on a building or rooftop shall be located or screened so as not to be visible from the adjacent properties and/or right-of-way.

10. *Abandonment.* In the event the use of any antenna tower, dish or personal wireless service facility has been discontinued for a period of one hundred and eighty (180) consecutive days, the antenna tower, dish or personal wireless service facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Director of Community Development who shall have the right to request documentation and/or affidavits from the antenna tower, dish or personal wireless service facility's owner/operator regarding the issue of the personal wireless service facilities' use.
- i. Those who wish to construct a telecommunications tower shall include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal of no more than ninety (90) days.
 - ii. Upon written notice of such abandonment by the Director of Community Development, the owner/operator of the antenna tower, dish or personal wireless service facility shall have an additional ninety (90) days within which to:
 1. Activate the use of the facilities or transfer the facilities to another owner/operator who makes actual use of the facilities, or
 2. Dismantle and remove the facilities, at full cost and expense to the owner(s). At the earlier date of either one hundred and eighty (180) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any conditional use and/or variance approval for the antenna tower, dish and personal wireless service facility shall automatically expire.
 - iii. On or before the issuance of any building permits for a telecommunications tower, the applicant shall establish a "Security Fund" with the Village, in the form of an unconditional letter of credit, surety bond, or other instrument, in form and substance acceptable to the Village Attorney. The amount of the Security Fund shall be set by the Village Board of Trustees at a level sufficient to fund any costs incurred by the Village in removing the telecommunications tower, and also sufficient to cover a minimum of six (6) months rent if the tower is leasing, renting, or otherwise located on Village property. At a minimum, the letter of credit, surety bond, or other instrument shall:
 1. Provide that it shall not be canceled without prior notice of the Village;
 2. Not require the consent of any person other than the proper Village official prior to collection by the Village of any amounts covered by said letter of credit, surety bond, or other instrument. The Security fund shall be continuously maintained in accordance with this section at Owner's/Lessor's sole cost and expense.

- iv. The Security Fund shall serve as security for:
 - 1. The faithful performance by the Owner of all provisions of the Montgomery Municipal Code;
 - 2. Any expenditure, damage, or loss incurred by the Village occasioned by the Owner's failure to comply with all codes, ordinances, rules, regulations, orders, permits, the final plans and specifications and other directives of the Village issued pursuant to this agreement; and
 - 3. The payment by the owner of all liens and taxes and all damages, claims, costs or expenses that the Village has paid or incurred by reason of any act or default of the Owner including, without limitation, any removal or restoration work that the Village must perform itself or have completed as a consequence of the Owner's failure to so perform or complete, and all other payments due the Village from the Owner pursuant to this Agreement.
 - v. Nothing contained within this agreement shall be construed to limit the damages or recovery of the Village, or the liability of the Owner/Lessor of the tower to the amount specified in the Security Fund.
 - vi. At any time, should any additional users of the telecommunications tower be added, they too shall complete a similar Security Fund agreement and the amount required to be held in the Security Fund of each individual user of the telecommunications tower will be increased to reflect any additional costs related to removal or other above-specified costs incurred as a result of the extra antennas, wires, hardware, or any other related instrumentalities that would incur greater cost of removal than that originally specified by the Village.
11. *Conflicts.* Where conflicts exist between this section and the remainder of the Zoning Ordinance, the provisions of this section shall govern.
12. *Federal Requirements.* All personal wireless service facilities must meet or exceed the current standards and regulations of the Federal Aviation Administration, Federal Communications Commission and any other agency of the federal government with the authority to regulate personal wireless service facilities. If such standards and regulations are changed, then the owner(s) of the personal wireless service facilities governed by this section shall bring such facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such facilities into compliance with such revised standards and regulation shall constitute grounds for the removal of the personal wireless service facilities at the owner's expense.
13. *Equipment.* Mobile or immobile equipment not used in direct support of a personal wireless service facility shall not be stored or parked on the site of a personal wireless service facility except in conjunction with repairs being made to such facility.
14. *Essential services.* Personal wireless services facilities as herein defined are not considered a public utility and as such are not an essential service.

15. *Substantial Written Evidence of Denial.* In the course of reviewing any request for any approval required under this section, the Plan Commission and the Village Board, as the case may be, shall act within a reasonable period of time after the request is duly filed, taking into account the nature and scope of the request, and any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

b. *Ground Mounted Antenna Towers and Dishes*

1. *Residential Districts*

a. *Location*

- i Ground mounted towers, associated with personal wireless service facilities, shall be prohibited in all residential zoning districts.
- ii Ground mounted towers and dishes shall not be located in any required yard, except for rear yards and shall conform with the requirements specified for accessory buildings and structures. No tower or dish, including all appurtenant guide wires, may be located in a required front or side yard. The location and arrangement of all towers and dishes shall be subject to the review and approval of the Director of Community Development.

b. *Height Restrictions*

- i Ground mounted towers (not associated with a personal wireless service facilities) located in residential zoning districts shall not project higher than thirty-five (35) feet above the established grade level.
- ii Ground mounted dish antennas located in residential zoning districts shall not project higher than twelve (12) feet above the established grade level.

c. *Dish Antenna Size.* Ground mounted dish antennas located in residential zoning districts shall not exceed ten (10) feet in diameter.

2. *Non-Residential Districts*

a. *Location*

- i Ground mounted antenna towers and dishes shall not be located in any required yard, except for rear yards. There shall be no requirements for separation of a ground-mounted antenna tower or dish from other structures; however, buildings associated with ground-mounted antenna towers and dishes shall conform with the requirements specified for accessory buildings and structures. No antenna tower or dish, including all appurtenant guide wires, may be located in a required front or side yard. The location and arrangement of all antenna towers and dishes shall be subject to the review and approval of the Director of Community Development.

ii Ground-mounted personal wireless service facility towers shall be allowed only in the M-1 Limited Manufacturing District and the M-2 General Manufacturing District. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Director of Community Development that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antennas may consist of any of the following:

1. No existing tower or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
6. The applicant's demonstration that there are other limiting factors that render existing towers and structures unsuitable, or unavailable.

b. Height Restrictions

- i Ground mounted antenna towers located in non-residential zoning districts shall not project higher than forty-five (45) feet above the established grade level, except in the M-1 Limited Manufacturing District and the M-2 General Manufacturing District the height of a tower shall not exceed one hundred (100) feet above the established grade level.
- ii Ground mounted dish antennas located in non-residential zoning districts shall not project higher than fifteen (15) feet above the established grade level.

c. Dish Antenna Size

- i Ground mounted dish antennas located in non-residential zoning districts shall not exceed fifteen (15) feet in diameter.

- ii Dish antennas attached to a tower shall not exceed two (2) feet in diameter.

d. Setbacks

- i Personal wireless service facility towers shall be set back not less than one hundred five percent (105%) of the height of the tower from the nearest property line, except where the applicant provides certification from a structural engineer that the tower is designed to limit the area of damage in the event of collapse to the requested setback, or that the tower has been designed to withstand winds to one hundred (100 mph) miles per hour.
- ii Personal wireless service facility towers shall be set back from the nearest property line of any residentially zoned property, such that the angle from the grade at the property line to the top of the tower shall not exceed fifty-six (56) degrees.

e. Separation

- i Personal wireless service facility towers exceeding forty-five (45) feet in height shall not be located within five hundred (500) feet of an existing tower exceeding forty-five (45) feet in height.

c. *Roof Mounted Towers and Dishes*

1. *Residential Districts*

a. Location

- i Subject to structural approval, roof mounted antenna towers and dishes may be located on either the principal or accessory buildings on the zoning lot.
- ii Antennas (including, but not limited to, omnidirectional, whip, directional, or panel antennas) associated with personal wireless service facilities shall be allowed only in the R-5 Multiple Family Residence District.

b. Height Restrictions

- i Roof mounted antenna towers and dish antennas located in residential zoning districts shall not project higher than ten (10) feet above the maximum height of the structure upon which they are located.
- ii Antennas associated with personal wireless service facilities and placed on existing structures shall add not more than fifteen (15) feet to the height of the structure.

c. Dish Antenna Size

- i Roof mounted dish antennas located in residential zoning districts shall not exceed ten (10) feet in diameter.

2. Non-Residential Zoning Districts

- a. Location
 - i. Subject to structural approval, roof mounted antenna towers and dishes may be located on either the principal or accessory buildings on the zoning lot.
 - ii. Antennas (including, but not limited to, omnidirectional, whip, directional, or panel antennas) associated with personal wireless service facilities shall be allowed only in the B-2 General Retail Business District, B-3 Service, Automotive and Wholesale Business District, ORI Office Research District, and the Manufacturing Districts.
- b. Height Restrictions
 - i. Roof mounted antenna towers, dishes, or personal wireless service facilities located in non-residential zoning districts shall not project higher than fifteen (15) feet above the maximum height of the structure upon which they are located.
- c. Dish Antenna Size
 - i. Roof mounted dish antennas in non-residential zoning districts shall not exceed fifteen (15) feet in diameter.

9. HOME OCCUPATIONS. The purpose of home occupation standards and requirements is to allow occupations to be conducted in a dwelling unit which are compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood. Home occupations are defined as an accessory use and there must be clearly a secondary or incidental status of the home occupation in relation to the residential use of the dwelling unit. A home occupation is permitted in any residence district provided that:

- a. It is conducted entirely within the dwelling unit or attached garage, and the dwelling unit must be the principal residence of the member of the family conducting the home occupation.
- b. It is not conducted from a detached accessory building. It does not require external alteration, or involve construction features or use of equipment not customary in a dwelling, and the entrance to the space devoted to such occupation shall be from the standard entrance(s) customary in a dwelling and not more than one-fourth (1/4) of the floor area of the dwelling is devoted to such home occupation.
- c. There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling, except one nameplate, no more than one (1) square foot in area which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and is not illuminated.
- d. It is conducted by members of the family residing on the premises, with one additional person permitted only, whether or not a member of such family.

- e. No stock in trade is kept, sold or stored (including also such items as are made on the premises) that can be seen from the exterior of the premises, except for such short periods of time as such stock is delivered or removed from the premises.
- f. If the home occupation is one, which is conducted by a professional person, it shall be for consultation, instruction, and the general practice of the profession in question.
- g. Teaching of musical instruments and dancing shall be conducted only in a single family detached dwelling and then to not more than two (2) pupils at one (1) time, and academic or religious instructions may be given to not more than six (6) pupils at one (1) time in a single family detached dwelling, and not more than one (1) pupil at one (1) time in any other type of dwelling unit.
- h. Day care homes (not day care centers) are exempt from any standards and requirements of this section which may be in conflict with the provisions of the Illinois Department of Children and Family Services Licensing Standards for Day and Night Care Homes. Day care homes shall fully comply with all applicable provisions of National Fire Protection Association Life Safety Code.

10. WIND ENERGY TURBINES

a. Definitions.

1. Wind Energy Turbine (WET): Equipment that converts energy from the wind into storable and transferable electricity.
2. Structure Mounted Small Wind Energy Turbines (SM-SWET): A small wind energy turbine, which is considered an accessory structure, mounted on the roof, walls, foundation, or another elevated surface of a structure which acts as the small wind energy turbine's support structure. Such SM-SWETs shall be rated at a capacity that does not exceed five (5) kilowatts of electricity produced.



3. Tower Mounted Small Wind Energy Turbines (TM-SWET): A small wind energy turbine that is freestanding and relies entirely on a structural tower for a

foundation. Such TM-SWETs shall be rated at a capacity not to exceed twenty (20) kilowatts of electricity produced.



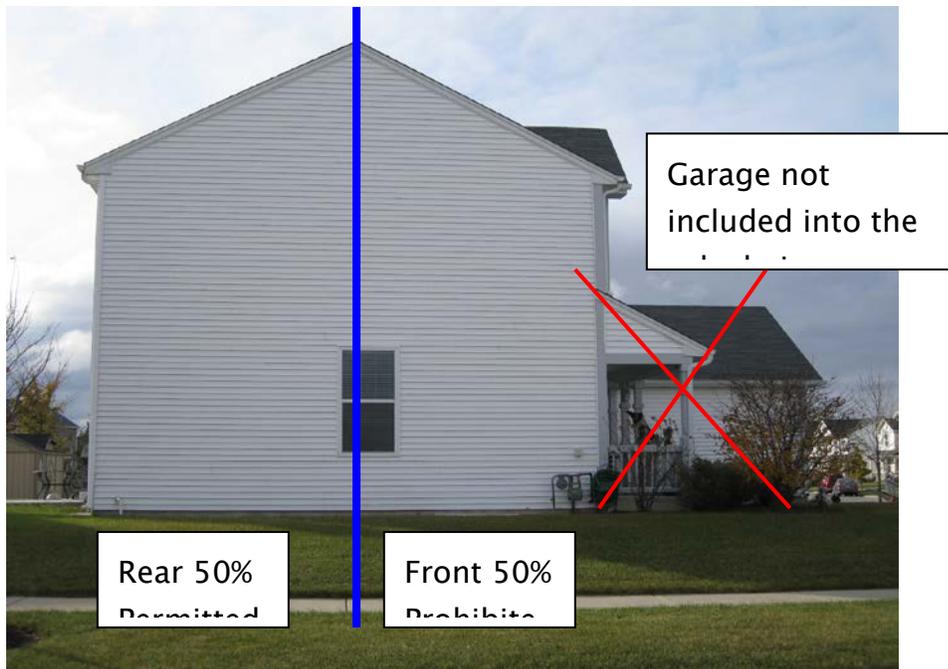
4. Utility Scale Wind Energy Turbines (US-WET): Equipment that converts energy from the wind into storable and transferable electricity in a unit that is rated to produce greater than twenty (20) kilowatts of electricity.



5. Turbine Height: the turbine height is defined as the distance from grade or in the case of SM-SWETs the roofline to the top of the tip of a vertically extended turbine blade.
 6. On-Grid: a WET that supplements energy received from a public utility, possibly stores energy temporarily, and possibly sends electricity back to the public utility.
 7. Off-Grid: a WET that is not connected to a public utility and either utilizes the energy created immediately or stores it in a battery system.
- b. General Provisions
- I. Lighting
 - i. No WET shall be artificially illuminated unless required by the FAA.

2. Appearance
 - i. All WETs shall be painted a non-reflective basic white, black, off-white, or gray.
 - ii. The appearance of the WET shall be maintained throughout the life of the unit by the property owner.
3. Sound
 - i. All WETs shall comply with the Noise Control Regulations.
 - ii. The Noise Control Regulations may be temporarily exceeded during severe weather (i.e. tornados, thunder storms, etc.).
4. Access
 - i. Any WET tower with external climbing apparatus shall not provide step bolts or a ladder that is readily accessible to the public for a minimum height of eight (8) feet above the ground. In the event that the external climbing apparatus is accessible at a lower height then the property owner shall provide a six (6) foot high fence in compliance with the Zoning Ordinance's fence standards. Towers that pivot at the bottom for maintenance are not subject to this regulation as long as they do not also utilize any form of external climbing apparatus.
5. Signage
 - i. No signage shall be permitted on the WET or its tower with the exception of the manufacturer's safety signage. A "No Trespassing" sign not to exceed three (3) square feet may be placed on the tower of the WET or on the fence surrounding the WET if present.
6. Maintenance and Certification
 - i. Any owner or operator of a small wind energy system shall maintain said system in compliance with the standards contained in the current and applicable state or local building codes and any applicable standards for wind energy systems that are published by the International Building Code, National Electrical Code, and the International Property Maintenance Code as amended from time to time.
7. Abandonment
 - i. Any WET that is out-of-service for a continuous six (6) month period will be deemed to have been abandoned. Community Development Staff may issue a Notice of Abandonment to the owner of the WET.
 - ii. Upon receiving the Notice of Abandonment, the owner of the WET shall have three (3) months to remove the WET at their own expense.
 - iii. If the owner fails to comply within the timeframe then further legal action following standard code enforcement procedure will occur.
8. Utility Notification and Interconnection
 - i. No on-grid Wind Energy Turbine shall be installed until documentation has been provided by the utility company agreeing to interconnect with a customer-owned generator.
 - ii. Off-grid systems are not permitted.
9. Contractors
 - i. All contractors that perform work on a WET project must be licensed with the Village of Montgomery.
- c. Structure Mounted Small Wind Energy Turbine (SM-SWET)
 - I. Building Permit. A building permit must be applied for and approved prior to construction, installation, relocation, or modification. The following shall be submitted with the permit application for review and approval:

- i. In order to gain a permit, the SM-SWET must be approved by a small wind certification program recognized by the American Wind Energy Association. Community Development staff has the authority to review other SM-SWET models to determine if the proposed model meets safety standards such as having automatic and manual speed decreasing technology.
 - ii. The structure onto which the SM-SWET is to be placed shall be certified by a licensed structural engineer registered in the state of Illinois to withstand the strain created by the SM-SWET.
 - iii. Structural mounting details shall be submitted.
 - iv. A site plan containing the height, location, and distance from the surrounding property lines shall be submitted.
 - v. All electrical plans must be submitted to the Village and the electrical runs must be contained within the structure that the SM-SWET is mounted on.
2. Height
- i. A maximum turbine height for a SM-SWET of ten (10) feet above the peak of the highest roofline of the building shall be permitted for all SM-SWET.
3. Yard:
- i. SM-SWETs shall be allowed to be attached to the rear 50% of a residential unit's roof or wall excluding a forward protruding garage from the 50% calculations.



- ii. SM-SWETs shall be allowed to be attached to any portion of the roof of a flat roofed building in a business or manufacturing district and to the side and rear walls of a building in a business or manufacturing district. SM-SWETs shall be allowed to be attached to the rear 50% of a pitched roof building in a business or manufacturing district.
4. Setbacks
- i. SM-SWETs must meet a setback from the property lines of 1.1 times the turbine height (from the point where it connects to the building to the highest point).
5. Structure

- i. The structure used to attach the SM-SWET shall be vertical with no guyed wires or other support structures other than the vertical monopole mounting apparatus.
- 6. Quantity
 - i. A maximum of one (1) SM-SWET is permitted on a residentially zoned lot and there is no set maximum for SM-SWETs in business and manufacturing districts.
- d. Tower Mounted Small Wind Energy Turbine (TM-SWET)
 - 1. TM-SWET are permitted in the B-1, B-2, B-3 and Manufacturing Districts.
 - 2. TM-SWET are prohibited in the Residential Districts and the Mill District.
 - 3. Building Permit. A building permit must be applied for and approved prior to construction, installation, relocation, or modification. The following shall be submitted with the permit application for review and approval:
 - i. In order to gain a permit, the TM-SWET must be approved by a small wind certification program recognized by the American Wind Energy Association. Community Development staff has the authority to review other TM-SWET models to determine if the proposed model meets safety standards such as having automatic and manual speed decreasing technology.
 - ii. Structural plans that are signed and sealed by a licensed structural engineer registered in the state of Illinois shall be submitted.
 - iii. A site plan containing the height, location, and distance from the surrounding property lines shall be submitted.
 - iv. The need for submitting a soil condition report remains at the sole discretion of the Building Inspector.
 - 4. Energy Production
 - i. TM-SWETs shall be rated at capacities that do not exceed twenty (20) kilowatts of energy production.
 - 5. Towers
 - i. Towers must be a monopole or a lattice tower with no guyed wires.
 - ii. All towers shall be rated to withstand one hundred (100) mile an hour winds or greater.
 - 6. Height
 - i. The maximum turbine height of a TM-SWET is ninety (90) feet high.
 - 7. Yard
 - i. TM-SWETs shall be prohibited in the front yard.
 - 8. Setbacks
 - i. TM-SWETs must meet a setback from the property lines and above ground utility lines of 1.1 times the turbine height. In the event that two turbines are located on the same property they must also meet the 1.1 times the turbine height from the adjacent turbine.
 - 9. Electrical Wires
 - i. All electrical wiring shall be placed under ground.
 - 10. Quantity
 - i. A maximum of five (5) TM-SWET are permitted per lot in the business and manufacturing districts.
- e. Utility Scale Wind Energy Turbine (US-WET)
 - 1. A US-WET requires a special use in all Manufacturing Districts and is prohibited in all other districts.

2. **Building Permit.** A building permit must be applied for and approved prior to construction, installation, relocation, or modification. The following shall be submitted with the permit application for review and approval:
 - i. In order to gain a permit, the US-WET must be approved by a wind certification program recognized by the American Wind Energy Association. Community Development staff has the authority to review other US-WET models to determine if the proposed model meets safety standards such as having automatic and manual speed decreasing technology.
 - ii. Structural plans that are signed and sealed by a licensed structural engineer registered in the state of Illinois shall be submitted.
 - iii. A site plan containing the height, location, and distance from the surrounding property lines.
 - iv. A soil condition report shall be submitted.
3. **Towers**
 - i. Towers must be a monopole or a lattice tower with no guyed wires.
 - ii. All towers shall be rated to withstand one hundred (100) mile an hour winds or greater.
4. **Height**
 - i. The maximum turbine height of a US-WET is one hundred and forty (140) feet high.
5. **Yard**
 - i. US-WETs shall be prohibited in the front yard.
6. **Setbacks**
 - i. US-WETs must meet a setback from the property lines and above ground utility lines of 1.1 times the turbine height and in the event that two turbines are located on the same property they must also meet the 1.1 times the turbine height from the adjacent turbine.
7. **Quantity**
 - i. There is no limit on quantity of US-WETs that can be installed.
8. **Shadow Flicker**
 - i. Documentation shall be given that demonstrates that the area of shadow flicker will not interfere with any surrounding residential uses whether in the Village of Montgomery or in the surrounding municipalities and townships.
9. **FAA Compliance**
 - i. An FAA form 7460-1f shall be submitted to the FAA and the responding documentation shall be given that demonstrates that the US-WET complies with all FAA standards.

11. SOLAR ENERGY

- a. **Definitions.**
 1. **Solar Energy System (SES):** A system that collects energy from the sun and converts that energy into electricity or utilizes that energy to heat water.
 2. **Roof Mounted Solar Energy System (RM-SES):** A solar energy system that is attached to the roof of a residential, non-residential, or accessory structure.
 3. **Ground Mounted Solar Energy System (GM-SES):** A solar energy system that is an accessory use to a principal use on a parcel of land and that is independently supported by a support structure anchored to the ground.

4. Utility Scale Solar Energy System (US-SES): A solar energy system that is the principal use on a parcel of land and the primary function is to provide electricity to sites other than the parcel of land that the use is located.
- b. General Provisions
1. Lighting
 - i. No solar energy system shall be artificially illuminated.
 2. Appearance
 - i. All SESs shall be composed of glass that is non-reflective and does not emit a glare.
 - ii. The appearance of the SES shall be maintained throughout the life of the unit by the property owner.
 - iii. All frame and visible structural parts of a SES shall match or blend with the roof color.
 3. Signage
 - i. No signage shall be permitted on the SES or its supporting structure with the exception of the manufacturer's safety signage. A "No Trespassing" sign not to exceed three (3) square feet may be placed on the support structure of the solar panels or on the fence surrounding the SES if present.
 4. Maintenance
 - i. Any owner or operator of SES shall maintain said system in compliance with the standards contained in the current and applicable state or local building codes and any applicable standards for SESs that are published by the International Building Code, National Electrical Code, and the International Property Maintenance Code as amended from time to time.
 5. Abandonment
 - i. SESs that are out-of-service for a continuous six (6) month period will be deemed to have been abandoned. Community Development Staff may issue a Notice of Abandonment to the owner of the SES.
 - ii. Upon receiving the Notice of Abandonment, the owner of the SESs shall have three (3) months to remove the SESs at their own expense.
 - iii. If the owner fails to comply within the timeframe then further legal action following standard code enforcement procedure will occur.
 6. Utility Notification and Interconnection
 - i. No on-grid SESs shall be installed until documentation has been provided by the utility company agreeing to interconnect with a customer-owned generator.
 - ii. Off-grid SESs are not permitted.
 7. Contractors
 - i. All contractors that perform work on SES projects must be licensed with the Village of Montgomery.
 8. Emergency Disconnect
 - i. An emergency disconnect switch shall be provided in a location accessible outside near the electric meter to shut off such system in the event of an emergency.
 9. Solar Access and Easements
 - i. Individual property owners have the right to seek solar easements from their neighbors and have those easements legally recorded with the applicable county. The Village is not responsible for enforcing solar easements.
- c. Roof Mounted Solar Energy System (RM-SES)

- I. Building Permit. A building permit must be applied for and approved prior to construction, installation, relocation, or modification. A RM-SES may be mounted on a principal building or accessory structure in any zoning district. The following shall be submitted with the permit application for review and approval:
 - i. Community Development staff has the authority to review other RM-SES models to determine if the proposed model meets safety standards such as having components such as non-glare exteriors.
 - ii. Manufacturer's specifications for the panels.
 - iii. A RM-SES requires a certification from a licensed structural engineer registered in the state of Illinois under the requirements of section 4.06(11)(c)(5).
 - iv. Structural mounting details shall be submitted.
 - v. A site plan containing the height and location of the RM-SES shall be submitted.
 - vi. All electrical plans must be submitted to the Village and the electrical runs must be contained within the structure that the RM-SES is mounted on.
 - vii. Roof vents shall be indicated on the plans and the solar panels shall either be located six (6) inches laterally away from the vent and not over the vent, or if the solar panels are to be located over the vent they must have one (1) foot of separation from the top of the vent to allow for adequate ventilation of the building.
2. Height
 - i. A RM-SES shall be allowed to surpass the peak of the highest roofline of a pitched roof building by one (1) foot.
3. Roof Coverage
 - i. RM-SESs shall be allowed to be attached to 60% of a residential unit's roof. RM-SESs shall be allowed to be attached to 60% of a pitched roof building in a non-residential district.
 - ii. There shall be no set maximum roof coverage for flat roof buildings in any zoning district, however, RM-SESs shall not impede access to any rooftop hatch, impede the operation of any rooftop drainage system, or impede, cover, or obstruct any roof top mechanical unit.
4. Setbacks
 - i. In no instance shall any parts of the RM-SES extend beyond the edge of the roof of the building.
5. Structure
 - i. Pitched Roof Buildings
 - A. Mounting for a RM-SES shall be in conformance with all electrical codes and building codes to ensure that wind and weight loading requirements are met. Plans shall be signed and sealed by a structural engineer licensed in the state of Illinois.
 - B. Hot water solar system, which are typically smaller in nature and typically placed at a greater pitch than photovoltaic panels, shall not require a structural engineer's signature and seal.
 - ii. Flat Roof Buildings
 - A. Plans shall be signed and sealed by a structural engineer, licensed in the state of Illinois, for all RM-SESs that are proposed on a building with a flat roof.
- d. Ground Mounted Solar Energy System (GM-SES)
 - I. GM-SESs are permitted in all zoning districts.

2. **Building Permit.** A building permit must be applied for and approved prior to construction, installation, relocation, or modification. The following shall be submitted with the permit application for review and approval:
 - i. Community Development staff has the authority to review other GM-SES models to determine if the proposed model meets safety standards such as having components such as non-glare exteriors.
 - ii. Manufacturer's specifications for the panels.
 - iii. Structural plans, that are signed and sealed by a licensed structural engineer registered in the state of Illinois, shall be submitted.
 - iv. A site plan containing the height, location, and distance from the surrounding property lines shall be submitted.
 - v. The need for submitting a soil condition report remains at the sole discretion of the Building Inspector.
3. **Structure**
 - i. All supporting structures shall be rated to withstand one hundred (100) mile an hour winds or greater.
4. **Height**
 - i. GM-SESs can be a maximum of twelve (12) feet high in Residential areas.
 - ii. In non-residentially zoned parcels the GM-SES shall comply with the maximum permitted height of an accessory structure 4.06(5)(b).
5. **Setbacks**
 - i. GM-SESs are permitted in the rear yard setback. US-SESs are not allowed in any easement.
6. **Electrical Wires**
 - i. All electrical wiring shall be placed under ground.
7. **Lot Coverage**
 - i. A maximum of forty percent (40%) of the GM-SES area, which is defined as the vacant buildable area plus the rear yard setback minus the easement.
- e. **Utility Scale Solar Energy Systems (US-SES)**
 1. A US-SES requires a special use in all Manufacturing Districts and are prohibited in all other districts.
 2. **Building Permit.** A building permit must be applied for and approved prior to construction, installation, relocation, or modification. The following shall be submitted with the permit application for review and approval:
 - i. Community Development staff has the authority to review other GM-SES models to determine if the proposed model meets safety standards such as having components such as non-glare exteriors.
 - ii. Manufacturer's specifications for the panels.
 - iii. Structural plans, that are signed and sealed by a licensed structural engineer registered in the state of Illinois, shall be submitted.
 - iv. A site plan containing the height, location, and distance from the surrounding property lines.
 - v. A soil condition report shall be submitted.
 3. **Structure**
 - i. The structure of a US-SES shall be capable of resisting winds at a minimum speed of one hundred (100) miles per hour.
 4. **Height**
 - i. The maximum height of a US-SES is subject to the special use that shall govern the property.
 5. **Setbacks**

- i. US-SEs are allowed in the rear yard setbacks of any of the zoning districts, however, US-SEs are not allowed in any easement.
- 6. Lot Coverage
 - i. There is no limit to the lot coverage of US-SEs on a parcel of land.
- 7. Electrical Wires
 - i. All electrical wiring shall be placed under ground.
- 8. Code Compliance
 - i. The applicant shall comply with all other County, State, and Federal Codes applicable to US-SEs.

4.07 ACCESS TO PUBLIC STREETS

Except as otherwise provided for herein for planned unit developments, every residential building shall be constructed or erected upon a lot or parcel of land, which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of the ordinance.

4.08 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of a planned unit development, not more than one (1) principal detached building shall be located on a residential zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building. Except in the case of a planned unit development, not more than one (1) principle building shall be allowed on a non-residential zoning lot.

4.09 REZONING OF PUBLIC AND SEMI-PUBLIC AREAS

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned "R-1" Single Family District until appropriate zoning is authorized by the Village Board within three (3) months after the date of application filed for rezoning.

4.10 PERFORMANCE STANDARDS

The performance standards for the *M-1 Manufacturing District* shall also apply to all residential or business districts.

4.11 EXISTING SPECIAL USES

Where a use is classified as a special use and exists as a permitted use at the date of the adoption of the ordinance, it shall be considered a legal use, without further action of the Village Board, the Director of Community Development, or the Plan Commission. Any existing special use may be continued provided there is no expansion or physical change other than necessary maintenance and repair, as otherwise permitted herein.

4.12 FLOOD DAMAGE PREVENTION

Any building, structures or use established after December 27, 1977, shall comply with the provisions of the Village of Montgomery Ordinance No. 422 entitled "An Ordinance Adopting

Supplementary Subdivision, Zoning and Building Construction Regulations Designed to Lessen or Avoid Hazards to Persons and Damage to Property Caused by Flooding and Otherwise Promote Public Health, Safety, Comfort, Morals and Welfare."

Any building, structure or use established after December 17, 1979, shall comply with the Village of Montgomery Ordinance No.436 entitled "Surface Water Runoff Control Ordinance".

4.13 USE NOT SPECIFICALLY PERMITTED IN DISTRICTS

Except as hereinafter provided, when a use is not specifically listed as a Permitted or Special Use in any specific zoning district, such use shall be expressly prohibited.

4.14 SITE PLAN REVIEW (ALL DISTRICTS)

1. **PURPOSE.** The Site Plan Review and Approval process promotes functional and attractive development, while minimizing adverse impacts on the surrounding land uses. It is designed to protect the interests of all parties including the public, the Village and the developer/owner. A Site Plan is a drawing, or set of drawings, illustrating the physical arrangement of property improvements such as buildings, driveways, parking areas, pedestrian sidewalks, landscaping, fences, light fixtures, drains and municipal services. Site Plan Approval is an interactive process involving both the property owner and Village staff and consultants to match the property owner's requirements with both the unique characteristics of each property and municipal development standards. Approval is in the form of a Site Plan Approval and it must be completed prior to the issuance of a building permit.

2. **SITE PLAN REVIEW REQUIRED.** All new developments and existing developments without a valid Site Plan on file in the Community Development Department are required to submit a Site Plan for approval prior to issuance of any new building permit or site development permit (grading/stormwater permit) for all non-residential projects. All residential projects that require a stormwater permit per the Kane County Stormwater Ordinance shall also require a Site Plan be submitted for review and approval. Existing developments with a valid Site Plan on file may be amended, to reflect the proposed changes.

A. Required Information. A conference with the Community Development Department before submitting the Site Plan is required and will help clarify the information needed for a particular project. The following are required documentation for a Site Plan unless waived by the Director of Community Development: application, application deposit; signed deposit agreement; proof of ownership; certified mailing receipts and property owners (if a public hearing is required); site plan/preliminary plat; preliminary landscape plan with tree preservation and removal plan; preliminary plat; preliminary engineering plans; architectural elevations; annexation agreement (when applicable); plat of annexation (when applicable); soil conservation land use opinion; Department of Conservation Endangered Species Report; Army Corp of Engineers Wetland Report and or Determination; Kane County Stormwater Permit Application and documentation; and a digital copy of the plans in Auto Cad format and PDF on a CD-ROM. There may be documents that are not required depending on the site but the Community Development staff will inform the applicant during the conference meeting what is required. All final recorded subdivision plats require

that a Shapefile of the recorded plat be provided in the Projected Coordinate System NAD 1983 State Plane Illinois East FIPS 1201 Feet. At a minimum, all applications require a basic review of stormwater, floodplain and wetland issues.

B. Review process Site Plans are submitted to the Community Development Department for review and approval by staff and consultants. All comments concerning permit issuance or Site Plan revisions will be forwarded to the applicant once the review is complete. After the initial review, the Community Development Department may require additional information to complete the review or revisions to indicate compliance with the Village's development ordinances. This procedure may have to be repeated until the plans comply with all ordinance requirements. Further details of the review process shall be established and provided by the Community Development Department. When the Site Plan and required supporting plans and documents contains all the necessary information and indicates compliance with the development ordinances it shall be approved in writing.

C. Review Fees and Deposits A fee is required and set by resolution by the Village Board. A deposit must be filed in accordance with the Village's Ordinance regarding *Fees and Deposits for Administrative and Consultant Expenses related to the Zoning, Subdividing, Development Recording and Annexation of Lands of the Village of Montgomery*.

3. **REQUIRED INFORMATION.** Every site plan submitted to the Community Development Department in accordance with the requirements of this ordinance shall contain such information and be in such form as the Community Development Department may prescribe in its rules. No site plan shall be approved by the Community Development Department until same has been reviewed by other necessary Village departments and the Village's consultants, for compliance with the standards of this ordinance and other applicable ordinances.
4. **CONSIDERATIONS.** In the process of reviewing the site plan, the reviewing parties shall consider:
 - a. Single family development on the basis of a subdivision.
 - b. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - c. The traffic circulation features within the site and location of automobile parking area; and may make such requirements with respect to any matters as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; to this end deceleration lanes and/or other traffic-control devices may be required.
 - ii. Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - iii. In order to achieve desirable circulation and development, the Plan Commission may recommend and the Board of Trustees may require dedication of a public right-of-way through the site area, prior to any site plan approval.

- d. Landscaping and Tree Removal Plans as in *Section 12A.00, Tree Preservation and Landscaping Requirements*.
- e. Zoning District.
- f. Setbacks.
- g. Floor Area Ratio.
- h. Building Height.
- i. Parking & Loading.
- j. Signage.
- k. Architecture.
- l. Lighting.
- m. Stormwater Management.

5. FINAL APPROVAL. Final written approval by the Director of Community Development shall be required before a building permit or site development permit (grading/stormwater permit) may be issued..

6. APPEALS. Appeals to administrative decisions may be granted.. The applicant, in seeking any such appeal, shall follow and adhere to all the requirements (including, but not limited to, the processing requirements and standards) contained in Section 14.04 of this Zoning Code of the Village of Montgomery.

7. TERMINATION OF SITE PLAN APPROVAL. If a proposed development, pursuant to a site plan approval granted hereunder, has not obtained a building permit within twenty-four (24) months from the date of the approval, the approval shall become null and void and all rights hereunder shall lapse.

4.15 TEMPORARY USES

A. TEMPORARY USES (EXCLUDING MOBILE & STATIONARY VENDING)

- 1. The following regulations shall be applied to the Director of Community Development's review and approval of temporary uses.
- 2. These regulations are intended to prescribe the conditions under which limited duration agricultural, commercial and civic activities (e.g., Christmas sales, pumpkin sales, landscape material sales, craft sales, grand openings and special events, etc.) may be conducted. The intent is to prevent the creation of any nuisance or annoyance to the occupants of adjacent building, premises or property, and the general public.
- 3. A temporary use permit shall be required for all temporary uses listed in this chapter. Any use not expressly listed herein, or otherwise permitted in the zoning district in which the

use is sought, is prohibited. A temporary use permit must be issued prior to the commencement of any temporary use listed herein. The Director of Community Development may, from time to time, specify the form of the temporary use permit application. Applications for said temporary use permit shall be secured from the Director of Community Development in the manner prescribed by this chapter, who shall cause the application to be directed to all concerned Village departments. Affected departments shall comment on the application to the Director of Community Development. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation.

4. The Director of Community Development shall only approve an application for a temporary use permit if all of the following findings can be made:
 - a. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust or other nuisances.
 - b. The additional parking required by the temporary use will be provided on site, if applicable, or adequate street parking is available in the immediate area.
 - c. Increase traffic caused by the temporary use will not adversely affect the surrounding neighborhood or Village at large.
 - d. The proposed temporary use is consistent with the comprehensive plan, municipal code, and other applicable codes.
5. The following uses are eligible for a temporary a temporary use permit, provided they meet the following criteria:
 - a. Retail sales of Christmas trees.
 - b. Retail sales of pumpkins.
 - c. Grand opening, special events and block parties.
 - d. Group of assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows).
 - e. Real estates sales offices and model homes.
 - f. Stands exclusively for the sale of agricultural products.
 - g. Construction yards, offices, sheds, trailers, etc.
 - h. Portable outdoor storage units (as defined in §4.15(8)(i) below).
 - i. Other temporary uses which, in the opinion of the Director of Community Development, are similar to the uses listed in this section, and are otherwise consistent with the comprehensive plan and zoning for the district in which said use is sought.
6. Exemptions.

- a. Garage sales are exempt from these provisions, provided they do not occur any more frequently than two three-day events per 365-day period. Garage sales occurring more frequently shall be considered a commercial retail sales business in a residential zone, which is hereby prohibited.
 - b. Parking lot sales, sidewalk sales (private sidewalks only), or clearance sales are exempt from these provisions, provided they are on the same zoning lot as an existing business, which regularly offers said merchandise for sale in its regular business operations. Said temporary use is only permitted to the person(s) or entity that operates said existing business, and may not be assigned or sublet to third parties. Any outdoor sales shall be regulated as a Special Use in such zoning district it is permitted as a Special Use and said user must submit an application for said Special Use except as regulated herein.
7. Each temporary use shall:
- a. Be described in a permit thereby issued by the Director of Community Development prior to commencement of the event. This permit shall be in addition to all other licenses, permits or approvals otherwise required by any governmental entity.
 - b. The number of additional parking spaces required for the temporary activity shall be determined by the Director of Community Development. Required parking spaces for permanent use shall be used to fulfill the additional parking requirements. The area of the required parking spaces shall not be used for the temporary use.
 - c. All unimproved parking areas and main walk areas shall be kept damp or shall be covered with a material to prevent raising of dust.
 - d. All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith, within five (5) days after the termination of the sale or special event.
 - e. Except as to block parties, sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants of the activity during its operation hours, as approved by the Director of Community Development.
 - f. No area of public right of way may be used without obtaining approval from the Village.
 - g. Except as to block parties, proof of ownership, or a signed letter from either the property owner or their authorized representative, for the property on which the activity is to take place shall be presented at the time the temporary permit is requested.
 - h. Except as to block parties, all temporary structures including, but not limited to, greenhouses, trailers, mobile homes, etc., shall conform to zoning setback requirements unless stated otherwise in this chapter.

8. SPECIFIC REQUIREMENTS

- a. *Retail Sales of Christmas Trees*
 - i. Permitted zone locations: Commercial, Agricultural and Manufacturing Districts.

- ii. Maximum duration: forty (40) calendar days prior to December 25.
 - iii. A letter of credit or cash deposit in the amount of Five Hundred dollars (\$500.00) shall be deposited with the Village of Montgomery to assure adequate clean-up of activities that occur.
 - iv. Provided, however, that such letter of credit shall be waived for not-for-profit entities with an Internal Revenue Code 501(c) designation, and units of local government.
- b. *Retail Sales of Pumpkins*
- i. Permitted zone locations: Commercial, Agricultural, Manufacturing Districts, non-residential parcels in Residential Districts.
 - ii. Maximum duration: October 1 through November 1.
 - iii. A letter of credit or cash deposit in the amount of Five Hundred dollars (\$500.00) shall be deposited with the Village of Montgomery to assure adequate clean-up of activities that occur.
 - iv. Provided, however, that such letter of credit shall be waived for not-for-profit entities with an Internal Revenue Code 501(c) designation, and units of local government.
- c. *Lot And Sidewalk Commercial Activities (not related to the primary use)*
- i. Permitted zone locations: Commercial Districts.
 - ii. Maximum duration: Four (4) consecutive days, not to exceed four (4) events in a twelve (12) month period.
 - iii. Setbacks: All merchandise, trucks, trailers, etc. shall be set back a minimum of thirty-five feet (35') from all property lines.
 - iv. Area of operation: The area of operation shall not exceed eight hundred (800) square feet and no dimension shall exceed forty (40) linear feet.
 - v. A letter of credit or cash deposit in the amount of Five Hundred dollars (\$500.00) shall be deposited with the Village of Montgomery to assure adequate clean-up of activities that occur.
- d. *Grand Openings, Special Events And Block Parties*
- i. Permitted zone locations: All zoning districts.
 - ii. Maximum duration: Four (4) consecutive days, not to exceed four (4) events in a twelve month period.
 - iii. Other: Except as to block parties, all such events shall be conducted by a business, development or use located on the property.
- e. *Group Assembly Activities.*

- i. Permitted zone locations: All zoning districts.
 - ii. Maximum duration: Fourteen (14) consecutive days, not to exceed four (4) events in a twelve (12) month period.
 - iii. Hours of operation: Residential zones: seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. except on Fridays and Saturdays to midnight. All other zones seven o'clock (7:00) A.M. to twelve o'clock (12:00) P.M.
 - iv. A letter of credit or cash deposit in the amount of One Thousand dollars (\$1,000.00) shall be deposited with the Village of Montgomery to assure adequate clean-up of activities that occur.
- f. *Real Estate Sales Office And Model Homes*
- i. Permitted zone location: All residential zones.
 - ii. Maximum duration: Twenty-four months (24) months.
 - iii. On-site sales office: On-site temporary real estate office or temporary model home complex may be established only within the boundaries of a residential subdivision, as an accessory facility, for the limited purpose of conducting sales of lots within the same subdivision.
 - iv. Off-site sales office: Off-site sales or offers to sell off-site lots or dwelling units, from any temporary office or trailer complex established pursuant to this section shall not be permitted unless specifically approved by the governing body.
 - v. Definition of off-site sales office: Off-site lots shall mean those lots or dwelling units outside the boundaries of a residential subdivision (defined by its recorded plat of subdivision).
 - vi. Any temporary real estate sales office or model home established or maintained pursuant to this section shall screen parking areas by landscaping, walls or fencing. Landscaping or other methods shall be provided as approved by the Director of Community Development.
- g. *Agricultural Produce Stands*
- i. Permitted zone locations: Agricultural.
 - ii. Termination: Stands and displays shall be removed when not used for a period of thirty (30) consecutive days.
 - iii. A letter of credit or cash deposit in the amount of Five Hundred dollars (\$500.00) shall be deposited with the Village of Montgomery to assure adequate clean-up of activities that occur.
- h. *Construction yards and offices*
- i. Permitted locations: All zoning districts, provided that said yards and offices are located on or immediately adjacent to the site development.

- ii. Duration: During construction of a phase of a project and until sixty (60) days thereafter.

- i. *Portable Outdoor Storage Units*

- i. Applicability of Restrictions: The restrictions of this section 4.15(8)(i) pertaining to the permitted locations of Portable Outdoor Storage Units, their condition and permitted uses are applicable within all zoning districts in the Village of Montgomery. Portable Outdoor Storage Units located in zoning districts other than residentially zoned districts are exempt from the permit application process, the duration and size limitations, and the restrictions on the number of units per parcel. Units located within residentially zoned districts are subject to all provisions of this section.
- ii. Permitted locations: All zoning districts. Units may not be placed on a public right of way or on public property. Units may not be placed on property owned by a person other than the temporary use permit applicant without the applicant submitting evidence of the property owner's consent, in writing, at the time of permit application. Units must be placed on a hard, improved surface (e.g. concrete or asphalt). Units may not be placed on landscaped or unimproved surfaces, and may not be placed in such a fashion as to impede or obstruct the flow of drainage waters, nor to impede or obstruct emergency access to the property, access to utility services and utility shut-offs, or pedestrian or vehicle traffic. Units may not be placed across sidewalks or in such a fashion as to limit the access of property owners other than the applicant to their respective properties.
- iii. Maximum duration: Thirty (30) calendar days per occurrence.
- iv. Number of permits: Not more than two permits per twelve (12) month period, per property.
- v. Maximum number of units per permit: One.
- vi. Maximum size per unit: Eight (8) feet in width, eight (8) feet in height, and sixteen (16) feet in length.
- vii. Permitted uses of units: Units may be used for temporary storage of personal goods and belongings. Units may not be used for occupancy or sleeping, housing of animals, housing or storage of firearms, housing or storage of hazardous or flammable materials, or storage of materials which are otherwise unlawful to possess (e.g. fireworks or other unlawful materials or substances). Units must be closed and secured from unauthorized access at all times when not under the direct supervision of the permit applicant.
- viii. Condition of units: Units must be maintained in a clean and sightly condition, free from rust, peeling paint, or other visible deterioration.
- ix. Definition of Portable Outdoor Storage Units: All containers, crates, boxes or other similar enclosures utilized for storage or transportation of goods or materials, with more than two hundred and sixteen (216) cubic feet of storage

space contained within, which are not permanent structures and which are not vehicles (e.g. portable self-storage boxes/containers or PODS®). Storage sheds constructed of wood, plastic or steel and which are: 1) located on a permanent or temporary foundation; 2) located and permitted (if applicable) in compliance with all Village requirements; and, 3) not intended to be moved or relocated on a regular basis are excluded from the definition of Portable Outdoor Storage Units. Further, construction trailers or temporary storage units utilized by contractors or developers incidental to the ongoing construction of structures, public improvements and utilities or other aspects of property development are excluded from the definition of Portable Outdoor Storage Units.

9. The Director of Community Development may impose such additional conditions on a temporary use permit as is necessary to meet the purposes of this chapter and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
 - a. Additional yard setback and open space requirements.
 - b. Additional cash deposit requirements.
 - c. Parking.
 - d. Fences, walls or other screening.
 - e. Signs.
 - f. Vehicular and pedestrian ingress and egress.
 - g. Property maintenance during the course of the activity.
 - h. Control of illumination, noise, odor, vibration or other nuisances.
 - i. Hours of operations.
 - j. Other conditions
10. A fee for a temporary permit shall be charged. The fee shall be set by separate resolution of the Village and may be amended from time to time. Provided, however, those fees shall be waived for not-for-profit entities with an Internal Revenue Code 501(c) designation, and units of local government. The schedule shall be available at the office of the Director of Community Development.

B. Stationary & Mobile Vending

Stationary Food Vendor shall be regulated as follows:

Definition of a Stationary Food Vendor: Any person, company, or entity that is in possession of a vehicle (including, but not limited to, motorized vehicles, non-motorized vehicles, carts, bicycles, trailers and other similar devices whether self propelled, propelled by other vehicles or propelled by humans/animals) that contains facilities for food storage and preparation and uses said vehicle to offer for sale food and beverage items to third parties in the Village of Montgomery subject to the time limitations in the following sentence. Any such vehicle is a stationary food vendor when located at the same point for a time period in excess of one hour for the purpose of offering and selling food and beverage items to third parties at the vendor's location.

- I. Permit Requirements

- a. The number of available Stationary Food Vendor Permits shall be set by separate resolution of the Village Board. If no resolution is passed (or is later repealed), the number of Stationary Food Vendor Permits shall be zero.
 - b. All Stationary Food Vendors shall obtain a Stationary Food Vendor Permit for each specified location where sales are to take place. A Stationary Food Vendor Permit shall only be granted by Village staff if a permit is available. If no permit is available, a vendor may petition the Village Board, through a process of submitting a letter of intent and coming before the Village Board for consideration of a legislative change to the resolution that sets the number of permits. The permit shall be good for one year for the date of issuance. Renewals shall be permitted on a yearly basis and shall be processed by staff. In the event of a vendor desiring a second location, that vendor shall make a second permit request to the Village Board (following the same procedure). No vendor shall be allowed more than two permits at any given time.
 - c. A permit fee of \$100 shall be collected prior to issuance of the permit and in each subsequent annual permit the fee shall be \$100.00.
 - d. No Stationary Food Vendor Permit will be issued without written authorization from the owner or person in control of the premises stating that the Stationary Food Vendor has permission to occupy the premises where the Stationary Food Vendor is located to sell or serve food. Written permission to occupy the premises shall be resubmitted annually.
 - e. No Stationary Food Vendor Permit will be issued to a Food Vendor without a Health Department Permit issued by the appropriate county.
 - f. A Stationary Food Vendor Permit shall be denied if the vendor fails to provide a valid vehicle registration, driver's license and proof of vehicle liability insurance.
 - g. The operator shall take the proper action to ensure that all sales tax generated by the Stationary Food Vendor in the Village, returns to the Village in accordance with all state laws and requirements.
 - h. A site plan shall be submitted depicting the location of the Stationary Food Vendor on the property. The Stationary Food Vendor shall not take up driveways, access lanes, fire lanes, or required parking spaces.
 - i. A Stationary Food Vendor Permit is not transferable.
 - j. The permit form must be placed in the front window (or other forward portion of said vehicle if no window exists) of the vehicle during operating hours.
 - k. A Stationary Food Vendor permit is not required at Village sanctioned events, unless that event requires its own permit.
2. Hours of Operation
 - a. No Stationary Food Vendor shall operate between the hours of 11:00 p.m. and 6:00 a.m.
 3. Operational Requirements
 - a. Stationary Food Vendors shall only operate in the non-residential zoning districts, and in Public Parks, which are located in a variety of different zoning districts, provided that the vendor has permission from the corresponding property owner.
 - b. No Stationary Food Vendor shall operate within fifty (50) feet of a single-family or multi-family residential parcel. In this context, single-family and multi-family uses shall not include a residence that is part of a business or mixed-use structure.
 - c. All Stationary Food Vendors must park on a concrete or asphalt surface.
 - d. No Stationary Food Vendor shall be allowed to sell or serve food on any public streets, sidewalks, or other public right-of-way, or in anyway obstruct traffic.
 - e. All Stationary Food Vendors shall provide a trash receptacle with a self-closing lid near the front of the vending counter for use by patrons. The area around the vending unit shall be kept clean and free from litter, garbage, and debris.

- f. All Stationary Food Vendors shall remove the vehicle and all of the equipment daily from the property.
- g. A Stationary Food Vendor may utilize outside seating consisting of a portable table with a maximum seating capacity of four.
- h. No more than one Stationary Food Vendor per individual parcel of land shall be allowed.
- i. Signage shall be contained to the surface of the vehicle and shall abide by the sign ordinance's requirements for prohibited signs.
- j. Vendors seeking to offer sales as described herein from any other temporary structure (other than a vehicle described herein) are prohibited.
- k. Sales other than food and beverage items are prohibited.

Mobile Food Vendor shall be regulated as follows:

Definition of a Mobile Vendor: A person, company, or entity that operates primarily in the public right-of-way or on public parks, either with a motorized vehicle that travels through the Village seeking sales of only food and beverage items, or by a wheeled cart that utilizes human propulsion for the purpose of selling only food and beverage items.

1. Permit Requirements

- a. No Mobile Food Vendor Permit will be issued to a Food Vendor without a Health Department Permit issued by the appropriate county.
- b. No person shall operate as a Mobile Vendor in Montgomery without a permit required by this ordinance. A separate permit is required for each Mobile Vendor.
- c. A Mobile Vendor Permit is valid for one (1) year and shall be renewed May first of each year. A permit fee of \$225 (\$125 of that fee is for the background check, which is due at the time that the application is submitted) shall be collected for the permit. Each subsequent yearly update shall have a permit fee of \$50.
- d. A Mobile Vendor Permit shall be denied if the vendor fails to provide a valid vehicle registration, driver's license and proof of vehicle liability insurance. The Village should be added to the vendor's insurance as an entity that is additionally insured for the amount of \$1,000,000.00.
- e. All persons offering sales under the permit shall submit to a background check conducted by the Village and shall submit to fingerprinting for the same (and shall provide all necessary data requested by the Village staff to conduct said check). The Vendor shall pay an additional fee, per person, for a Livescan fingerprint submittals; said fee amount shall be the same as the fee set by the Illinois State Police.
- f. All persons offering sales under the permit shall not have been convicted of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five (5) years of the date of the application; nor have been convicted of a crime involving dishonesty, fraud, deception or similar offense. If a person seeking a permit is denied, due to a violation of these provisions, there shall be no refund of the permit fee.

2. General Regulations

- a. Each Mobile Vendor shall supply a trash receptacle for use by the customers. Prior to leaving each stop, the vendor shall remove any litter left at the stop by consumers. Sales other than food and beverage items are prohibited.

3. Regulations Applicable to Motorized Vendor

- a. No Motorized Vendor shall stop at any time for the purpose of making sales in any area where parking is prohibited.
- b. No Motorized Vendor shall stop for the purpose of making a sale for more than one hour in a single location.

- c. While making a sale, the vehicle must be maneuvered as close to the curb as possible and the driver must engage four-way flashing “hazard” lights for the duration of the stop. In no event shall a Motorized Vendor stopped for the purpose of making a sale prevent the passage of other vehicles on the right-of-way.
 - d. Motorized Vendors may stop for the purpose of making sales only between the hours of 6:30 a.m. and 8:00 p.m.
 - e. Signage shall be contained to the surface of the vehicle and shall abide by the sign ordinance’s requirements for prohibited signs.
4. Regulations Applicable to Push Cart Vendors
- a. Push Cart Vendors may stop for the purpose of making sales only between the hours of 10:00 a.m. and 9:00 p.m.
 - b. Written permission from the property owner to operate on private property, if applicable is required.
 - c. Signage shall be contained to all surfaces of the cart and shall abide by the sign ordinance’s requirements for prohibited signs.
 - d. A Mobile Food Vendor permit is not required at Village sanctioned events, unless that event requires its own permit.

4.16 REFUSE CONTAINERS; OUTDOOR STORAGE

1. *Screening.* All refuse containers or articles of trash/garbage and all areas of permitted outdoor storage shall be enclosed by a screening fence, wall or densely planted evergreen hedge of a height sufficient to screen such containers or storage areas from view from adjoining residentially zoned properties and public or private streets.
2. *Location.* No refuse containers or storage areas shall be located between any principal structure and either its front or corner side lot line, except as specifically approved of by the Village Board during site plan review or other development approval process after consideration by the Plan Commission.
3. *Exemptions.* None of the requirements of this Subsection shall apply to receptacles placed and maintained for use by the general public to avoid littering or to receptacles temporarily placed on construction sites for the purpose of collecting construction debris.
4. *Exempt Items.* Outdoor storage shall include the storage of all items of personal property which are not permanently affixed to the land or to a structure, except that the following items are exempt: garden hoses, portable storage sheds, furniture designed for outdoor use, children’s playhouses and toys, trampolines, inflatable or otherwise portable above-ground swimming pools, wind vanes and bird feeders, grills, animal houses, portable basketball nets, outdoor fireplaces, firewood (being defined as non-processed wood without nails or other foreign materials; wood from construction and pallets are not exempt), trellis’s and related garden structures.

Section 5.00 – NON-CONFORMING BUILDINGS AND USES

5.01 STATEMENT OF PURPOSE

This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those

districts that those non-conforming building, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction. The purpose of this Section 5.00 is to provide for the regulation of non-conforming buildings, structures, and uses and to specify those circumstances and conditions under which those non-conforming buildings, structures, and uses shall be permitted to continue.

5.02 CONTINUANCE OF USE

1. Any lawfully established use of a building or land, on the effective date of the ordinance or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
2. Any legal, non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, as otherwise permitted herein.
3. Any building for which a permit has been lawfully granted prior to the effective date of the ordinance or of amendments thereto, may be completed in accordance with the approved plans provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

5.03 DISCONTINUANCE OF USE

1. Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of the ordinance, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.
2. Whenever a non-conforming use of a building or structure or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
3. Where no enclosed building is involved, discontinuance of the non-conforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a non-conforming manner.
4. A non-conforming structure that was erected, converted or structurally altered in violation of the provisions of the ordinance which this ordinance amends shall not be validated by the adoption of this ordinance, and such violations or any violations of this ordinance may be ordered removed or corrected by the proper officials at any time.

5.04 CHANGE OF NON-CONFORMING USE

1. The non-conforming use of any building, structure or portion thereof, may be changed to a use permitted in the district in which the building or structure is located.
2. Any non-conforming use may be made a special use by granting of a special use permit, as authorized in the Administration Section when such special use is a permitted special use in the district in which it is located.

5.05 REPAIRS AND ALTERATIONS

1. Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
2. No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:
 - a. When the alteration is required by law.
 - b. When the alteration will actually result in eliminating the non-conforming use.
 - c. When a building in a residential district containing residential non-conforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

5.06 DAMAGE AND DESTRUCTION

If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage of the destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently completed within a period no to exceed eighteen (18) months.

Residential Non-Conforming Use: A single family home which is a non-conforming use in any zoning district can be rebuilt, if damaged or destroyed, provided that the residence is occupied by the owner thereof and all other provisions of this ordinance regarding non-conformance are complied with.

5.07 ADDITIONS AND ENLARGEMENTS

1. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
2. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
3. No non-conforming use may be enlarged or extended without bringing said use into compliance with existing regulations.
4. A building or structure which is non-conforming with respect to yards, floor area ratio, or any other element of bulk regulated herein shall not be altered or expanded in any manner which

would increase the degree or extent of its non-conformity with respect to the bulk regulations for the district in which it is located.

Section 6.00 – ZONING DISTRICTS AND ZONING DISTRICT MAP

6.01 DISTRICTS

For the purpose and provisions of this ordinance, Montgomery, Illinois is hereby organized into seventeen (17) districts:

- F-P Flood Plain District

- A-1 Agricultural District

- E-R Estate Residence District
- R-1 One-Family Residence District
- R-2 One-Family Residence District
- R-3 Traditional Neighborhood Residence District
- R-4 Traditional Neighborhood Residence District
- R-5A Two-Family Residence District
- R-5B Attached Single Family Residence District
- R-6 Multiple Family Residence District
- SHOD Senior Housing Overlay District

- B-1 Local Retail Business District
- B-2 General Retail Business District
- B-3 Service, Automotive & Wholesale Business District

- O-R Office Research District

- M-1 Limited Manufacturing District
- M-2 General Manufacturing District

MAPS

The boundaries of the zoning districts designated above are established as shown on the map entitled "Official Zoning Map of Montgomery, Illinois", dated September 30, 1988, which map is attached hereto and is made a part hereof, and shall have the same force and effect as if the Zoning Map, together with all information shown thereon and all amendments thereto were fully set forth and described herein.

DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply.

1. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, tracts or lots, or such lines extended unless otherwise indicated.

2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimension shown on the map from section, quarter-section, or highways or railroad lines, or center lines of streets, highways or railroad rights-of-way unless otherwise indicated.

3. Where a lot held in one (1) ownership and of record on the effective date of the ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five (25) feet.

6.04 ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS AND RAILROAD RIGHTS-OF-WAY

All streets, alleys, publicways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such alleys, streets, publicway, waterway or railroad right-of-way. Where the centerline of streets, alleys, publicways, waterways and railroad rights-of-way serve as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

6.05 ZONING OF ANNEXED LAND

Any additions to the incorporated area of the Village shall be automatically zoned R- 1, One Family Residence District, upon annexation unless otherwise zoned by amendment. Upon application for such zoning amendment and prior to annexation, the Village Board shall direct the Plan Commission to hold a public hearing in accordance with the regulations of *Section 14.00, Administration*.

Section 7.00 – FLOOD PLAIN DISTRICT

7.01 F-P FLOOD PLAIN DISTRICT

1. **PURPOSE.** This district is created to protect the public health and to reduce the financial burdens imposed on the Village, its governmental units and its individuals, which may result from improper use of lands having excessively high water tables or are subject to either frequent or periodic floods.
2. **PERMITTED USES.** The following open space shall be permitted within the F-P Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels of floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
 - a. Agricultural uses, including general farming, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, sod farming, provided such uses are permitted in an adjoining district.
 - b. Open type uses, such as parking areas accessory to permitted uses.
 - c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, hiking and horseback riding trails.
 - d. Residential uses such as lawns, gardens, parking areas and play areas.
3. **SPECIAL USES.** The following special uses may be located within non-floodway areas including flood fringes provided they are not prohibited by any other ordinance:
 - a. Structures accessory to permitted or special uses.
 - b. Temporary roadside stands and signs.
 - c. Extraction of sand, gravel and other materials.
 - d. Marinas, boat rentals, docks, piers, wharves and water control structures.
 - e. Streets, bridges, railroad tracks, utility transmission lines and pipeline.
 - f. Storage areas for equipment or materials in connection with Permitted and Special Uses.
4. **YARD AREAS.** No building shall be erected or enlarged unless the following yards are provided and maintained in connected with such building, structure or enlargement
 - a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
 - b. *Side Yard.* A side yard on each side of the principal building of not less than ten percent (10%) of the lot width shall be provided, except where a side yard adjoins a street, the minimum width on the street side shall be increased to fifteen (15) feet.

- c. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
- 5. **MAXIMUM BUILDING HEIGHT.** No building shall be erected or enlarged to exceed a height of two and one-half (2-½) stories, nor shall it exceed thirty-five (35) feet in height.
- 6. **OFF-STREET PARKING.** Parking and loading shall be provided as required or permitted in *Section 13.00, Off-Street Parking and Loading.*

Section 8.00 – Residence Districts

8.01 E-R ESTATE RESIDENCE DISTRICT

1. PURPOSE. The *E-R Estate Residence District* is established to provide low density detached single family residential development; to encourage the orderly transition of land from agricultural to semi-rural or countryside living; to preserve natural resources and provide open space and recreational areas; and to prohibit any uses which are incompatible with single family residential neighborhoods.
2. PERMITTED USES. The following uses are permitted in the *E-R Estate Residence District*:
 - a. One-Family detached dwellings.
 - b. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - c. Home occupations.
 - d. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - e. Signs, as permitted in **Section 12.00, Signs**.
 - f. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - g. Periodic Church Use.
3. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Bed and breakfast guest homes.
 - b. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - c. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - d. Cemeteries.
 - e. Funeral Parlor or Mortuary.
 - f. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - g. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.
 - h. Large Active Park.
 - i. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
 - j. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.

4. LOT SIZE.
 - a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than eighteen thousand five hundred (18,500) square feet, and a width at the established building line of not less than one hundred twenty-five feet (125) feet.
 - b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than three (3) acres with a minimum width of two hundred (200) feet at the established building line.
 - c. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than three (3) acres with a minimum width of two hundred (200) feet at the established building line.
5. YARDS – SINGLE FAMILY DWELLING USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
 - a. *Front Yard.* A front yard of not less than forty (40) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than twenty (20) feet.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be forty (40) feet.
 - d. *Rear Yard.* A rear yard of not less than forty (40) feet shall be provided.
6. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:
 - a. *Front Yard.* A front yard of not less than forty (40) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than twenty (20) feet.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be forty (40) feet.
 - d. *Rear Yard.* A rear yard of not less than forty (40) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased in width or depth by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet to a maximum of forty-five (45) feet.
6. BUILDING HEIGHT – SINGLE FAMILY DWELLING USES. The building height for single-family dwelling uses shall not exceed two and one-half (2½) stories.

7. FLOOR AREA RATIO – SINGLE FAMILY DWELLING USES. The floor area ratio for residential uses and shall not exceed 0.35.
8. FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
9. LOT COVERAGE. Not more than thirty-five percent (35%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than forty-five percent (45%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
10. DWELLING SIZE STANDARDS. Every one-story dwelling hereafter erected in any *E-R Estate Residence District* shall have a total ground floor area of not less than one thousand three hundred (1,300) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *E-R Estate Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than two thousand four hundred (2,400) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used.
11. OFF-STREET PARKING. Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading**.

8.02 R-1 ONE-FAMILY RESIDENCE DISTRICT

1. **PURPOSE.** The *R-1 One-Family Residence District* is established to allow for low density detached single family residential development; to provide for single family development in areas suited for detached single family dwellings; to meet market demands for large lots; to preserve natural resources and provide open space and recreational areas; and to prohibit any uses which are incompatible with single family residential neighborhoods. The principal use of land is for single-family dwellings, with a provision for those services and community uses which relate well with single-family uses.
2. **PERMITTED USES.** The following uses are permitted in the *R-1 One-Family Residence District*:
 - a. One-Family detached dwellings.
 - b. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - c. Home occupations.
 - d. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - e. Signs, as permitted in **Section 12.00, Signs**.
 - f. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - g. Periodic Church Use.
3. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - b. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - c. Cemeteries.
 - d. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - e. Funeral Parlor or Mortuary.
 - f. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - g. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - h. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.
 - i. Large Active Park.

- j. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
- k. Utility and Public Service Uses, including:
 - v. Water treatment plant, water pumping station and water reservoir.
 - vi. Elevated tank.
 - vii. Sewage pumping station.
 - viii. Police and fire stations.
 - ix. Telephone exchange.
 - x. Other similar public services.

4. LOT SIZE.

- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than fourteen thousand (14,000) square feet, and a width at the established building line of not less than one hundred (100) feet.
- b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than two (2) acre with a minimum width one hundred (100) feet at the established building line.
- c. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than two (2) acres and a width of one hundred twenty-five (125) feet at the established building line.

5. YARDS – SINGLE FAMILY DWELLING USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

- a. *Front Yard.* A front yard of not less than thirty-five (35) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than fifteen (15) feet.
- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty-five (25) feet.
- d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.

6. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:

- a. *Front Yard.* A front yard of not less than thirty-five (35) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than ten (10) feet.
- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty-five (25) feet.
- d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.

- e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased in width or depth by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet to a maximum of forty-five (45) feet.
- 9. BUILDING HEIGHT – SINGLE FAMILY DWELLING USES. The building height for single-family dwelling uses shall not exceed two and one-half (2½) stories.
 - 10. FLOOR AREA RATIO – SINGLE FAMILY DWELLING USES. The floor area ratio for residential uses and shall not exceed 0.35.
 - 11. FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
 - 12. LOT COVERAGE. Not more than thirty-five percent (35%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than forty-five percent (45%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
 - 11. DWELLING SIZE STANDARDS. Every one-story dwelling hereafter erected in any *R-1 One-Family Residence District* shall have a total ground floor area of not less than one thousand one hundred (1,100) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *R-1 One-Family Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand eight hundred (1,800) square feet, including utility rooms, but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used.
 - 12. OFF-STREET PARKING. Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading**.

8.03 R-2 ONE-FAMILY RESIDENCE DISTRICT

1. **PURPOSE.** The *R-2 One-Family Residence District* is established to allow for low density detached single family residential development; to provide for single family development in areas suited for detached single family dwellings; to meet market demands for large lots; to preserve natural resources and provide open space and recreational areas; and to prohibit any uses which are incompatible with single family residential neighborhoods. The principal use of land is for single-family dwellings, with a provision for those services and community uses which relate well with single-family uses.
2. **PERMITTED USES.** The following uses are permitted in the *R-2 One-Family Residence District*:
 - a. One-Family detached dwellings.
 - b. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - c. Home occupations.
 - d. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - e. Signs, as permitted in **Section 12.00, Signs**.
 - f. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - g. Periodic Church Use.
3. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - b. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - c. Cemeteries.
 - d. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - e. Funeral Parlor or Mortuary.
 - f. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - g. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - h. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting

activities as part of the property are excluded from the definition of sporting activities herein.

- i. Large Active Park.
 - j. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
 - k. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.
4. LOT SIZE.
- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than eleven thousand (11,000) square feet, and a width at the established building line of not less than seventy-five (75) feet.
 - b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than two (2) acres with a minimum width of one hundred (100) feet at the established building line.
 - c. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than two (2) acres and a width of one hundred (100) feet at the established building line.
5. YARDS – SINGLE FAMILY DWELLING USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
- a. *Front Yard.* A front yard of not less than thirty (30) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than twelve (12) feet.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty (20) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
6. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:
- a. *Front Yard.* A front yard of not less than thirty (30) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than twelve (12) feet.

- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty (20) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet to a maximum of forty-five (45) feet.
7. **BUILDING HEIGHT – SINGLE FAMILY DWELLING USES.** The building height for single-family dwelling uses shall not exceed two and one-half (2½) stories.
8. **FLOOR AREA RATIO – SINGLE FAMILY DWELLING USES.** The floor area ratio for residential uses and shall not exceed 0.35.
9. **FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES.** The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
10. **LOT COVERAGE.** Not more than forty percent (40%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than fifty percent (50%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
11. **DWELLING SIZE STANDARDS.** Every one-story dwelling hereafter erected in any *R-2 One-Family Residence District* shall have a total ground floor area of not less than one thousand (1000) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *R-2 One-Family Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand two hundred (1,200) square feet, including utility rooms, but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used.
12. **OFF-STREET PARKING.** Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading.**

8.04 R-3 TRADITIONAL NEIGHBORHOOD RESIDENCE DISTRICT (FORMERLY KNOWN AS R-1 DISTRICT)

1. **PURPOSE.** The *R-3 Traditional Neighborhood Residence District* is established to protect and maintain the older, established residential neighborhoods comprising the original village settlement; to create new traditional neighborhoods as low to medium density single family residential use; to meet market demands for a range of single family lot sizes and traditional neighborhood design; and to prohibit any uses which are incompatible with single family residential neighborhoods. The principal use of land is for traditional style single-family neighborhoods with services and community uses together in a mixed-use neighborhood.
2. **PERMITTED USES.** The following uses are permitted in the *R-3 Traditional Neighborhood Residence District*:
 - a. One-Family detached dwellings (new construction must meet the conditions of this district).
 - b. Parks, forest preserves and recreational areas, when publicly owned and operated.\
 - c. Home occupations.
 - d. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - e. Signs, as permitted in **Section 12.00, Signs**.
 - f. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - g. Periodic Church Use.
3. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Bed and breakfast guest homes.
 - b. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - c. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - d. Cemeteries.
 - e. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - f. Funeral Parlor or Mortuary.
 - g. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - h. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - i. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar

activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.

- j. Large Active Park
- k. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
- l. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.

4. LOT SIZE.

- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than nine thousand (9,000) square feet, and a width at the established building line of not less than seventy-five (75) feet.
- b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than twelve thousand (12,000) square feet with a minimum width of ninety (90) feet at the established building line.
- c. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than twelve thousand (12,000) square feet and a width of ninety (90) feet at the established building line.

5. YARDS – SINGLE FAMILY DWELLING USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than ten percent (10%) of the lot width or twenty (20) feet shall be provided.
- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width on the street side shall be fifteen (15) feet.
- d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.

6. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than fifteen (15) feet.

- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be fifteen (15) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet to a maximum of forty-five (45) feet.
7. **BUILDING HEIGHT – SINGLE FAMILY DWELLING USES.** The building height for single-family dwelling uses shall not exceed two and one-half (2½) stories.
8. **FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES.** The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
9. **LOT COVERAGE.** Not more than forty percent (40%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than fifty percent (50%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
10. **DWELLING SIZE STANDARDS.** Every one-story dwelling hereafter erected in any R-3 One-Family Residence District shall have a total ground floor area of not less than nine hundred (900) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any R-3 One-Family Residence District shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand two hundred (1,200) square feet, including utility rooms, but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used.
11. **OFF-STREET PARKING.** Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading.**
12. **TRADITIONAL NEIGHBORHOOD DESIGN.** Any new construction using the standards of this district, must use a traditional neighborhood design style as determined by the Plan Commission and Village Board, including but not limited to traditional housing styles (bungalows, four-squares, “Victorian”, etc.); recessed, detached or rear-facing garages; adherence to anti-monotony codes; front porches with a minimum of five (5) feet in depth; traditional window styles; interconnected street pattern (i.e. modified grid); neighborhoods with five-minute walks to parks and other community centers; and integration of civic and community uses such as schools, libraries, and churches.

8.05 R-4 TRADITIONAL NEIGHBORHOOD RESIDENCE DISTRICT (FORMERLY KNOWN AS R-2 DISTRICT)

1. PURPOSE. The *R-4 Traditional Neighborhood Residence District* is established to protect and maintain the older, established residential neighborhoods comprising the original village settlement; to create new traditional neighborhoods as low to medium density single family residential use; to meet market demands for a range of single family lot sizes and traditional neighborhood design; and to prohibit any uses which are incompatible with single family residential neighborhoods. The principal use of land is for traditional style single-family neighborhoods with services and community uses together in a mixed-use neighborhood.
2. PERMITTED USES. The following uses are permitted in the *R-3 Traditional Neighborhood Residence District*:
 - a. One-Family detached dwellings (new construction must meet the conditions of this district).
 - b. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - c. Home occupations.
 - d. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - e. Signs, as permitted in **Section 12.00, Signs**.
 - f. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - g. Periodic Church Use.
3. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Bed and breakfast guest homes.
 - b. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - c. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - d. Cemeteries.
 - e. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - f. Funeral Parlor or Mortuary.
 - g. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - h. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - i. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or

health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.

- j. Large Active Park.
- k. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
- l. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.

4. LOT SIZE.

- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than seven thousand two hundred (7,200) square feet, and a width at the established building line of not less than sixty (60) feet.
- b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet with a minimum width of eighty (80) feet at the established building line.
- c. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than ten thousand (10,000) square feet and a width of eighty (80) feet at the established building line.

5. YARDS – SINGLE FAMILY DWELLING USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than ten percent (10%) of the lot width or twenty (20) feet shall be provided
- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be ten (10) feet.
- d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.

6. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than fifteen (15) feet.

- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be fifteen (15) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet to a maximum of forty-five (45) feet.
7. **BUILDING HEIGHT – SINGLE FAMILY DWELLING USES.** The building height for single-family dwelling uses shall not exceed two and one-half (2½) stories.
8. **FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES.** The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
9. **LOT COVERAGE.** Not more than forty-five percent (45%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than fifty-five percent (55%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
10. **DWELLING SIZE STANDARDS.** Every one-story dwelling hereafter erected in any *R-4 Traditional Neighborhood Residence District* shall have a total ground floor area of not less than nine hundred (900) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *R-4 Traditional Neighborhood Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand fifty (1,050) square feet, including utility rooms, but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used.
11. **OFF-STREET PARKING.** Off-street parking and loading shall be provided as required or permitted in **Section 13.00, *Off-Street Parking and Loading***.
12. **TRADITIONAL NEIGHBORHOOD DESIGN.** Any new construction using the standards of this district, must use a traditional neighborhood design style as determined by the Plan Commission and Village Board, including but not limited to traditional housing styles (bungalows, four-squares, "Victorian", etc.); recessed, detached or rear-facing garages; adherence to anti-monotony codes; front porches with a minimum of five (5) feet in depth; traditional window styles; interconnected street pattern (i.e. modified grid); neighborhoods with five-minute walks to parks and other community centers; and integration of civic and community uses such as schools, libraries, and churches.

8.06 R-5A TWO-FAMILY RESIDENCE DISTRICT (FORMERLY KNOWN AS R-3 DISTRICT)

1. PURPOSE. The *R-5A Two-Family Residence District* is established to preserve those existing areas of medium density that retain a similar character to the single-family districts. This district permits single-family detached and two-family residences or duplexes.
2. PERMITTED USES. The following uses are permitted in the *R-5A Two-Family Residence District*:
 - a. One-Family detached dwellings.
 - b. Duplexes or Two-Family dwellings.
 - c. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - d. Home occupations.
 - e. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - f. Signs, as permitted in **Section 12.00, Signs**.
 - g. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - h. Periodic Church Use.
3. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Bed and breakfast guest homes.
 - b. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - c. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - d. Cemeteries.
 - e. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - f. Funeral Parlor or Mortuary.
 - g. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - h. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - i. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.
 - j. Large Active Park.
 - k. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
 - l. Radio and television stations and towers.

- m. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.

4. LOT SIZE.

- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than seven thousand two hundred (7,200) square feet, and a width at the established building line of not less than sixty (60) feet.
- b. Every duplex or two-family dwelling hereafter erected shall be on a zoning lot having a minimum area of not less than nine thousand (9,000) square feet and a minimum width of not less than seventy-five (75) feet at the building line, provided that where a lot has less width than herein required and was recorded under separate ownership from adjoining lots prior to August 22, 1988, such lot may be occupied by a two-family dwelling but in no case shall the lot area per dwelling unit be less than three thousand (3,000) square feet.
- c. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet with a minimum width of eighty (80) feet at the established building line.
- d. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than ten thousand (10,000) square feet and a width of eighty (80) feet at the established building line.

5. YARDS – SINGLE-FAMILY AND TWO-FAMILY USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than ten percent (10%) of the lot width or twenty (20) feet shall be provided.
- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be ten (10) feet.
- d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.

6. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
- b. *Interior Side Yard.* A side yard on each side of the principal building of not less than ten percent (10%) of the lot width shall be provided.

- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be ten (10) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased in width or depth by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet.
7. **BUILDING HEIGHT – ONE AND TWO-FAMILY DWELLING USES.** The building height for single-family detached and attached and two-family dwelling uses shall not exceed two and one-half (2½) stories.
 8. **FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES.** The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
 9. **LOT COVERAGE.** Not more than sixty percent (60%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than seventy percent (70%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
 10. **DWELLING SIZE STANDARDS.** Every one-story dwelling hereafter erected in the *R-5 Two-Family Residence District* shall have a total ground floor area of not less than seven hundred (700) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *R-5 Two-Family Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand fifty (1,050) square feet, including utility rooms, but excluding cellars, basements, open porches, breeze ways, garages, and other spaces that are not frequently used.
 11. **OFF-STREET PARKING.** Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading.**

8.07 R-5B ATTACHED SINGLE FAMILY RESIDENCE DISTRICT

1. **PURPOSE.** The *R-5B Attached Single Family Residence District* is established to provide new development areas of medium density that retain a similar character to the single-family districts. Mixed neighborhoods are encouraged by this category, permits single family detached and attached dwellings, including duplexes, town homes, row houses, and similar housing types.
2. **PERMITTED USES.** The following uses are permitted in the *R-5B Attached Single Family Residence District*:
 - a. One-Family detached dwellings.
 - b. Duplexes or Two-Family dwellings.
 - c. One-Family attached dwellings, with not more than four (4) dwellings (six (6) dwellings if the garages are in the rear) in a building, including townhomes, rowhouses, etc.
 - d. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - e. Home occupations.

- f. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - g. Signs, as permitted in **Section 12.00, Signs**.
 - h. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - i. Periodic Church Use.
3. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
- a. Bed and breakfast guest homes.
 - b. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - c. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - d. Cemeteries.
 - e. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - f. Funeral Parlor or Mortuary.
 - g. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - h. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - i. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.
 - j. Large Active Park.
 - k. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
 - l. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.
4. LOT SIZE.
- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than eleven thousand (11,000) square feet, and a width at the established building line of not less than seventy-five (75) feet.

- b. Every duplex or two-family dwelling hereafter erected shall be on a zoning lot having a minimum area of not less than nine thousand (9,000) square feet and a minimum width of not less than seventy-five (75) feet at the building line, provided that where a lot has less width than herein required and was recorded under separate ownership from adjoining lots prior to August 22, 1988, such lot may be occupied by a two-family dwelling but in no case shall the lot area per dwelling unit be less than three thousand (3,000) square feet.
 - c. Every attached single-family dwelling hereafter erected shall have a minimum of four thousand three hundred fifty-six (4,356) of square feet on site, not necessarily part of a zoning lot for that dwelling.
 - d. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet with a minimum width of eighty (80) feet at the established building line.
 - e. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than ten thousand (10,000) square feet and a width of eighty (80) feet at the established building line.
5. YARDS – SINGLE-FAMILY AND TWO-FAMILY USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
- a. *Front Yard.* A front yard of not less than thirty (30) feet shall be provided.
 - a. *Interior Side Yard.* A side yard on each side of the principal building of not less than twelve (12) feet shall be provided.
 - b. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty (20) feet.
 - c. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
6. YARDS – ATTACHED SINGLE FAMILY USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than fifteen (15) feet shall be provided.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty-five (25) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
7. YARDS – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:

- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than fifteen (15) feet.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty-five (25) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased in width or depth by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet.
8. **BUILDING HEIGHT – ONE AND TWO-FAMILY DWELLING USES.** The building height for single-family detached and attached and two-family dwelling uses shall not exceed two and one-half (2½) stories.
 9. **FLOOR AREA RATIO – RESIDENTIAL USES.** The floor area ratio for residential uses shall not exceed 0.35.
 10. **FLOOR AREA RATIO – NONRESIDENTIAL PERMITTED USES AND SPECIAL USES.** The floor area ratio for nonresidential permitted uses and special uses shall not exceed 0.6.
 11. **LOT COVERAGE.** Not more than sixty-five percent (65%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than seventy-five percent (75%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.
 12. **DWELLING SIZE STANDARDS.** Every one-story dwelling hereafter erected in the *R-5B Attached Single Family Residence District* shall have a total ground floor area of not less than one thousand (1000) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *R-5B Attached Single Family Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand two hundred (1,200) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used.
 13. **OFF-STREET PARKING.** Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading.**

8.08 R-6 MULTIPLE FAMILY RESIDENCE DISTRICT (FORMERLY KNOWN AS R-4)

1. **PURPOSE.** The *R-6 Multiple Family Residence District* is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units. The district includes one-family detached and attached dwellings, as well as multi-family uses including apartments and condominiums.
2. **PERMITTED USES.** The following uses are permitted in the *R-6 Multiple Family Residence District*:
 - a. One-Family detached dwellings.
 - b. Duplexes and Two-Family dwellings.
 - c. One-Family attached dwellings, with not more than four (4) dwellings (six (6) dwellings if the garages are in the rear) in a building, including townhomes, rowhouses, etc.
 - d. Multiple family dwellings: apartments or condominiums.
 - e. Parks, forest preserves and recreational areas, when publicly owned and operated.
 - f. Home occupations.
 - g. Schools: public, denominational or private; elementary, junior high and high; including playgrounds and athletic fields auxiliary thereto.
 - h. Signs, as permitted in **Section 12.00, Signs**.
 - i. Accessory uses, including off-street parking facilities in accordance with the provisions of **Section 13.00, Off-Street Parking and Loading**.
 - j. Periodic Church Use.
3. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of **Section 14.00, Administration**.
 - a. Bed and breakfast guest homes.
 - b. Boarding and lodging houses.
 - c. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including accessory uses required for operation.
 - d. Colleges and universities: including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, but not including business colleges or trade schools.
 - e. Cemeteries.
 - f. Day Care Centers and nursery schools, public or private for pre-school age children, provided there is adequate outdoor play for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
 - g. Funeral Parlor or Mortuary.
 - h. Golf courses, regulation size, but not including commercially operated driving ranges or miniature golf courses.
 - i. Health and medical institutions, as follows:
 - i. Convalescent nursing and rest homes.
 - ii. Hospices.
 - iii. Hospitals and sanitariums.
 - iv. Institutional establishments providing care, or care and residence for children and adults.
 - j. Indoor Sports Facilities: Indoor facilities for traditionally competitive sporting activities (including, but not limited to softball, baseball, football, soccer, basketball, swimming, hockey, skating, rollerblading, bowling, tennis, handball, paintball, laser tag or other similar activities) organized by either public or for-profit entities. Physical fitness facilities, and/or health clubs, that do not include traditionally competitive sporting activities as part of the property are excluded from the definition of sporting activities herein.

- k. Large Active Park.
- l. Mobile home parks in accordance with the Montgomery Mobile Home Ordinance.
- m. Planned Unit Developments, including incidental business or recreational facilities for the convenience of the occupants.
- n. Utility and Public Service Uses, including:
 - i. Water treatment plant, water pumping station and water reservoir.
 - ii. Elevated tank.
 - iii. Sewage pumping station.
 - iv. Police and fire stations.
 - v. Telephone exchange.
 - vi. Other similar public services.

4. LOT SIZE.

- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than seven thousand two hundred (7,200) square feet, and a width at the established building line of not less than sixty (60) feet.
 - b. Every duplex or two-family dwelling hereafter erected shall be on a zoning lot having a minimum area of not less than nine thousand (9,000) square feet and a minimum width of not less than seventy-five (75) feet at the building line, provided that where a lot has less width than herein required and was recorded under separate ownership from adjoining lots prior to August 22, 1988, such lot may be occupied by a two-family dwelling but in no case shall the lot area per dwelling unit be less than three thousand (3,000) square feet.
 - c. Every attached single-family dwelling hereafter erected shall have a minimum of four thousand three hundred fifty-six (4,356) of square feet on site, not necessarily part of a zoning lot for that dwelling.
 - d. All buildings erected or structurally altered containing three (3) or more dwelling units shall have a minimum of three thousand six hundred thirty (3,630) square feet on site, not necessarily part of a zoning lot for that building.
 - e. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet with a minimum width of seventy-five (75) feet at the established building line.
 - f. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area less than ten thousand (10,000) square feet and a width of seventy-five (75) feet at the established building line.
5. YARDS – SINGLE-FAMILY (DETACHED AND ATTACHED) AND TWO-FAMILY USES. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than ten percent (10%) of the lot width or twenty (20) feet shall be provided.

- c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be fifteen (15) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
6. YARDS AREAS – MULTI-FAMILY RESIDENTIAL USES. No building shall be erected or enlarged unless the following yards are provided and maintained:
- a. *Front Yard.* For each building on a zoning lot, a front yard shall be provided of not less than twenty-five (25) feet. For buildings exceeding thirty-five (35) feet in height, the minimum front yard shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building height exceeds thirty-five (35) feet, but in no case shall a front yard of more than forty (40) feet be required.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than twenty (20) feet.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty-five (25) feet.
 - d. *Rear Yard.* There shall be a rear yard of not less than thirty (30) feet.
7. YARDS AREAS – NONRESIDENTIAL USES PERMITTED USES AND SPECIAL USES. Yards for nonresidential permitted uses and special uses shall be as follows:
- a. *Front Yard.* A front yard of not less than twenty-five (25) feet shall be provided.
 - b. *Interior Side Yard.* A side yard on each side of the principal building of not less than fifteen (15) feet.
 - c. *Corner Side Yard.* Where a side yard adjoins a street, the minimum width of the side yard shall be twenty-five (25) feet.
 - d. *Rear Yard.* A rear yard of not less than thirty (30) feet shall be provided.
 - e. For a building thirty-five (35) feet or more in height, each yard, front side and rear as required above, shall be increased in width or depth by two (2) feet for each additional one (1) foot of building height over thirty-five (35) feet.
8. BUILDING HEIGHT. No building shall be erected or enlarged to exceed a height of four (4) stories.
9. FLOOR AREA RATIO. The maximum floor area ratios shall be as follows:
- a. One-family residence – 0.5;
 - b. Two-Family residence – 0.7;
 - c. Multiple family dwellings – 1.0;

d. Permitted nonresidential uses and special uses – 1.0.

10. DENSITY. Density in the *R-6 Multiple Family Residence District* shall not exceed twelve (12) dwelling units per gross acre.
11. DWELLING SIZE STANDARDS. Every one-story dwelling hereafter erected in the *R-6 Multiple Family Residence District* shall have a total ground floor area of not less than one thousand (1000) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used. Every dwelling of more than one story hereafter erected in any *R-6 Multiple Family Residence District* shall have a total floor area, measured from the outside of the exterior walls, of not less than one thousand two hundred (1,200) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not frequently used.
12. OFF-STREET PARKING. Off-street parking and loading shall be provided as required or permitted in **Section 13.00, Off-Street Parking and Loading**.
13. LOT COVERAGE. Not more than sixty-five percent (65%) of the area of a zoning lot may be covered by principal buildings and structures, and not more than seventy-five percent (75%) of the zoning lot may be covered by accessory structures, as set forth in the table included in Section 4.05 of the Village Zoning Ordinance.

8.09 SENIOR HOUSING OVERLAY DISTRICT

1. **PURPOSE.** The *Senior Housing Overlay District* is established to provide for flexible, senior-specific zoning over existing zoning districts to provide additional housing options for Senior Citizens. The district requires certain conditions before it can be attached to a specific parcel of land, and as such, is not given a specific location until a developer applies for it. As a special overlay district, it is intended to provide special opportunities and requirements designed to facilitate the development and construction of senior citizen-oriented housing types. It is further intended to provide a flexible and workable concept of community living, including the provision, within a single development, of a range of optional nutritional, recreational, housekeeping and health related services, as well as assistance with daily living activities designed to maintain a maximum level of independent living.

2. **DEFINITIONS.**

Activities of Daily Living (ADLs): Everyday activities such as bathing, dressing, eating, grooming, and toileting.

Assisted Living Facilities (ALFs): A for-profit facility which provides accommodations in the form of assisted living, typically small apartments or efficiencies, with services that include meals, laundry, housekeeping, medication reminders, assistance with activities of daily living (ADLs) and may include varying degrees of medical assistance. An ALF has both institutional and residential characteristics, and is not a multiple-family dwelling. An ALF is not subject to licensure by the State of Illinois.

Congregate Care Facilities (CCFs): A multi-unit senior housing development with supportive services such as meals, housekeeping, social activities, and transportation. Typically, a CCF encourages socialization by provision of meals in a central dining area and scheduled social programs. Does not provide any health care services or assistance with activities of daily living.

Continuing Care Retirement Communities (CCRC): Housing planned and operated to provide a continuum of accommodations and services for seniors including, but limited to, independent living, congregate care housing, assisted living, and skilled nursing care. CCRCs are similar to Life Care Communities in which all levels of care are provided on site, including acute care and physician's visits.

Independent Living Facilities (ILFs): Age restricted, senior housing developments, including attached or detached single-family homes or apartments. No assistance or medical care is provided.

Senior Citizens: Senior Citizen for purposes of this section 8.05 shall be defined as individuals, male or female, who are fifty-five (55) years of age or more, or couples in which at least one (1) of the individuals is fifty-five (55) years of age or more.

Skilled Nursing Facilities (SNFs): A facility licensed by the state, providing 24-hour nursing care for convalescent residents and those with long-term illnesses. Regular medical supervision and rehabilitation therapy are typically available.

3. GENERAL PROVISIONS. The requirements of this district shall be in addition to compliance with the regulations required of the underlying zoning district. Where there is a conflict between the permitted uses provided for in the underlying district and this district, only those uses delineated herein shall apply.
4. POLICIES AND IMPLEMENTATION.
 - a. The Village of Montgomery will encourage development of a variety of senior housing types.
 - b. The Village will ensure that new housing includes units that can be easily adapted for use by disabled residents.
 - c. The district is intended to make the development of senior oriented housing attractive to potential developers, while at the same time providing assurances to the Village that units developed by the use of incentives offered, remain available only to seniors.
 - d. The only permitted use in a Senior Citizen Overlay District shall be Planned Unit Developments, in conformance with section 14.09, for residence dwellings for use by Senior Citizens only, including independent living facilities (ILFs); congregate care facilities (CCFs); assisted living facilities (ALFs); skilled nursing facilities (SNFs) and continuing care retirement communities (CCRCs).
5. CRITERIA FOR APPROVAL: The senior housing overlay district requires the presence of certain conditions before it can be applied for or attached to a parcel of land:
 - a. Appropriate base district zoning, including R-1, R-2, R-3, R-4, B-1, B-2, B-3 or O-R district.
 - b. Land uses in the immediate and surrounding area, current and projected, must be compatible with the living environment required by senior citizens and must be free of health, safety or noise problems.
 - c. Area infrastructure must be in place or constructed as part of the project and capable of serving the proposed project including streets, sidewalks, traffic signals, pedestrian circulation (on-site), and other infrastructure as required by the Village.
 - d. The proposed site shall be a convenient and reasonable distance from commercial establishments, service providers and other amenities including food shopping, pharmacy, banks, public transportation, open space/recreational facilities and other services as determined by the village.
 - e. The design and site layout of the development shall minimize impact to the character of the surrounding neighborhoods.
 - f. The proposed construction and design of the housing shall contain the usual amenities and living aids found in housing designed for use by seniors.
6. ADDITIONAL STANDARDS FOR A PUD. In addition to the requirements of Section 14.09, any PUD established hereunder shall incorporate such conditions as the Planning Commission and Village Board shall require to assure that the goals of providing senior citizens with continuing security, noise control, specialized construction standards for senior citizen housing, site access, and where applicable, the requirements of “supportive housing for the Elderly” contained in 12 U.S.C. 1701q as amended., are met.
7. DEVELOPMENT INCENTIVES. In order to encourage development of housing oriented toward senior citizens, the Village of Montgomery is prepared to offer a developer some or all of the following incentives, depending upon the quality, size, nature and scope of the project proposed:
 - a. Reduction in required off-street parking requirements (design and ratios);

- b. Dwelling unity density bonus;
- c. Reduced dwelling unit sizes;
- d. Fee waivers/reductions; and
- e. Priority fast track processing.

All development incentives requested and subsequently offered are subject to negotiation between the Village or Agency and the project developer.

8. ADMINISTRATIVE PROCEDURES.

- a. The Village may require a paramedic impact study to determine the frequency of calls to the proposed development. If the study indicates more than average use, an impact fee may be collected.
- b. On or before January 1 of each calendar year, , the owner of the proposed development (for CCFs, ALFs, SNFs and CCRCs only, not single family) shall provide the Village with a disclosure statement on a form to be provided by the Village. Information to be provided shall include, but is not limited to: 1) ownership, including names and telephone numbers of officers and directors; and 2) names and telephone numbers of on-site management.
- c. The conditions, restrictions and standards set forth in this Ordinance are fundamental to the grant of the Senior Housing Overlay District designation. In the event that the proposed development:
 - i. Fails to comply with every condition, restrict and standard contained in the Village Ordinances;
 - ii. Fails to comply with every condition, restriction and standard contained in this Ordinance; and/or
 - iii. Fails to operate as a senior housing development, then in that event, the special use permit for the Planned Unit Development (PUD) for the proposed development may be revoked by the Corporate authorities upon 15 days notice, published in a newspaper of general circulation in the area in question. In addition, the zoning of the subject realty shall revert to the underlying zoning classification of the Village upon such action by the Corporate authorities. The petitioner, and owner of record of the property in question (and their heirs assigns, lessees, etc.), by applying for this use and engaging in the use petitioned for, agrees to be bound by all the terms of this ordinance and waives any claims of vested rights, reliance or other defenses, of any type or character, to defend against a revocation of said special use based on any violation of the above provisions. The provisions of this use shall be binding on the heirs, successors and/or assigns of the petitioner and/or owners of record of the parcel in question.

Section 8A.00 – Agricultural District

8A.01 PURPOSE AND INTENT

The purpose of the A-I Agricultural District is to:

Establish a zoning district in which agriculture and related land uses are encouraged as a transitional use zoning district for those areas traditionally farmed but within the development corridor.

1. Preserve those soils that are prime and important farmlands, and currently used for growing crops until the time when development is logical and serviceable.
2. Maintain the rural character of the area.
3. Minimize potential conflicts between agricultural uses and operations and nonagricultural uses by establishing standards that regulate the type, intensity and location of agricultural uses.

8A.02 USES

I. PERMITTED USES:

Agriculture including: beekeeping; dairying and grazing, but not commercial feedlots; field crops; forestry; greenhouses, excluding retail sales; horticulture; orchards; produce stand; truck farming; and viticulture.

Home occupations.

Manmade lakes, and waterways.

Plant nurseries, excluding retail sales.

Picnic grounds and/or groves.

Single-family dwellings, detached (one a lot 40 acres or more).

2. PERMITTED ACCESSORY USES:

Buildings accessory to farm operations.

Farm machinery or vehicles that are incidental or accessory to permitted or special uses in this District.

Recreational uses, private (lighted), such as swimming pools and tennis courts, subject to the setback regulations of this District.

Roadside stands (one portable) for the sale of farm products grown and raised on the premises, provided:

- a. The stand complies with minimum setback requirements.
- b. Adequate parking is provided for customers.
- c. A temporary building permit (valid for a time period not to exceed 6 months) is obtained from the Village.

Servicing, repair and outdoor storage of farm machinery when accessory to the permitted uses listed above.

Stable, boarding where horse are kept for remuneration but limited to not more than ten (10) horses.

Stable, private located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used, for housing horses for private use of occupants of the dwelling.

Those uses customarily accessory to the pursuit of agriculture.

3. SPECIAL USES: The following uses are permitted special uses in the A-1, Agricultural District, and shall be processed as special uses according to standards, criteria and procedures set forth in Section 14.08:

Agricultural implement sales and services on five (5) or more acres.

Agricultural silos greater than ninety feet (90') in height.

Agriculturally-related research and facilities.

Airports, public or private, in conformance with the Federal Aviation Agency Standards.

Animal and poultry husbandry and hog farming (excluding slaughterhouses).

Cemeteries, including crematories and mausoleums, provided no building shall be located less than one hundred feet (100') from side and rear property lines.

Fishing, hunting and game preserves.

Grain elevators and storage, commercial.

Kennels.

Livestock depots, sales yards, and auction barns.

Local governmental buildings and/or municipal buildings and equipment storage facilities relating to services provided by such agencies.

Mining and/or the extraction of minerals, sand, gravel, topsoil or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing or storage, provided:

1. Open pits or shafts will be located two hundred fifty feet (250') or more from any public road or one hundred feet (100') from any side and rear property line.
2. All buildings or structures shall be located at least two hundred feet (200') from any property line.
3. The borders of the property shall be fenced with a solid fence or wall, at least six feet (6') in height, when the property is adjacent to, or across from, any district other than an industrial district.
4. No blasting, or other use of explosives, shall be permitted.
5. Mining activities, including, but not limited to, extraction, parking and storage of vehicles and equipment, and activities of crushing, mixing, washing or storage of extracted materials, shall be located at least one hundred feet (300') from any property line adjacent to or across the street from any district other than an industrial district, and located one hundred feet (100') from any public road right of way.

Plant nurseries, including retail sales.

Utilities including:

Booster stations.

Electric substations.

Gas pressure control stations.

Pipelines

Railroad right of way, excluding:

Railroad repair shops.

Switching and marshaling yards.

Telephone exchange stations.

Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

Transformer stations

Wastewater treatment plant.

Waterworks, reservoirs, pumping stations, filtration plants and Municipal wells.

Radio, cellular and television towers, commercial.

Recreational uses, areas or campgrounds, public.

Riding academies and commercial stables.

Sales of feed and seed, provided these activities are accessory to the primary activity of farming.

Veterinarians, equine and/or bovine only.

Other rural business uses not specifically listed above, when determined to be compatible with established uses on adjoining property.

8A.03 LOT REQUIREMENTS

- A. Minimum Lot Size:
 - 1. Permitted Use: A separate ground area not less than forty (40) acres shall be required for each permitted use in this District.
 - 2. Special Use: Minimum lot size shall be determined by the Village as part of the special use process.
- B. Minimum Lot Width: A minimum lot width of not less than two hundred fifty feet (250') shall be required.

8A.04 BUILDING SETBACKS

- A. Minimum Front and Corner Side Yards: Not less than fifty feet (50') from a front and corner side lot line.
- B. Minimum Interior Side Yards: Not less than fifty feet (50') from an interior side lot line.
- C. Minimum Rear Yards: Not less than one hundred feet (100') from a rear lot line.
- D. Primary Roads: Not less than one hundred feet (100') from the right of way of a roadway designated as primary by the Village.
- E. Parking and Roads: No parking or roads shall be allowed in the required front, corner side, interior side or rear yards.
- F. Special Provision: Notwithstanding the above, no animals or poultry shall be housed, stabled, kenneled or yarded closer than two hundred fifty feet (250') from any residence other than that of the owner or user of the property.

8A.05 HEIGHT LIMITATIONS

- A. Single-Family, Detached Dwellings: Not more than thirty five feet (35').
- B. Nonresidential, Agricultural Structures: Not more than ninety feet (90'), unless otherwise approved as a special use.
- C. Special Uses: As determined by the Planning Commission and Village Board as part of the special use permit (see Section 14.08).

Section 9.00 – BUSINESS DISTRICTS

9.01 PURPOSE

- I. The Business Districts set forth herein are established to protect the economic base of the Village and to provide a planned, harmonious and safe grouping of commercial establishments. These general purposes include, among others, the following specific objectives:
 - a. To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the Village.
 - b. To permit selected business uses in districts where adjacency to or inclusion in a residential area has sufficient elements of service or convenience to such areas to offset the disadvantage.
 - c. To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.

9.02 REQUIRED SITE PLANS – ALL DISTRICTS

- I. Prior to any action by the Village Board of Trustees, a site plan for the proposed development must be submitted to the Village for review in accordance with Section 4.14.

Said plan shall contain the following:

- a. The areas to be developed for buildings; the anticipated total gross floor space; the areas to be developed for parking; the points of ingress and egress; landscaped areas; loading areas; sign plans; and lighting plans.
 - b. Provisions for utility and drainage systems.
 - c. A review of traffic flow into and out of off-street parking areas and areas of turning and maneuvering vehicles.
 - d. An architect's sketches including conceptual floor plans in sufficient detail to permit computation of yard requirements, elevations of structure, and percent of lot area.
 - e. A Landscape Architect's plan showing location and general design of landscaped areas, the varieties and sizes of plant materials and other pertinent features in accordance with Section 12A.
2. The Village shall review all material submitted in conformance with the regulations herein and Section 4.14.

9.03 B-1 LOCAL RETAIL BUSINESS DISTRICT, B-2 GENERAL RETAIL BUSINESS DISTRICT AND B-3 SERVICE, AUTOMOTIVE AND WHOLESALE BUSINESS DISTRICT

- I. GENERAL CONDITIONS. Uses and structures allowed in the B-1, B-2 and B-3 Districts shall be subject to the following conditions:
 - a. All goods produced on the premises shall be sold as retail on the premises where produced.
 - b. The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building except if the establishment is considered a restaurant or other food vendor which provides outdoor seating and eating area permitted by this section.
 - c. There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
 - d. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
 - e. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings unless otherwise indicated.
 - f. Building design and architecture shall comply with the Village of Montgomery Design Review Guidelines Ordinance. This ordinance provides the desired building architecture, design and image for specific areas within the Village.
2. DISTRICT DESCRIPTIONS.
 - a. B-1 Local Retail Business District: This district focuses on neighborhood convenience and small scale stores and businesses. The B-1 District will be typically found close to or adjacent to residential neighborhoods in walking distance.
 - b. B-2 General Retail Business District: This district focuses on general retail and is generally located along major commercial corridors not necessarily adjacent to residential uses. This district will see larger corporate stores and is more tailored to the automobile for transportation.
 - c. B-3 Service, Automotive and Wholesale Business District: This district focuses on automotive service uses, wholesale uses and business uses that would not generally be found in retail oriented districts such as the B-2 District. These uses tend to be more industrial in nature as opposed to retail based.

9.04 MD-MILL DISTRICT

1. GENERAL CONDITIONS. The Mill District is intended to promote and encourage traditional downtown development through the efficient use of land development practices. The Mill District shall follow a form based development approach, which puts more focus and emphasis on the form of the building and development of the site as opposed to the use of the building. This will be enforced through the Village's Design Review Guidelines Ordinance as well as the bulk regulation table below. While objective standards have been created, the development of each site is also subjective and the Village will work with each developer in order to produce the most desirable building form based on the objective standards and subjective illustrations and desires of the Village. The uses in the Mill District are encouraged to follow the land development practice of mixed-use and shall be subject to the following conditions.
 - a. All goods produced on the premises shall be sold as retail on the premises where produced.
 - b. The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building except if the establishment is considered a restaurant or other food vendor which provides outdoor seating and eating areas permitted by this section.
 - c. There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
 - d. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
 - e. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings unless otherwise indicated.
2. LANDSCAPING & STORMWATER. Best Management Practices are encouraged to mitigate the amount of stormwater run off. Underground detention is more practical in an urban setting as this. Ground mounted landscaping planters or landscaping beds are required at public entrances facing public streets (not alleys) and should consist of shrubbery and perennial plantings that provide year round coverage. Annual plantings are encouraged as well. If ground mounted planters are placed in public right-of-way the property or business owner is responsible for the maintenance of the landscaping. Perimeter landscaping is not required except for transitional yards. If on-site parking lots are provided the parking lot landscaping requirements of the landscape section of this ordinance shall apply. Parkway trees are required every forty (40) feet. Plant material sizes shall comply with Section 12A of this ordinance.
3. BUILDING DESIGN REQUIREMENTS. In order to provide a cohesive aesthetic to the Mill District, all new buildings are encouraged to use building materials similar to what has been used on the Village Hall building and similar to the existing buildings in the Mill District such as Gray's Mill. Appropriate materials include the use of brick and natural stone; vinyl, wood and cement siding are encouraged as accent materials but discouraged as primary siding

materials. In addition other architectural elements are encouraged such as recessed entry ways, display windows on the ground floor, awnings over ground floor windows and entry ways, as well as any other features that will enhance the appearance and curb appeal of the building. Creativity is highly encouraged.

9.05 ZONING STANDARDS, BULK REGULATIONS AND USE TABLES

Zoning Standards and Bulk Regulations Table

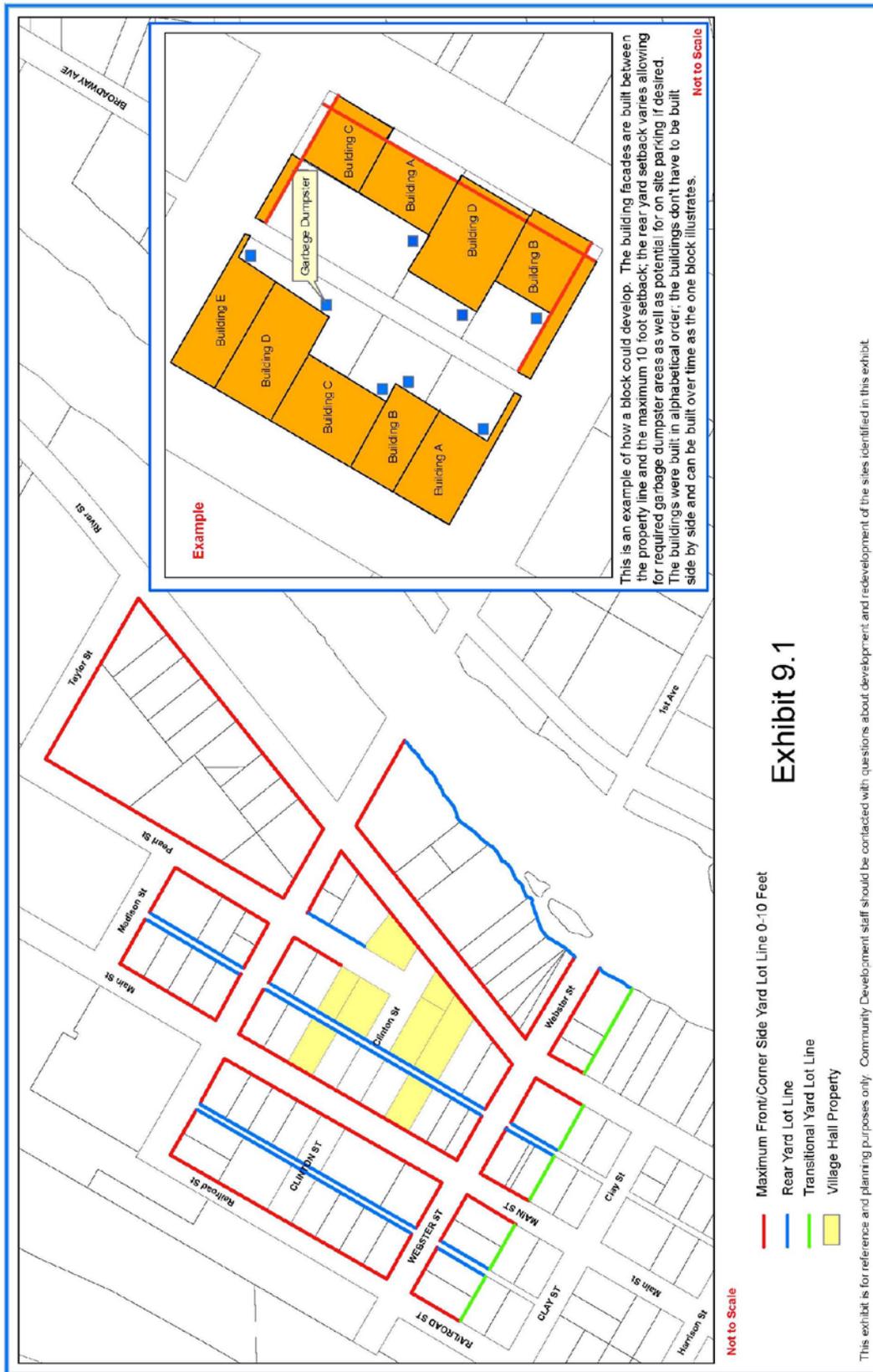
Zoning District	Front Yard Setback*	Side/Corner Side Yard Setback*	Rear Yard Setback	Transitional Yard Setback*	Floor Area Ratio	Maximum Building Height
B-1	Min 10 ft	Min 5/10 ft	Min 20 ft	Min 20 ft	1.0	4 stories or 45 ft
B-2	Min 10 ft	Min 5/10 ft	Min 20 ft	Min 20 ft	1.5	4 stories or 45 ft
B-3	Min 40 ft	Min 20/40 ft	Min 30 ft	Min 30 ft	1.5	4 stories or 45 ft
MD	Max 0-10 ft**	Max 0/0-10 ft**	N/A**	Min 10 ft	4.0	4 stories or 45 ft

*Those yards that abut a public right-of-way or are a Transitional Yard shall be completely landscaped except for entry drives, sidewalks, monument signs, fences or other pedestrian amenities. All other yards shall meet the Village’s landscaping requirements, but no specific landscape depth is required.

All buildings that abut a public right-of-way, except for an alley way, shall have a maximum setback of ten feet meaning the building shall be built between the property line and ten feet from the property line. There is no required rear yard setback; building depths can vary by project. Exhibit 9.1 provides examples of building footprints and how a block or lot could develop. **The areas included in the exhibit are for reference purposes only.

A Transitional Yard shall be defined as a yard that abuts a residential zoned district at the time of plan review and approval.

I. OFF-STREET PARKING AND LOADING FACILITIES. Off-street parking and loading facilities shall be provided as permitted or required in Section 13.00.



2. PERMITTED & SPECIAL USES.

Permitted, Special and Prohibited Use Table

P=Permitted Use S=Special Use X=Prohibited Use

Land Use Types	MD	B-1	B-2	B-3
Accessory Uses	P	P	P	P
Drive Through/In Establishment	X	X	S	S
Entertainment Uses	P	P	P	P
Adult Business Uses	X	X	X	X
Amusement Arcades	X	X	S	S
Ballroom/Dancehall	X	X	S	S
Billiard Hall/Bowling Alley	X	X	S	S
Clubs or Lodges	X	X	S	S
Drive In Movies	X	X	S	S
Firearm Uses	X	X	X	X
Skating Rink: Ice or Roller	X	X	S	S
Finance Service	P	P	P	X
Currency Exchanges	X	X	X	X
Food Sales/Limited Processing	P	P	P	P
Banquet Hall	S	X	S	X
Butcher Shop	P	P	P	P
Outdoor Cafe	S	S	S	S
Slaughterhouses	X	X	X	X
Ground Mounted Solar Energy Systems in accordance with Section 4.06(11)	P	P	P	P
Health Services	P	P	P	X
Tattoo Parlor	X	X	X	X
Motor Vehicle Service	X	X	S	P
Gas Station	X	X	S	S
Periodic Church Use	P	P	P	P
Office Uses	P	P	P	P
Outdoor Sales accessory to principle use	S	S	S	S
Outdoor Use/Service accessory to principle use	S	S	S	S
Outdoor Storage accessory to principle use	X	X	S	S
Personal & Business Services	P	P	P	P
Animal/Pet Boarding	X	X	X	S
Ice Dealer	X	X	X	S
Self Service Laundry	X	X	X	S
Self Service Storage Warehouse	X	X	X	X
Veterinary Clinic	X	X	S	X
Planned Unit Development	S	S	S	S
Private Schools and Universities	S	S	S	S
Public Uses	P	P	P	P
Large Active Park	X	S	S	S
Recreation, Commercial	X	X	X	S
Religious Use/Service	S	S	S	S
Residential Uses	X	X	X	X
Assisted Living	S	S	S	S

Apartment/Condo/Loft	P*	P*	X	X
Bed & Breakfast	P	P	S	S
Dwelling Units for Watchman or caretakers on premises	P	P	P	P
Hotel/Motel	X	X	S	S
Nursing Homes	X	S	S	S
Retail Sales	P	P	P	P
Convenience Stores	X	X	S	S
Pawnbroker	X	X	S***	S
Transportation Service	X	X	X	P
Towing Service	X	X	X	S
Utility Scale Solar Energy Systems	X	X	X	X
Wholesale Establishment	X	X	X	P

*Residential Uses are only permitted above the ground floor level and when a business occupies the ground floor.

** Where a given use can fit in more than one category, the more specific category shall regulate and control said use.

***This uses is required to be located in a parcel that is a minimum of five hundred feet (500') away from any parcel containing any of the following uses: residential zone, or of any public, private or parochial school, licensed day care or child care center, park, playground, or church, convent, monastery, synagogue or similar place of worship, in any other zone. This use shall be separated from another such use by one thousand feet (1,000').

New Compatible Uses: The zoning enforcement officer (officer), or appointed designee, may allow a land use to be considered as a permitted or special use which, though not identified by name in a zoning district list of permitted or special uses, is deemed to be similar in nature, and clearly compatible with the listed uses. The officer shall consult the North American Industry Classification System (NAICS) to determine similarity or compatibility. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the village attorney.

Addition of Non-listed Uses to Zoning Ordinance: All non-listed uses that may be approved may be added to the appropriate use list at the time of periodic updating and revision. The officer shall, upon approving a use not specifically listed in this title, notify the planning commission and village board of trustees.

9.06 LAND USE DEFINITIONS

The definitions below are intended to provide an understanding and scope of each general land use category listed above. The definitions are not all inclusive and the zoning enforcement officer has the discretion to review and deny a use if in their opinion it does not meet the intent of the definition.

- a. **Drive Through/In Establishment:** An establishment or part thereof in which patrons order commodities or process transactions at a window or electronic device used for communication or is served while still in their vehicles (fast food restaurants, banks, pharmacies etc.).

- b. Entertainment Uses: An establishment which sells or provides entertainment on site and for indoor purposes. Outdoor uses require a Special Use (arcades, amusement rides, laser tag, go-carts, movie theaters, bowling alleys, skating rinks, dance halls, etc.).
- c. Financial Services: An establishment which provides financial services (banks, credit unions, savings and loans, etc.).
- d. Food Sales/Limited Processing: Any food service use that sells or serves foodstuffs articles on site or off site for human consumption (restaurant, grocery store, alcoholic beverages, etc.) including limited processing of those foodstuffs intended for sale (bakeries that create their products on site).
 - I. Butcher Shop: A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from pre-processed carcasses.
 - II. Slaughterhouse: A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.
- e. Health Services: An establishment that provides health care services to people, not animals (hospitals, emergency rooms, clinics, doctor offices, etc.).
 - I. Tattoo Parlor An Establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- f. Motor Vehicle Service/Gas Station: An establishment that services, sells, buys, trades or rents motor vehicles on site (gas station, service of oil, brakes, tires, mufflers, transmissions, body shops, car sales/rental, car washes, etc.)
- g. Office/Service Uses: An establishment that uses space for conducting the affairs of a business, profession, service industry or government.
- h. Outdoor Sales/Service/Use: Any use that has outdoor sales or service areas or any use that is not fully enclosed within a building on site and is accessory to the principle use on site (seasonal merchandise sales in parking lots, amusement rides, go karts, car washes etc). Those sale items or displays that is located on private sidewalks adjacent the principle building does not require a Special Use Permit, only when sales or displays are in parking lots or elsewhere on the property is a Special Use Permit required.
- i. Outdoor Storage: An establishment that stores products or goods outdoors on site and is accessory to the principle use.

- j. Personal & Business Services: An establishment that provides services to consumers (insurance, salon, attorney, consulting firms etc.)
- k. Planned Unit Development: As defined in Section 3.02.
- l. Private Schools and Universities: Any school or teaching institution that is not an Illinois public school as defined under Illinois State law (parochial schools, private universities, excluding businesses teaching martial arts, ballet, gymnastics, trades etc.).
- m. Public Uses: Any local, state, or federal agency, office or service (Village Hall, Police Station, Fire Station, Library, Post Office, Public School, public utility etc.).
- n. Recreation, Commercial: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: indoor and outdoor athletic training facilities, paintball courses, and batting cages, but not including entertainment uses.
- o. Religious Use/Service: An establishment that provides religious or spiritual services for worship and congregation including administrative offices and other meeting rooms (churches, parishes, rectories, temples, etc.).
- p. Residential Uses: An establishment that permit persons on premises to sleep on site or use as a permanent or semi-permanent residence (apartment, loft, condo, nursing home, bed & breakfast, etc.).
- q. Retail Sales: An establishment that sells or rents goods and commodities to consumers (clothing, pharmacy, home goods etc.)
- r. Transportation Service: An establishment that offers transportation services (livery, taxi, limousine, private bus, private train, etc.).
- s. Wholesale Establishment: An establishment or business that primarily engages in selling and/or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individual or companies; sales to individual consumers is permitted but should not be the primary use of the business.

Section 10.00 – Intentionally Left Blank

Section 11.00 – MANUFACTURING DISTRICTS

11.01 GENERAL REQUIREMENTS

CONDITIONS OF USE. All uses in the M-1 and M-2 Manufacturing Districts are subject to the following conditions:

Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials, or products shall conform with the performance standards set forth in this ordinance.

All business, production, servicing and processing shall take place within completely enclosed buildings unless a Special Use is granted. Within one hundred fifty (150) feet of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight (8) feet high, but in no case lower in height than the enclosed storage **and** suitably landscaped. Any outdoor storage shall not exceed ten (10) feet in height unless otherwise provided for in a special use and is screened.

However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half(1-1/2) tons capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 13.00. The use of gravel for the purpose of parking, driving or maneuvering on is prohibited; all surfaces shall be improved to the specifications indicated in the Subdivision Control Ordinance except for landscaped areas and any open space areas on site.

Uses established on the effective date of this ordinance and, by its provisions, are rendered non-conforming, shall be permitted to continue, subject to the provisions of Section 5.00.

PERFORMANCE STANDARDS IN M-1 AND M-2 DISTRICTS. Any use established in a manufacturing district shall be operated in such a manner as to comply with applicable performance standards as set forth in this section; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such applicable performance standards. Certification from a testing laboratory, approved by the Village Board, indicating compliance with the applicable performance standards shall accompany application for a building permit.

NOISE. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter, and shall include continuous noise and those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured shall be measured with the impact noise meter manufactured according to standards prescribed by the American Standards Association, and shall comply with the applicable performance standards for noise. At no point on the boundary of a Residence or Business District shall the sound pressure level of any individual operation or plant (other than background noises produced by sources not under control of this ordinance, such as operation of motor vehicles) exceed the decibel levels in designated octave bands shown in the following table:

Maximum Permitted Sound Level (Decibels)

Octave Band (cycles/second)	Along Residence District Boundaries	Along Business District Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

- b. VIBRATION. No industrial operation or activity, except those not under the direct control of the manufacturer, shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibration (the periodic displacement measured in inches of earth) shall be measured at any point along a residence district boundary line with a three-component measuring instrument approved by the Zoning Officer, and shall be expressed as displacement in inches.

Maximum Permitted Displacement

Frequency (cycles/second)	Along Residence District Boundaries
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

SMOKE AND PARTICULATE MATTER.

- i. The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare is declared to be a public nuisance, and shall be unlawful.
- ii. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No.2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter. The emission from all sources within any lot area of particulate matter containing more than ten percent (10%) by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited.
- iii. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means.

iv. Smoke emission standards shall be as follows:

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

M-2 DISTRICT. The emission of more than sixteen (16) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No.2. However, during two one-hour periods in each twenty-four hour day, each stack may emit up to twenty-four (24) smoke units, twice for blowing soot and twice for cleaning fires. During fire-cleaning periods only shall smoke of a density of Ringelmann No.3 be permitted, and then for not more than four (4) minutes per period.

TOXIC OR NOXIOUS MATTER. No use shall for any period of time discharge across the boundaries of the lot wherein it is located toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property of business.

ODORS. The emission of odorous matter in such concentrations as to be readily detectable at any point along the boundaries of the property or in such concentrations as to create a nuisance or hazard beyond such boundaries is prohibited.

FIRE. The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization's, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:

- i. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the Village and the National Fire Protection Association.
- ii. All such buildings shall be set back at least forty (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 and the National Fire Protection Association.

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

- i. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings or structures, having incombustible exterior walls and handled in accordance with the standards and regulations of the Village and the National Fire Protection Association.

- ii. All such buildings shall be set back at least forty (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 and the National Fire Protection Association.
- iii. The capacity of flammable liquids in excess of the following quantities shall not be permitted:

<i>Closed Cup Flashpoint</i>	<i>Quantity (gallons)</i>
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

GLARE OR HEAT IN M-1 AND M-2 DISTRICTS. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines.

RADIATION. Airborne radioactive materials shall not exceed at any point on or beyond the lot line the lowest concentration permitted for the general population by applicable Federal and State laws and regulations in effect.

No activity involving radiation hazards shall be permitted which cause to any individual who may be continuously at any point on or beyond the lot line; radiation in excess of the smallest amount permitted in the applicable Federal and State laws and regulations.

PROHIBITED USES. The following uses and activities are prohibited in the M-1 and M-2 Manufacturing Districts:

- a. Acid manufacture.
- b. Arsenals.
- c. Cement, lime, gypsum or plaster of paris manufacture.
- d. Crematories.
- e. Distillation of bones.

- f. Explosives manufacture and storage.
- g. Fat rendering.
- h. Fertilizer manufacture.
- i. Fireworks manufacture.
- j. Garbage, offal or dead animal reduction or dumping.
- k. Gas manufacture.
- l. Glue manufacture.
- m. Petroleum refining.
- n. Smelting of tin, copper, zinc or iron ores.
- o. Stockyards or slaughter of animals.
- p. Wrecking and Salvage Yards: Junk Yards, including automobile wrecking and industrial metal and waste salvage.
- q. Storage of Intermodal Shipping Containers or other portable trailers or units, where such Intermodal Shipping Containers, trailers or units are not physically on a rail carrier, semi-trailer or vehicle. Additionally, the stacking of such Intermodal Shipping Containers, trailers or units is expressly prohibited.
- r. Any other use which, in the opinion of the Director of Community Development, is of similar character to those described above.

11.02 MANUFACTURING ZONING STANDARDS, BULK REGULATIONS AND USE TABLES

Zoning Standards and Bulk Regulations Table

Zoning District	Front Yard Setback*	Side/ Corner Side Yard Setback*	Rear Yard Setback*	Transitional Yard Setback*+	Floor Area Ratio	Maximum Building Height
M-1	Min 25 ft	Min 10% of lot width but no greater than 20 ft/ 25 ft	Min 20 ft	Min 30 ft	1.5	45 ft**
M-2	Min 25 ft	Min 10% of lot width but no greater than 20 ft/ 25 ft	Min 20 ft	Min 30 ft	3.0	45 ft**

*All yard setbacks shall be landscaped and meet the Village’s landscaping requirements except that curb cuts/drive entrances are permitted from the street and between lots for cross access. Parking/pavement areas and structures are prohibited in all yard setbacks except that the inner ten feet of the rear yard setback can be used for parking.

+A Transitional Yard shall be defined as a yard that abuts a residential use at the time of plan review and approval.

**Table of Maximum Building Height Restrictions in Manufacturing Districts.

Zoning District	Within 500 feet of a Residential or Commercial zoned parcel (setback measured at the base of the structure)	Beyond 500 feet of a Residential or Commercial zoned parcel (setback measured at the base of the structure)
M-1	45 feet	65 feet
M-2	45 feet	100 feet, for buildings higher than 100 feet the setback is 500 feet plus two (2) feet per each one (1) foot above 100 feet.

OFF-STREET PARKING AND LOADING FACILITIES. Off-street parking and loading facilities shall be provided as permitted or required in Section 13.00.

PERMITTED & SPECIAL USES.

Permitted, Special and Prohibited Use Table

P=Permitted Use S=Special Use X=Prohibited Use

Land Use Types	M-1	M-2
Accessory Uses	P	P
Agricultural Uses	S	S
Distribution Uses	S	S
Drive Through/In Establishment	X	X
Entertainment Uses	S	X
Adult Business Uses – subject to Montgomery Code of	X	S

Ordinances		
Finance Service	P	X
Currency Exchanges	X	X
Food Sales	X	X
Ground Mounted Solar Energy Systems in accordance with Section 4.06(11)	P	P
Health Services	P	X
Tattoo Parlor	P	X
Manufacturing Uses	P	P
Concrete or Asphalt Batching Plants including mining, loading and hauling of sand, gravel, topsoil or other aggregate	X	S
Fuel manufacturing/production/storage/sales	X	S
Food Processing	P	P
Miscellaneous	X	X
Construction Trailer – temporary during construction	P	P
Distribution Uses (Distribution Uses are Permitted Uses, except a Distribution Use shall be a Special Use when access to the proposed site is through an area zoned residential.)	P (S if access is through Residential)	P (S if access is through Residential)
Sanitary Landfill/Waste Transfer Station/Recycling Facility	X	S
Sewage Treatment Plants (permitted as an accessory use)	X	S
Sewage Pre-Treatment System	P	P
Motor Vehicle Service	P	P
Gas Station	S	S
Office Uses	P	P
Outdoor Sales accessory to principle use	S	S
Outdoor Use/Service accessory to principle use	S	S
Alternative Surfaces	S**	S**
Outdoor Storage accessory to principle use	S	S
Alternative Surfaces	S**	S**
Outdoor Sales/Use/Service/Storage (Principle Use)	S	S
Alternative Surfaces	S**	S**
Personal & Business Services	P	X
Planned Unit Development	S	S
Private Schools and Universities	X	X
Private Utilities	P	P
Public Uses	P	P
Large Active Park	S	S
Recreation, Commercial	S	S
Religious Use/Service	X	X
Residential Uses	X	X
Retail Sales	P	X
Pawnbroker	S	X
Sign: Off Premises/Billboard (subject to the requirements below in note d.)	P	X
Transportation Services	P	X
Utility Scale Solar Energy Systems in accordance with Section 4.06(11)	S	S
Warehouse Uses	P	P

Self Service Storage Warehouse	S	S
Wholesale Establishment	P	P
Fuel Sales	S	S

* Where a given use can fit in more than one category, the more specific category shall regulate and control said use.

** A special use for Alternative Surfaces may only be granted in conjunction with a special use for the category that it is a subset of.

Standards:

Outdoor storage areas for materials, products, and equipment that are not vehicles or piece of equipment offered for sale shall comply with the following requirements:

1. The owner or operator is required to submit a detailed plan describing the intended purpose of the use. This plan shall include but is not limited to the following: type and weight of vehicles, items to be stored on the surface, average daily vehicle trips conducted on the surface, other operations conducted on the site and dust mitigation activities.
2. Storage spaces or areas, drives and aisles shall be constructed of a minimum of 10 inches of material uniformly compacted to a minimum of ninety-five (95) percent standard proctor density or methods approved by the Village Engineer. Specified material shall be approved by the Village Engineer. Additional material depth may be required based on the use of the site subject to Village Engineer approval.
3. The owner or operator is required to engage in periodic dust control measures, including treating the alternative surface with calcium chloride on an as needed basis.
4. The owner or operator shall provide the Village an access easement over all areas utilizing an alternative surface pursuant to these provisions. In accordance with said easement, the Village will conduct periodic reviews of the site's dust control and to perform any mitigation actions it deems necessary. Prior to engaging in site remediation, the Village will provide the owner or operator with written notice identifying the violation and the owner or operator will be afforded seventy-two (72) hours to resolve. To the extent that the owner or operator fails to adequately address said violation to the satisfaction of the Village, thereby requiring Village to remediate said nuisance, the Village will deduct all applicable funds from the owner or operator's deposit. The owner or operator will be required to replenish said deposit within fifteen (15) days of receiving notice so that the account remains its proper balance of \$5,000.00.
5. The alternative surface cannot be located closer than 250 feet from a public right of way.
6. The alternative surface cannot be located closer than 250 feet from commercial or residential zoned property.
7. The alternative surface shall be maintained by the owner or operator to the satisfaction of the Director of the Community Development Department or other designee of the Village Administrator, including re-grading or restoration as needed due to traffic use, or storm related degradation. In the event that the alternative surface material degrades to a point

that increases the nuisance occurrences the material shall be removed and replaced with fresh material.

a. New Compatible Uses:

The Director of Community Development, or appointed designee, may allow a land use to be considered as a permitted or special use which, though not identified by name in a zoning district list of permitted or special uses, is deemed to be similar in nature, and clearly compatible with the listed uses. The officer shall consult the North American Industry Classification System (NAICS) to determine similarity or compatibility. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the village attorney.

b. Addition of Non-listed Uses to Zoning Ordinance:

All non-listed uses that may be approved may be added to the appropriate use list at the time of periodic updating and revision. The officer shall, upon approving a use not specifically listed in this title, notify the planning commission and village board of trustees.

c. Adult Business Uses Restrictions:

Dispersion restriction:

No regulated use hereunder shall be located within 1000 feet of any other such use.

Location restriction:

No regulated use shall be permitted to operate on a parcel of land of which any portion of that parcel falls within three hundred feet (300') of the right-of-way line of Route 30, Route 31, and Orchard Road.

The structure in which is located any regulated use hereunder shall be located at least 1100 feet from the nearest property line of any land in any residential zone, or of any public, private or parochial school, park, playground, or church, convent, monastery, synagogue or similar place of worship, in any other zone.

However, the prohibition of this section shall be specially waived in any particular case upon the presentment to the village clerk and verification of a validated petition requesting such waiver signed by 51 percent of those persons owning real property, or otherwise residing or operating a business, within 1100 feet of the proposed location of the regulated use hereunder.

d. Sign: Off Premises/Billboard must meet the following requirements:

- 1) must be within 100 feet of an on/off ramp leaving a limited access highway owned or controlled by the State of Illinois or The United States of America (roads or highways owned or controlled by a County, Township or Municipality do not satisfy this provision),
an
- 2) Must be more than 950 feet away from any property zoning Residential (R) District, and
- 3) Must be a non-electronic static sign (the sign is allowed to be illuminated in a manner that does not impair automobile driver's vision or is broadcasted toward residential structures),
and

- 4) Must be separated from any other Off Premises/Billboard sign by at least 1,000 feet that is within the Village jurisdiction and is on the same side of the right of way that the proposed sign is on, and
- 5) Overall Size: Max 300 sq ft. and Minimum 200 sq. ft., and
- 6) Overall Height: Max 35 ft., and
- 7) Max. Allowable Surface Display Area: 300 sq. ft.

11.03 ADDITIONAL LAND USE DEFINITIONS

- I. The definitions below are intended to provide an understanding and scope of each general land use category listed above. The definitions are not all inclusive and the zoning enforcement officer has the discretion to review and deny a use if in their opinion it does not meet the intent of the definition.
 - a. **Alternative Surfaces:** Acceptable alternative surfaces that will be considered are Crushed Limestone Aggregate meeting the IDOT standard gradation CA-1 or CA-7. Other materials may be considered for use as alternative surfaces subject to Village engineer approval.
 - b. **Agricultural Uses:** Any use which includes farming, plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products such as fruits, vegetables, grains, trees, sod, landscape plants etc. This uses excludes animal husbandry, the use of animals for production of food or fiber products, grazing and raising of livestock or any other use involving animals.
 - c. **Distribution Uses:** A building, structure, parcel of land, or portion therefore in which:
 - 1) freight is shipped by airplane, motor truck or railroad: or 2) freight is received, assembled, sorted and/or rerouted for local, intrastate, or interstate shipment.
 - d. **Drive Through/In Establishment:** An establishment or part thereof in which patrons order commodities or process transactions at a window or electronic device used for communication or are served while still in their vehicles (for example, fast food restaurants, banks, pharmacies etc.).
 - e. **Entertainment Uses:** An establishment which provides indoor entertainment on site (for example, bowling alley, arcades, skate rinks, clubs etc).
 - f. **Financial Services:** An establishment which provides financial services (for example, banks, credit unions, savings and loans, etc.).
 - g. **Food Sales:** Any food service use that sells or serves foodstuff articles directly to patrons on site or off site for human consumption (for example, restaurant, grocery store, alcoholic beverages, etc). This excludes off-site catering services and manufacturing and distribution facilities of food products.

- h. Health Services: An establishment that provides health care services to people, not animals (for example, hospitals, emergency rooms, clinics, doctor offices, etc.).
 - l. Tattoo Parlor: An Establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
- i. Manufacturing Use: Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging, except any use or process hereinafter specifically excluded, and providing that such use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse matter or water-carried waste.
 - l. Food Processing: The preparation, processing, or canning and packaging of food products. Examples of activities included are bakeries and meat, poultry, and seafood canning curing and byproduct processing (not including facilities that also slaughter animals).
- j. Motor Vehicle Service/Gas Station: An establishment that services, sells, buys, trades or rents motor vehicles on site (for example, gas station, service of oil, brakes, tires, mufflers, transmissions, body shops, car sales/rental, car washes, etc.). All vehicles under service by a body shop shall be kept indoors at all times.
- k. Office/Service Uses: An establishment that uses space for conducting the affairs of a business, profession, service industry or government.
- l. Outdoor Sales/Service/Use: Any use that has outdoor sales or service/processing areas or any use that is not fully enclosed within a building on site and is accessory to the principle use on site.
 - ii. Outdoor Sales/Use/Service/Storage as a Principle Use: Any use which the primary purpose is to sell, use, service, and/or store products or activities outdoors, without any other principle use.
- m. Outdoor Storage: An establishment that stores products or goods outdoors on site and is accessory to the principle use; this excludes vehicles used as part of the business operation (for example, dump trucks, backhoes, bulldozers etc.).
- n. Personal & Business Services: An establishment that provides services to consumers (for example, insurance, salon, attorney, veterinarian, teaching facilities for trades, gymnastics, martial arts etc., consulting and contracting firms etc.).
- o. Planned Unit Development: As defined in Section 3.02.
- p. Private Schools and Universities: Any school or teaching institution that is not an Illinois public school as defined under Illinois State law (for example, parochial schools, private universities, excluding businesses teaching martial arts, ballet, gymnastics, trades etc.).

- q. **Private Utilities:** Facilities or their apparatus that provide transmission, transfer, and distribution of utility services that are owned and operated by non-public entities (for example, ComEd electrical substation, Nicor gas utility, AT&T phone utility, Comcast cable utility, radio, cellular and television towers etc.).
- r. **Public Uses:** Any local, state, or federal agency, office or service (for example, Village Hall, Police Station, Fire Station, Library, Post Office, Public School, public utility etc.).
- s. **Recreation, Commercial:** Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: indoor and outdoor athletic training facilities, paintball courses, and batting cages, but not including entertainment uses.
- t. **Religious Use/Service:** An establishment that provides religious or spiritual services for worship and congregation including administrative offices and other meeting rooms (for example, churches, parishes, rectories, temples, etc.).
- u. **Residential Uses:** An establishment that permit persons on premises to sleep on site or use as a permanent or semi-permanent residence (for example, apartment, loft, condo, nursing home, bed & breakfast, etc.).
- v. **Retail Sales:** An establishment that sells or rents goods and commodities to consumers (for example, clothing, pharmacy, home goods etc.).
- w. **Sewage Pre-Treatment System:** A system that reduces, eliminates or alters the nature or amount of pollutants or its properties prior to or in lieu of introducing such pollutants into the Publically Owned Treatment Works (POTW). This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- x. **Transportation Service:** An establishment that offers transportation services directly to the consumer (for example, livery, taxi, limousine, bus, train, ambulance etc.).
- y. **Warehouse Uses:** Any use which stores manufactured goods and products in completely enclosed buildings; this excludes self-service storage warehouses/facilities.
- z. **Wholesale Establishment:** An establishment or business that primarily engages in selling and/or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individual or companies; sales to individual consumers is permitted but should not be the primary use of the business.

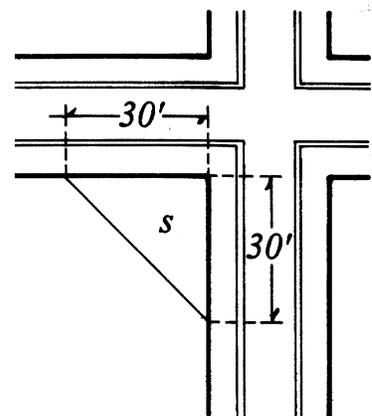
Section 12.00 – Signs

12.01 PURPOSE

The purpose of these regulations is to promote the use of signs in the Village which are safe, aesthetically pleasing, compatible with their surroundings and legible in the circumstances in which they are seen. These regulations also recognize the need for a well-maintained and attractive physical appearance of the community and the need for adequate business identification for the conduct of competitive commerce. These regulations are also adopted for the purpose of reducing sign or advertising distractions which may increase traffic accidents and result in visual congestion for pedestrians.

12.02 INTERPRETATION

1. In interpretation and application, the provisions of this section shall be held to be an expression of the maximum allowable number and size of signs which bring about the least potential conflict with surrounding uses and which promote and improve physical appearance within the Village.
2. When a sign type is not specifically listed in the sections devoted to permitted signs, it shall be assumed that such signs are hereby expressly prohibited. If it is determined by the Director of Community Development that said sign is similar to and not more objectionable than signs listed, such signs may then be permitted.
3. *Table 12.1* is intended to summarize the permitted sign types, but to be interpreted along with the additional regulations herein.



12.03 GENERAL CONSTRUCTION STANDARDS, DESIGN AND STRUCTURAL REQUIREMENTS

The provisions set forth in paragraph 12.03 shall apply to all signs, permanent or temporary, and shall be interpreted in accordance with the following rules:

1. *Measurements.* All measured distances or standards shall be to the nearest integer; if a fraction is one-half (1/2) or less, the integer below shall be taken.
2. *Height.* Height of signs shall be measured to the highest point thereon, excepting any decorative tapers in the casing, from the grade level directly below the sign.
3. *Corner Sight Triangles.* Within a part of the yard of open area of a corner lot included within a triangular area of thirty (30) feet from the point of intersection of two (2) street right-of-way lines forming such corner lot, no sign shall be constructed having a height of more than thirty (30) inches above the grade at the centerline of the streets adjacent thereto.
4. *Setbacks.* No sign shall be placed closer than five (5) feet to any lot line unless otherwise regulated herein. Temporary signs shall be located not less than one (1) foot from the property

line not obstructing view to the flow of traffic. No sign shall be permitted in the public right-of-way.

5. *Illumination.* The illumination of all signs shall be diffused or indirect and shall be so arranged that there will be no direct rays reflecting into the public way or any lot on the perimeter of the premises on which the signs are located. Exposed light bulbs, neon tubing, flashing, blinking or traveling and similar illumination are not permitted.
6. *Access to Building and Roof.* No sign shall be erected so as to prevent free ingress to or egress from any door or window, or any other point of access into a building required by the Village Building Code or Fire Protection District Regulations, or any amendments thereto, nor shall any sign be erected so as to impair access to the roof of a building.
7. *Wind Pressure and Dead Load Requirement.* All signs shall be designed and constructed to withstand a wind pressure of thirty (30) pounds per square foot and shall be constructed to receive dead loads as required in the Village Building Code and other applicable Village ordinances, and any amendments thereto which the Village may adopt from time to time.
8. *Metal Signs.* A metal sign shall have its face or background constructed of metal not thinner than No. 28 B & S gauge. The face or background may cover a wooden frame and may be provided with letters, figures, characters, borders, or moldings of wood. No wooden border around a metal sign shall exceed a width of three (3) inches.
9. *Glass.* All glass that is part of a sign shall be safety glass.
10. *Design Requirements.* All ground signs shall be designed per applicable building code requirements.

12.04 MAINTENANCE AND REMOVAL REQUIREMENT

1. *Maintenance.* Every sign and all parts thereof, including framework, supports, background, anchors, and wiring systems shall be constructed and maintained in compliance with the building, electrical and fire protection codes of the Village. The permittee for each sign shall paint and maintain all parts and supports thereof as necessary to prevent rusting, rotting, illegibility, or other deterioration. All broken or missing parts shall be promptly replaced. All seams between panels or the components of the sign shall be maintained in a closed condition.
2. *Legibility.* All letters and characters on each sign shall be legible, with the edges of the letters and characters cleanly defined, unfaded, and maintaining a clear contrast with the background.
3. *Removal.* When a business ceases to operate for thirty (30) consecutive days, any sign associated with said businesses must be removed or replaced as follows, within sixty (60) days after the thirty (30) day period.
 - a. Any wall sign must be removed and all surfaces shall be restored to match the existing wall surface.
 - b. Any freestanding or wall-mounted changeable sign, whether panels or individual letters, shall be removed and a new sign installed or a white blank panel inserted until a new sign permit is issued.

12.05 PERMITS FOR PERMANENT SIGNS

Permits to build new, permanent signs or to alter or to move existing permanent signs:

- a. No permanent sign shall hereafter be erected, altered or moved until the person proposing to erect, alter, or move such sign shall have obtained a permit from the Village. Such permit shall be issued only when the sign complies with all of the applicable provisions of this section. The fees for all permanent signs shall be set by separate resolution of the Board of Trustees from time to time.
- b. Any person desiring such a permit shall file application therefore upon a form which shall contain or have attached thereto the following information:
 - i. Name, address, telephone and fax numbers and e-mail address (if available) of the applicant.
 - ii. The name of the person, firm, corporation, or association erecting, altering, or moving said sign.
 - iii. Written consent of the owner of the land on which the sign is to be erected, altered, or relocated.
 - iv. A plat of survey, drawn to scale, showing the location of the buildings, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares.
 - v. A plan drawn to scale showing the design of the sign, materials used, method of construction, and means of attachment to the building or ground.
 - vi. Any other information as the Director of Community Development shall require in order to show full compliance with this and all other applicable ordinances of the Village.

12.06 PERMITS FOR TEMPORARY SIGNS

1. *PERMIT REQUIRED:* All temporary signs, except those signs specifically exempted from a permit requirement in this Section 12.00, shall have a permit. Possession of a valid permit for a temporary sign shall entitle the owner to display such sign for the time period specified thereon.
2. *DURATION AND TYPE OF TEMPORARY SIGN:* The duration and limits of temporary signs shall be as follows:
 - a. **RESIDENTIAL DEVELOPMENT MARKETING SIGNS (ON-SITE & OFF-SITE):**

On-site Residential. Temporary residential marketing signs at major entrances to planned unit developments of residential subdivisions; not to exceed one hundred and twenty (120) square feet in area and fifteen (15) feet in height, containing the name of the overall development and the names of builders or units herein. Number and location of these signs shall be approved by the Director of Community Development based on consideration of the following factors: location of the development; size of the development; visibility which the sign will achieve at the particular entrances at which signage is sought; proximity of existing residences; and size of the proposed signage both with regard to individual signs and with total signage requested. The signs shall not be

located in an established sight triangle, and shall be setback from all property lines a distance at least equal to the height of the sign.

Off-site Residential. Temporary residential marketing signs, off-site, pursuant to 12.15(6):

The developer of a given real estate development may apply for temporary marketing signs for the residential development for a period of up to twelve (12) months, renewable on a six (6) month basis thereafter. Each such sign shall not exceed one hundred (100) square feet in area and shall not have a total height of more than fifteen (15) feet. Said signs must be removed upon the sale by the developer of the last units in said development. For purposes of this section only, a "development" shall be defined as a parcel of property or tract of land being developed by a single developer (but may have multiple builders within same) at the same or substantially the same time and includes but is not limited to a PUD, a subdivision or other unified improvement of land. Specific location and construction techniques shall be approved by the Director of Community Development pursuant to the issuance of said permit(s). The signs shall not be located in an established sight triangle, and shall be setback from all property lines a distance at least equal to the height of the sign. Such signs may be located in any zoning district on undeveloped property (used for agriculture or open space), provided that there is one-quarter (1/4) mile separation from each other, and that no such sign shall be closer to an existing residence than three hundred (300) feet.

- b. **COMMERCIAL DEVELOPMENT PRE-OCCUPANCY SIGNS.** After a building permit has been issued on any commercial building, a pre-occupancy sign may be granted by permit in accordance with the following conditions: 1) the temporary sign is no more than 120 square feet and 2) the temporary sign permit shall be granted for a six month period, renewable each six months until the occupancy permit or permanent freestanding ground sign permit is issued, whichever occurs first.
- c. **TEMPORARY ADVERTISING SIGNS.** Temporary advertising signs including but not limited to: banners, inflatable advertising devices, flag signs, and portable reader board signs, are permitted with the following conditions. A maximum of 40 square feet shall be allowed per temporary sign with the exception of flags, which are allowed to be 80 square feet. If ground mounted, the sign shall not be erected more than ten (10) feet above grade, with the exception of flags which have no maximum height. If the temporary sign is wall mounted the sign shall not be placed more than thirty (30) feet above grade. A maximum of twelve (12) temporary sign permits shall be permitted per business per year starting each January 1st, and the business applying for the permit is allowed to place signs on other zoning lots with the permission of the lot owner. Each permit is good for fifteen (15) days and shall expire after fifteen (15) days. Said permits may run concurrently or consecutively with each other.
- d. **COMMUNITY EVENT SIGNS.** Temporary community event signs are permitted on private property in residential zoning districts for use by property owners or residents of the property on which the sign is placed to advertise for community events. For the purpose of this ordinance, Garage Sales Signs, Political Signs, Real Estate Signs, and/or Temporary Contractor Signs are exempt. Banners, inflatable advertising devices, flag signs, and portable reader board signs shall not be permitted temporary sign types in residential areas.

1. *Display Standards:* A maximum of six (6) square feet shall be allowed per temporary sign. Ground mounted signs shall not exceed thirty-six (36) inches in height when measured from final grade adjacent to the sign placement. Temporary wall mounted signs shall not be permitted in residential districts. Illumination of temporary signs in residential area is not permitted.
2. *Number and Timeframe:* A maximum of one (1) sign per residential zoning lot at any one (1) time, not to exceed six (6) temporary sign permits per calendar year. The resident and/or property owner applying for the permit shall not be allowed to place signs on other zoning lots. Each permit is good for fifteen (15) days or twenty-four (24) hours after the conclusion of the event. Said permits may run consecutively with each other. Permit fees shall be waived.
3. **APPLICATION:** Application for a permit for a temporary sign shall be made on a form provided by the Building Division. A site plan showing the location of the sign on the property or building and a drawing, diagram or photo showing dimensions of the sign shall be provided. Permits for temporary signs must be kept on the premises where signs are displayed. Application for consecutive temporary sign permits may be made at one time upon one application. If one application is made for multiple periods, all required permit fees must be paid at the time of application for all periods covered by said permit (A single application covering five consecutive permit periods must still pay the amount due for five separate permit fees.)
4. **FEES:** The fees for all temporary signs shall be set by separate resolution of the Board of Trustees from time to time; provided, however, that such fees shall be waived for not-for-profit entities with an Internal Revenue Code 501(c) designation, and units of local government.
5. **EXCEEDING PERMITTED DURATION OF PERMIT:** In addition to all other penalties or enforcement authorized by the Village of Montgomery Zoning ordinance or other ordinances of the Village of Montgomery, in the event that a user of a temporary sign permit continues to display said sign in excess of the time period specified by said permit, any time period that said sign is displayed in excess of the said permit period shall be deducted from the allowable time authorized by any subsequent permit application. The same shall be true for signs that are displayed prior to issuance of a valid temporary sign permit. The fifteen (15) day time frame of the permit shall start the first day the Village becomes aware of the sign, staff shall then notify the owner or lessee a permit is required.
6. **VILLAGE EXEMPTION:** The Village of Montgomery shall be exempt from the requirements and limits on temporary signs delineated herein and shall be subject only to such requirements in the placement of signs as the Village staff or Board, in its discretion, shall impose.

12.07 PROHIBITED SIGNS AND SIGN TYPES

- I. THE FOLLOWING SIGNS ARE EXPRESSLY PROHIBITED:
 - a. Advertising and/or billboard signs.
 - b. Pole or Pylon signs.

- c. Attention-getting devices including but not limited to, inflatable, moving, rotating, animated, or undulating signs, or light beams. This excludes traditional barber poles not exceeding two (2) feet in height and projecting not more than twelve (12) inches from the building, utilized only to identify a hair cutting establishment. In authorizing the latter exemption, the Corporate Authorities find it in the public interest to retain this historic symbol of American commerce.
- d. Exposed light bulbs, flashing, blinking or traveling and similar signs and building adornment and illumination are not permitted, except as otherwise permitted herein.
- e. Signs may not be painted directly on any surface of a building.
- f. Windows painted to attract attention except as otherwise permitted herein.
- g. Signs which are wholly dependent upon a building for support or mounted on the roof, which project more than six (6) inches above the highest point of a building or roof to which they are attached, unless permitted otherwise, herein.
- h. Signs which constitute a hazard to public health or safety.
- i. Signs displaying obscene, indecent or immoral matter.
- j. Signs mounted on trailers or motor vehicles or vehicles positioned so to effectively provide signage, except that signs only containing the name, address or business identification of the owner or user shall be permitted on vehicles and trailers, but not used as temporary or permanent signage for a business premise.
- k. Signs, flyers, pamphlets (or similar) taped, stapled, glued or otherwise attached to street lights, light posts, utility poles, street signs, or other fixtures in the public right-of-way.
- l. Signs which make use of words such as "Stop," "Look," "One-Way," "Danger," "Yield," or any similar word, phrase, symbol or light so as to interfere with or confuse pedestrian or vehicular traffic.
- m. Signs painted directly on trees, rocks and fences and other structures or objects or on any surface of a building.
- n. Commercial advertising on any antenna towers, dishes or personal wireless service facilities.
- o. Signs located on a highway except for signs erected by the jurisdiction with control over said highway. For purposes of this section, "highway" shall be defined as in 625 ILCS 5/1-126.

12.08 SIGNS PERMITTED WITHOUT A SIGN PERMIT

- I. *ALL DISTRICTS WITHOUT PERMIT.* Signs listed in this section are permitted in all zoning districts and shall not require a sign permit. Signs in this list shall not be counted when calculating the number of signs on a premise. However, such signs shall conform with the general regulations, e.g., height, area, setback, clearance, etc.

- a. Name and address plates which give only the name and address of the resident of the building, and which is not more than one (1) square foot in sign area.
 - b. Memorial signs or tablets and signs denoting the date or erection of buildings, no larger than five (5) square feet.
 - c. "No trespassing" signs or other such signs regulating the use of a property, not more than two (2) square feet in sign area in the general residential zone and six (6) square feet in all commercial, office and industrial zones.
 - d. Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising. The Village of Montgomery is exempt from all sign regulations herein.
 - e. Wall-mounted bulletin boards for public, charitable, or religious institutions, used exclusively for non-commercial announcements when it has a sign area of no more than twelve (12) square feet, and no more than seven (7) feet in height. Said bulletin board must be protected from weather and enclosed as to prohibit posting of commercial announcements by third parties.
 - f. The flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization.
 - g. Garage sales signs, not exceeding six (6) square feet in area, may be placed at the curb in residential areas on the day(s) of the sale and must be removed upon close of the sale.
 - h. Temporary signs no larger than thirty-two (32) square feet in area advertising political candidates or political questions. Such signs, on non-residential property, may remain for thirty (30) days and must be removed upon close of the event. Per Illinois Public Act 96-0904, signs on residential property shall not be subject to time restrictions and may remain on residential properties for an indefinite period of time.
 - i. Temporary signs no larger than six (6) square feet in area advertising a business whose trade is being carried out at a customers property (with the customer's consent) provided the sign may remain in place for the duration of the work being perform plus no more than fourteen (14) days thereafter and then must be removed.
2. *RESIDENTIAL DISTRICTS WITHOUT PERMIT.* The following signs are permitted without a permit in the residential zoning districts only.
- a. Name and address plates for buildings containing more than two (2) dwelling units, provided that such signs shall not be more than three (3) square feet in area.
 - b. Real estate signs for residential uses, not exceeding six (6) square feet per side in sign area. Real estate signs for permitted non-residential uses within residential districts, not exceeding eighteen (18) square feet per side in sign area. Any such real estate signs shall be removed within ten (10) days after the premise or lot advertised has been sold, rented or leased.

- c. Home occupation nameplate, no more than one (1) square foot in area which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and is not illuminated.
3. *BUSINESS & MANUFACTURING DISTRICTS WITHOUT PERMIT.* The following signs are permitted without a permit in the business, manufacturing and office research zoning districts only.
- a. *Real Estate Signs.* One per street frontage; not to exceed thirty-two (32) square feet of sign area per face and not to exceed ten (10) feet in height. Said signage may alternately be provided as part of the permanent freestanding sign.
 - b. *Door Signs.* Direction or identification signs on or near secondary building entrances, such as exit, staff only, or business identification which do not exceed two (2) square foot in sign area.
 - c. *Hours of Operation and Contact Information.* Hours of operation, phone number, and website information may be displayed on or near the main entrance, but not exceed a total area of three (3) square feet.
 - d. *Menus.* Restaurants may display their current menu near any customer entrance provided that it is in a weather proof case, and is no larger than three (3) square feet.
 - e. *Temporary Window Advertisements.* Window signs of paper or similar material, provided that such signs are to be used to notify the public of special sales or current prices, and further provided that such signs do not take up more than twenty-five percent (25%) of the total window area. Said signs must be displayed from the interior of the building, otherwise they will be considered as temporary signs in need of permit.
 - f. *Flags.* One logo flag of a company shall be allowed per zoning lot provided that it is flown with and below the American Flag and shall not be larger than that American Flag.

12.09 PERMANENT SIGNS PERMITTED ONLY BY PERMIT

Permanent signs other than those expressly prohibited in Section 12.07 or enumerated in Section 12.08 are prohibited, except for those listed herein below. Except as more specifically defined below, each premise shall be allowed any or all of the following types and numbers of signs as delineated in Table 12.1. Descriptions of permitted sign types, including additional regulations are described in the paragraphs below.

Uses that do not occupy the ground floor space shall be allowed to locate business identification signage on a multi-tenant ground sign, where permitted, and may have window signage in accordance with the regulations herein. Multi-tenant buildings with one common entrance, rather than individual premise entrances, may have only one joint ground sign and one wall-mounted directory of business of no more than six (6) square feet, but may not have other individual signage (i.e. wall) as permitted in *Table 12.1* for multi-tenant premises with individual public entrances.

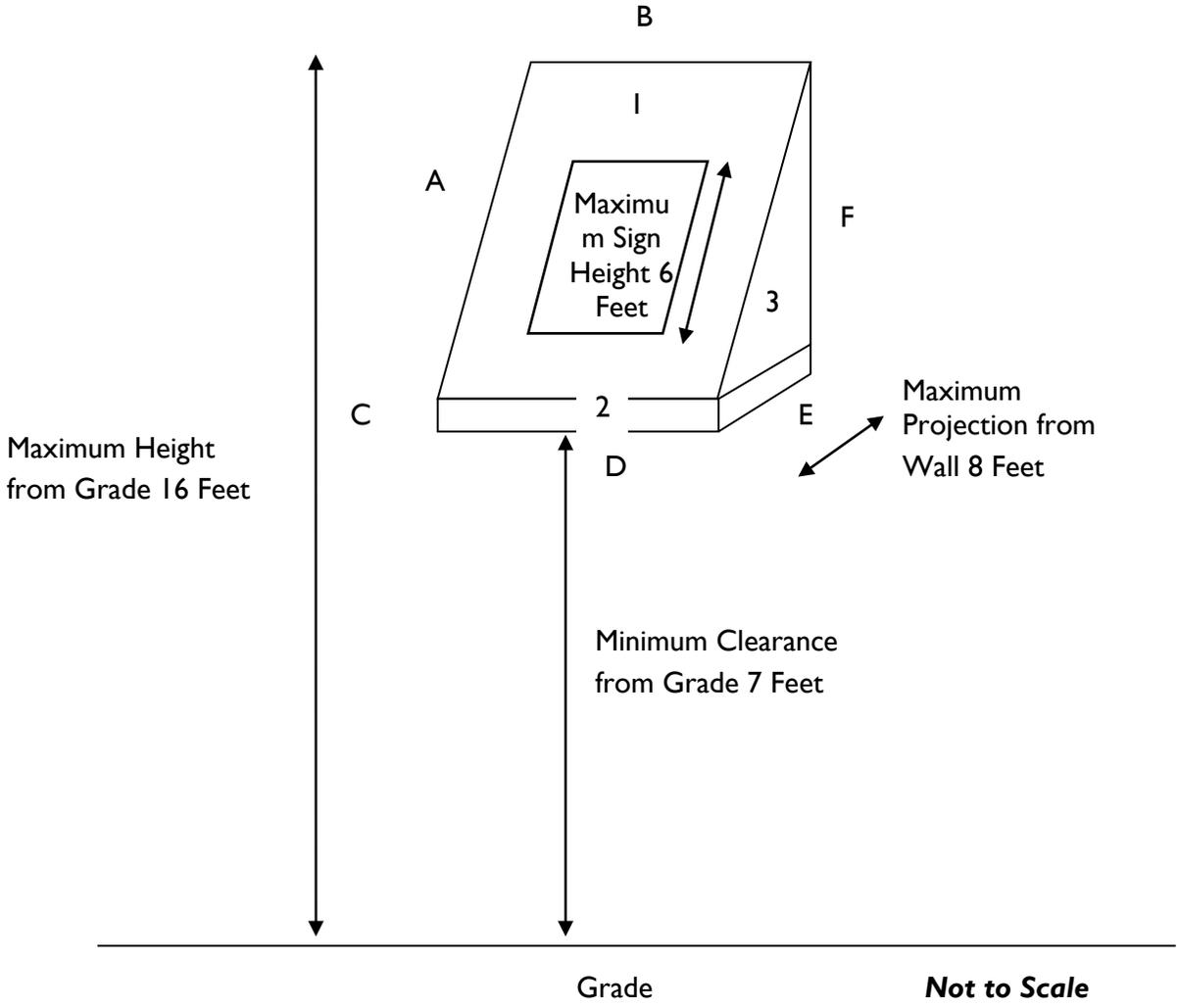
Table 12.1: Permitted Sign Types Allowed by District (With Permit)

District	A&T-Frame	Awning	Ground	Projecting	Wall	Window
<i>P=Permitted</i>						
<i>NP=Not Permitted</i>						
Residential						
Permanent Subdivision Signage	NP	NP	As Approved by the Village Board	NP	NP	NP
For Non Residential Use excluding Single, Two or Multi Family Uses	P	P	P	NP	P	P
MD						
Single Tenant Building	P	P	P	P	P	P
Multi Tenant Building 2-5 Tenants	P	P	P	P	P	P
Multi-Tenant Building 6+ Tenants	P	P	P	P	P	P
Multi Building Development (ie Shopping Center)	NP	NP	P	NP	NP	NP
B-1						
Single Tenant Building	P	P	P	P	P	P
Multi Tenant Building 2-5 Tenants	P	P	P	P	P	P
Multi-Tenant Building 6+ Tenants	P	P	P	P	P	P
Multi Building Development (ie Shopping Center)	NP	NP	P	NP	NP	NP
B-2						
Single Tenant Building	P	P	P	P	P	P
Multi Tenant Building 2-5 Tenants	P	P	P	P	P	P
Multi-Tenant Building 6+ Tenants	P	P	P	P	P	P
Multi Building Development (ie Shopping Center)	NP	NP	P	NP	NP	NP
B-3						
Single Tenant Building	P	P	P	P	P	P
Multi Tenant Building 2-5 Tenants	P	P	P	P	P	P
Multi-Tenant Building 6+ Tenants	P	P	P	P	P	P
Multi Building	NP	NP	P	NP	NP	NP

District	A&T-Frame	Awning	Ground	Projecting	Wall	Window
Development (ie Shopping Center)						
M-1						
Single Tenant Building	P	P	P	NP	P	P
Multi Tenant Building 2-5 Tenants	P	P	P	NP	P	P
Multi-Tenant Building 6+ Tenants	P	P	P	NP	P	P
Multi Building Development (ie Shopping Center)	NP	NP	P	NP	NP	NP
M-2						
Single Tenant Building	P	P	P	NP	P	P
Multi Tenant Building 2-5 Tenants	P	P	P	NP	P	P
Multi-Tenant Building 6+ Tenants	P	P	P	NP	P	P
Multi Building Development (ie Shopping Center)	NP	NP	P	NP	NP	NP

A. Sign Types. The following sign types shall be permitted as depicted in the above *Table 12.1* and in accordance with the following:

- I. **AWNING SIGNS AND AWNINGS.** All awning signs shall require a permit and shall be permitted subject to the following:
 - a. **NUMBER.** Not more than one awning sign shall be permitted on each awning face and apron. Awnings with no text or logos do not constitute signage.
 - b. **SIGN DISPLAY AREA.** The sign shall not exceed 50 percent of the sign display area as defined in the diagram below.
 - c. **LOCATION.** Individual letters or words may be affixed or applied to the awning surface mounted over entrances to an establishment or windows.
 - d. **HEIGHT.** The maximum height of an awning on the building from grade shall be sixteen (16) feet. The maximum height of the awning sign shall not exceed six (6) feet.
 - e. **ILLUMINATION.** Awnings may be externally illuminated with architectural lighting or internally illuminated. Any illumination is subject to all regulations herein.
 - f. **CLEARANCE.** A minimum clearance of seven (7) feet shall be provided between finished grade and the lowest point of an awning.
 - g. **PROJECTION.** No awning shall project more than eight (8) feet from the building wall, but shall not project into or over the roadway of any street or driveway.
 - h. **BACK FROM CURB.** No awning shall project within two (2) feet of the curb of a street or driveway.



Sign Display Area 1 = (A x B)
 Sign Display Area 2 = (C x D)
 Sign Display Area 3 = ((E x F) x .5)

Maximum Sign Area 1 (Main Awning Face) = (A x B) x .5
 Maximum Sign Area 2 (Awning Apron, each apron is counted separately for determining Sign Display Area) = (C x D) x .5
 Maximum Sign Area 3 (Secondary Awning Face, each secondary awning face is counted separately for determining Sign Display Area) = ((E x F) x .5) x .5

2. GROUND SIGNS. Ground signs shall be permitted subject to the following restrictions and shall be defined as a permanent sign which is supported by a solid, continuous base that is anchored to the ground.

- a. **NUMBER.** No more than one ground sign per street frontage per lot shall be permitted on a lot. One Multi-Building Development sign shall be allowed per street frontage and shall incorporate the development name into the sign and shall include the text “of Montgomery”. A Multi-Building Development shall be defined as two or more lots that lie within the same subdivision that has been recorded with the County (for example the Ogden Hill or Orchard Crossing commercial subdivisions).
- b. **LOCATION.** No ground signs shall be located closer than five (5) feet to a property line and shall be located outside of the sight triangle.
- c. **SIZE RESTRICTIONS.**
 - i. Single tenant building:
 - a) Maximum height of the sign, measured from the base grade, is eight (8) feet tall.
 - b) Maximum square footage of the entire sign including the supporting structure is 80 square feet.
 - ii. Multiple tenant buildings and subdivision signs:
 - a) Maximum Height of the sign, measured from the base grade, is fourteen (14) feet tall.
 - b) Maximum square footage of the entire sign including the supporting structure is 140 square feet.
 - iii. Street elevation height adjustment:
 - a) A ground sign can be elevated through the use of berms (elevating the base grade) or additional structural height in the event that the sign location is lower than the adjacent street by more than one (1) foot. In the event that a sign is located more than one (1) foot below the grade of the adjacent street, measured at the edge of pavement closest to the sign location, the sign is allowed to be elevated and the sign height measurement will begin at the grade of the street. A sign is not allowed to be elevated do to the adjacent street elevation by more than five (5) feet.
- d. **MANUAL AND ELECTRONIC MESSAGE BOARDS.** Message board signs shall be permitted when incorporated into a ground sign subject to all applicable standards herein, and the following conditions:
 - i. No more than thirty-percent (30%) of the ground sign area provided shall be used as a message board sign.
 - ii. Message boards shall be located on the lower half of the ground sign.
 - iii. Electronic message boards shall stay static for a minimum of five (5) seconds.
 - iv. Electronic message boards shall not scroll, flash, or display movement of any kind with the exception of a simultaneous transition from one image to another after the five (5) second interval. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign’s face at maximum brightness.
- e. **SIGN LANDSCAPING.** All ground signs shall be located in a landscaped area separated and protected from vehicular circulation and parking areas. Said landscape area shall be landscaped appropriately and approved by the Director of Community Development.

Examples of signs that are acceptable and meet the design intent.



Examples of signs that are not acceptable and do not meet the design intent.



4. PROJECTING SIGNS. Projecting identification signs shall be permitted subject to the following:

a. NUMBER. Not more than one projecting sign per establishment, per wall provided no wall sign for the establishment is located on the same building wall.

b. LOCATION. Projecting signs shall be affixed to the wall having the establishment's public entrance and shall not be located beyond the premises of a particular establishment.

c. HEIGHT. No projecting sign shall extend above the roofline or the highest point of the wall of the building on which it is located or fourteen (14) feet from finished grade, whichever is less.

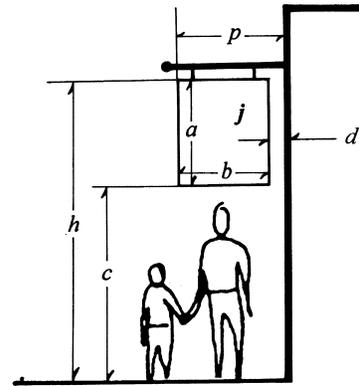
d. SIGN AREA. The area of a projecting sign shall not exceed twelve (12) square feet.

e. ILLUMINATION. Projecting signs may be illuminated subject to the standards in Section 12.03.

f. CLEARANCE. Projecting signs shall provide a minimum clearance of seven (7) feet between the finished grade below the sign to the lowest edge of the sign.

g. PROJECTION. No projecting sign shall project from the building wall more than six (6) feet. The innermost edge of the projecting sign shall be no more than one (1) foot from the wall of the building to which it is attached. Projecting signs may swing, but all projecting signs shall be permanently attached to the building.

h. SETBACK FROM CURB. No projecting sign shall project within two (2) feet of the curb of a street or driveway.



Projecting Sign (j)

Where p = projection from building wall,
 h = height of sign
 c = clearance of sign
 j = area of sign ($a \times b$) and
 $d = 1$ foot

5. WALL SIGNS. Business identification wall signs shall be considered any permanent signage mounted (signs painted onto the building are prohibited) to the building wall, which shall be defined as a side of the building which acts as a support structure between the foundation and the roof and shall also include false walls and parapets extending above said wall, or visible from the exterior of the building and shall be permitted subject to the following:

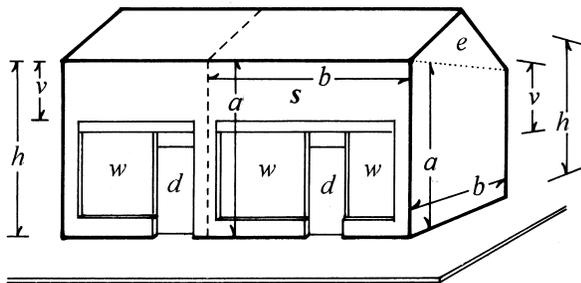
a. NUMBER AND LOCATION. Wall signs shall be affixed only to a building wall as defined above. Each user is allowed a maximum of six (6) signs on a building with a maximum of three (3) signs per wall. No wall signs shall be allowed for individual tenants in a multi-story or a multi-tenant building having no exterior building entrance for each tenant. Wall signs shall not extend more than eighteen (18) inches from the wall nor extend beyond any eave line of a gable, hip or gambrel roof, nor extend above the façade of a flat roof, nor above the deck line of a mansard roof or false wall or parapet.

Computation of Wall Sign Area of Individual Signs:

The area of a sign face shall be computed by means of the smallest square, rectangle, or

conjoining combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative wall when such wall otherwise meets all other applicable regulations and is clearly incidental to the display itself.

- a. HEIGHT OF SIGN. The maximum vertical height of the sign itself shall not exceed ten (10) feet.
- c. SIGN DISPLAY AREA. Each wall sign shall be located within a selected sign display area. The sign display area shall be defined as indicated in the illustration below. The total area of each wall signs per wall shall not exceed 30 percent of the sign display area. The sign area is in addition to any other sign types on the premises.

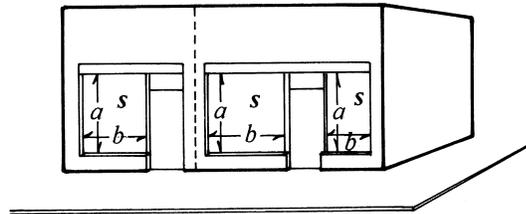


Wall Sign Display Area (s)

*Where $s = ((a \times b) + (\text{area of } e)) - (\text{area of all } w + d)$
on each permitted wall, and $w = \text{windows}$, $d = \text{doors}$
maximum height of sign (h) = 30 feet,
maximum vertical dimension of s (v) = 6 feet*

- d. ILLUMINATION. Wall signs may be internally illuminated or externally illuminated with architectural lighting subject to the standards herein.
 - e. TIME AND TEMPERATURE DISPLAYS. Time and temperature displays may not be incorporated into a wall sign.
6. WINDOW SIGNS. One permanent business identification sign, per window, may be etched, affixed or applied to the interior of window glass, subject to the following:
 - a. LOCATION. Window signs may be displayed only in windows or glass doors facing a public street, or in windows or glass doors in a wall having a public entrance.
 - b. SIGN DISPLAY AREA. Each window sign shall be located within a selected sign display area. The window sign display area shall be the transparent exterior glass surface area of each permitted window and door, but excluding superficial borders or trim. Sign display area for permitted signs shall be calculated on a window by window or door by door basis; it shall not be an aggregate of multiple windows and doors.

- c. SIGN DISPLAY AREA LIMITS. The sign display area for window signs shall not extend beyond the window surface on which the sign is located, nor beyond the premises of a particular establishment.



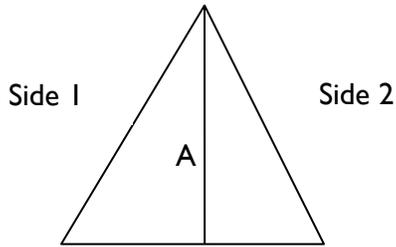
Window Sign Display Area (s)

Where $s = a \times b$

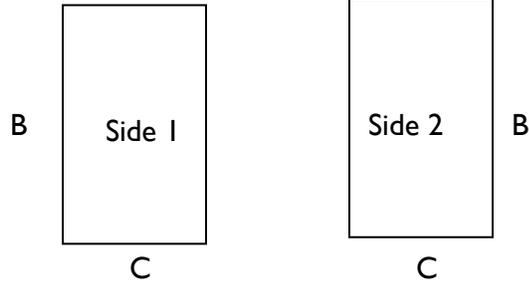
- d. SIGN AREA. The area of a window sign shall not exceed the twenty-five (25%) maximum of sign display area as defined in this Section.
- e. ILLUMINATION. Window signs may be illuminated externally with architectural lighting or internally with a screened light source and subject to the standards herein.
7. A-FRAME & T-FRAME SIGNS. A-Frame and T-Frame signs shall be permitted subject to the following and shall be defined as a sign that creates the shape of an A or an upside down T when erected.
- a. NUMBER. One A-Frame or T-Frame sign shall be permitted per building unit per street frontage. Each sign requires a separate permit.
- b. SIGN DISPLAY AREA & SIGN HEIGHT. The sign shall not exceed a total of twelve (12) square feet per side and a vertical height of four (4) feet, see diagram below.
- c. SETBACK AND LOCATION. When located on private property there shall be a minimum setback from all property lines of one (1) foot. The location of the sign shall also comply with the site triangle restrictions in section 12.03(3). A-Frame and T-Frame signs are permitted to be placed on public sidewalks only in the Mill District Zoning District; a minimum of five (5) feet of unobstructed sidewalk is required per the Illinois American Disability Act.
- d. ILLUMINATION. Illumination of A-Frame and T-Frame signs is prohibited.
- e. SIGN DURATION. A-Frame and T-Frame signs shall be movable and shall only be displayed during hours of operation of the establishment. The sign must be removed from the property or sidewalk and stored indoors when the establishment is closed.

A-Frame Vertical Height Diagram

Sign Display Area Diagram



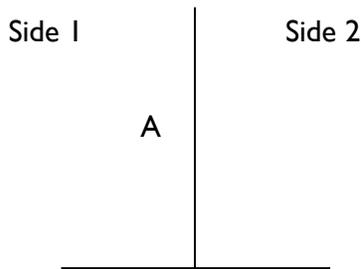
A=4 feet (max vertical height)



Side 1: B (4ft) x C (3ft) = 12 sq ft

Side 2: B (4ft) x C (3ft) = 12 sq ft

T-Frame Vertical Height Diagram



8. **DRIVE THROUGH/IN MENU BOARD SIGNS.** Drive through/in menu board signs shall be permitted subject to the following and defined as a sign that lists a menu for the restaurant that is located on the same zoning lot and from which patrons order food through an electronic voice speaker system. If a proposed sign does not fit one of the below definitions then it shall be reviewed and approved as part of a Special Use Permit pursuant to Village ordinance on Special Use Permits.

a. **NUMBER.**

i. **DRIVE THROUGH WINDOW MENU BOARD.** Two signs shall be permitted per zoning lot that has a drive through window facility; a drive through window facility shall be defined as an operation that permits patrons to place a food or beverage order in their vehicles while waiting in a line that moves to pay and pick up their order (i.e. a Burger King or McDonalds).

ii. **DRIVE IN MENU BOARD.** One sign shall be permitted per drive in parking space per lot that has a drive in restaurant facility; a drive in restaurant facility shall be defined as an operation that permits patrons to place a food or beverage order from their vehicle while parked in a designated parking stall from which the food or beverage order can be delivered

by an employee of the facility or picked up by the patron from inside the facility (i.e. Sonic or A&W).

b. SIGN DISPLAY AREA AND SIGN HEIGHT.

i. DRIVE THROUGH WINDOW MENU BOARD. The sign shall not exceed 75 square feet in area and shall not exceed a height of eight (8) feet.

ii. DRIVE IN MENU BOARD. The signs shall not exceed twenty (20) square feet in areas and shall not exceed a height of eight (8) feet.

c. SETBACK. The setback shall be five (5) feet from all property lines.

d. ILLUMINATION. Signs may be internally illuminated, external illumination is prohibited.

f. SIGN LANDSCAPING. Landscaping shall be required around the base of the drive through window menu board sign.

9. NEON SIGNS. Neon signs shall be permitted to hang inside store front windows that face a public right-of-way. One (1) sign shall be allowed per window and a maximum of ten (10) square feet in area.

B. SIGNS PERMITTED BY ZONING DISTRICT. As depicted in Table 12.1 the sign types described above and the additional signage below are permitted in the applicable zoning district by permit only.

1. RESIDENCE DISTRICTS PERMIT REQUIRED. The following sign types are permitted only in residence districts and only by permit. All other sign types other than those listed in section 12.08 are hereby prohibited.

a. Permanent residential development signs are entrances to a residential development or residential planned unit development and containing no commercial advertising, constructed of material which is the same or of a more permanent nature than the material used in the buildings and as approved by the Plan Commission. All such ground signs shall include "of Montgomery" in italicized lettering to match the sign, unless the name "Montgomery" is part of the subdivision name.

b. Awning, ground and window signs as described above for permitted or special use non-residential uses or commercial residential uses, (e.g. churches, cemeteries, golf courses, private non-profit recreational areas, bed and breakfasts) and provided that each such sign type is limited to one (1) sign per building, and provided that any such ground sign be limited to twelve (12) square feet of area, and six (6) feet in height. Said sign may display only the name of the establishment and the text "of Montgomery" if desired.

2. BUSINESS DISTRICT PERMIT REQUIRED. The following sign types are permitted in the Business Districts of the Village and only by permit. All other sign types, other than those listed in section 12.08, are hereby prohibited.

a. Signs as described above and restricted in number and location as described in Section 12.09 and Table 12.1 herein.

- b. ON PREMISES FREESTANDING DIRECTIONAL SIGNAGE. Signs regulating on-premises traffic and parking, and signs denoting sections of a building such as lavatory facilities and public telephone areas, when less than six (6) square feet in area, no more than eight (8) feet in height when ground mounted and no higher than twenty (20) feet from grade when mounted on the building. Said signs may be internally illuminated in accordance with the standards herein.
 - c. GASOLINE STATIONS, SERVICE STATIONS AND MINI-MARTS. Each gasoline station, service station or mini-mart shall be allowed:
 - i. One ground sign per street frontage. Gasoline price signs shall be integrated into the ground sign and may display static digital gas prices.
 - ii. Business Identification sign(s) at each pump island, the total area of which at each pump island shall not exceed twenty (20) square feet per gasoline pump. No such sign(s) may be located more than eight (8) feet above grade. For the purposes of this Section, a pump is the above ground equipment used to dispense and measure multiple grades of gasoline for full-service or self-service use of the customer and may have one or more pump nozzles attached thereto for dispensing fuel to up to two cars at one time.
 - iii. Three (3) Business Identification signs on each canopy over the gasoline pumps, the total area of which shall not exceed Thirty (30) square feet per sign; only one (1) sign per canopy wall; the sign shall not exceed three (3) feet in height; and the sign shall not be located higher than thirty (30) feet from grade.
 - iv. All other signs shall be permitted so long as they comply with the regulations herein and as listed above.
 - d. Decorative Light Post Banners: Banners (decorative, seasonal, patriotic – without text, business identification or advertising) may be permitted in such numbers and locations as the Director of Community Development shall approve.
3. MANUFACTURING DISTRICTS PERMIT REQUIRED. The following sign types are permitted in the Manufacturing Districts of the Village and only by permit. All other sign types, other than those listed in section 12.08, are hereby prohibited.
- a. Signs as described above and restricted in number and location as described in Section 12.09 and *Table 12.1* herein.
 - b. ON PREMISES FREESTANDING DIRECTIONAL SIGNAGE. Signs regulating on-premises traffic and parking, and signs denoting sections of a building such as lavatory facilities and public telephone areas, when less than six (6) square feet in area, no more than eight (8) feet in height when ground mounted and no higher than twenty (20) feet from grade when mounted on the building. Said signs may be internally illuminated in accordance with the standards herein.

12.10 VARIANCES

Variations to this sign code may be granted by the Village Board after an application and a hearing before the Zoning Board of Appeals. The applicant, in seeking any such variance, shall follow and adhere to all the requirements (including, but not limited to, the processing requirements and standards) contained in Section 14.07 of this Zoning Code of the Village of Montgomery.

12. 11 NON-CONFORMING SIGNS

A. NON-CONFORMING SIGNS.

1. All permanent signs which are in existence on November 27, 2006, but which do not conform to one or more provisions of this ordinance shall be deemed to be a legal nonconforming use and may be continued only as provided in this ordinance.
2. Any sign for which a permit has been lawfully granted prior to any amendment to the sign code and which does not comply with the provisions of such amendment may nonetheless be completed in accordance with the approved plans; provided construction of the sign is started within ninety (90) days after the passage of the ordinance amendment, and is diligently prosecuted to completion.
3. Whenever a nonconforming sign has been discontinued for a period of six (6) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming sign, such sign shall not, after being discontinued or abandoned, be re-established, and the sign hereafter shall be in conformity with the regulations of this ordinance.
4. Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs or incidental alterations which do not extend or intensify the nonconforming features of the sign.
5. No structural alteration, enlargement or extension shall be made in a nonconforming sign, except in the following situation:
 - a. When the alteration is required by law.
 - b. When the alteration will actually result in eliminating the nonconforming use.
 - c. If a nonconforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the sign can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the code. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the sign may then be restored to its original conditions and the use may be continued which existed at the time of such partial destruction until the nonconforming sign is otherwise abated by the provisions of this code. In either event, restoration or repair must be started within a period of six (6) months from the date of damage or destruction, and diligently prosecuted to completion.
 - d. Non-structural alterations are permitted that do not eliminate the non-conforming sign as long as the location of the sign does not change, the height of the altered sign does not exceed the standards found in Section 12.1(A)(2)(c) and the maximum sign area (as altered) does not exceed the limits set forth herein. Structural supports may not be altered, except to reduce the number or degree of a nonconformity as discussed in the above conditions

(e.g. if the height of a nonconforming pole sign panel is reduced, the structural support above the sign panel may be removed without removing the remainder of the nonconforming sign) All such alterations require a permit.

- e. Existing temporary signs shall expire at the termination date specified on the permit.

Section 12A.00 – TREE PRESERVATION & LANDSCAPING REQUIREMENTS

12A.01 PURPOSE.

This Section is established to create uniform landscape, screening and tree preservation standards for development of property in the Village through review of plans in order to ensure that the Village remains attractive, safe and comfortable. Landscaping required by this Section shall be a condition to the issuance of a Certificate of Occupancy and Zoning Occupancy for any improvements built on a lot in the Village. When a new use or owner occupies an existing improved lot or building, said lot shall come into substantial compliance with the standards in this section. In some cases it may not be practical to comply with all standards due to existing site constraints and conditions; as such, each existing improved lot shall be reviewed on a case by case basis by the Village to determine how each standard can be met with some room for deviation from the standards. The landscape standards herein are established:

- A. To promote, protect and preserve the general health and safety of the people of the community and, as part of the general welfare, ensure aesthetic compatibility among land uses within the community;
- B. To conserve soil and reduce soil erosion, reduce storm water run-off, to provide oxygen regeneration to enhance air quality, and to reduce the effects of urban heat islands;
- C. To minimize the harmful or nuisance effects resulting from noise, dust, debris, motor exhaust, headlight glare, artificial light intrusions, objectionable sights or activities, or similar incompatible impacts conducted or created by adjoining or nearby land use;
- D. To safeguard the environmental quality and aesthetic character of the community by limiting the removal and insuring replacement of trees upon private property within the Village;
- E. To preserve, as is practical, existing vegetation and topographical features by limiting unnecessary clearing and modification of land, encouraging the retention of existing mature trees, requiring the replacement of indigenous trees with approved species; and,
- F. To encourage the energy efficient operation of land uses in the public interest.
- G. To ensure that the general intent of this section is met as property is developed and redeveloped within the Village.

12A.02 TREE PRESERVATION AND REMOVAL REGULATIONS.

It shall be unlawful for any person to remove or cause the removal of any tree having a caliper of six (6) inches or greater in the Village of Montgomery without having first obtained approval from the Village of Montgomery a Tree Preservation and Removal Plan as described herein. Nothing in this Section 12A.02 shall apply to tree removal by an owner of a lot having a single family, two-family or duplex dwelling located thereon.

- A. **TREE PRESERVATION AND REMOVAL PLAN.** A Tree Preservation and Removal Plan may be required for any parcel of land involving the construction of any new building(s) or structure(s) or other site improvements, or the removal of a deciduous tree having a caliper

of six inches (6") or greater. All Tree Preservation and Removal Plans shall include or have attached thereto the following information:

1. The location of those trees to be removed and preserved and the methods which are to be used to remove and preserve such trees during site development and/or tree removal procedures.
2. A written statement indicating the reason for removal of the tree(s). A report from a licensed Illinois arborist may be requested by the Director of Community Development if deemed appropriate.
3. A description of the tree(s) to be removed, including scientific name, common name, form (single stem vs. multi-stem, clump, etc.) and tree caliper size (measured one foot (1') above the ground), and general conditions or any unique qualities.
4. Details, specifications and/or technical information of materials or procedures to be used to preserve and protect trees. This information shall also be indicated on the grading plan.

B. GENERAL TREE PRESERVATION AND REMOVAL PLAN STANDARDS AND CRITERIA

1. Every reasonable effort shall be made to retain existing trees on the aforementioned tree survey through the integration of those trees into the site plan and landscape plan for a proposed development.
2. Grading and construction equipment shall be forbidden from encroaching within the preservation zone of a protected tree (see Figure I).
3. Crushed limestone hydrocarbons and other material detrimental to trees shall not be stored or dumped within the preservation zone of any tree nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.
4. Areas proposed for washing trucks should be designed and located such that wash water is directed into a silt trap and not allowed to be routed toward trees approved for preservation.

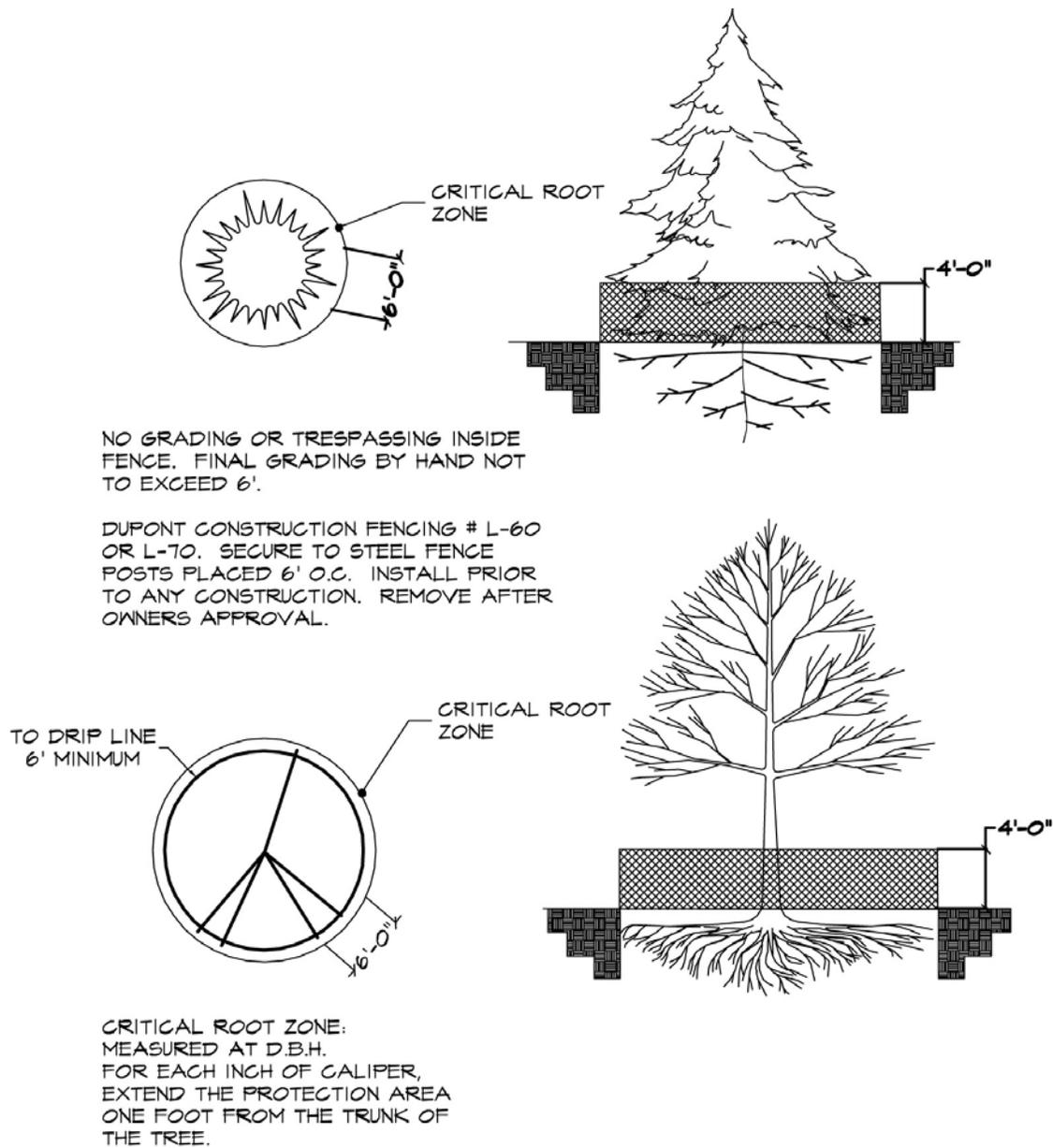


Figure I. Critical Root Zone

5. Toxic chemicals, gasoline, oil and other injurious substances shall not be stored or allowed to seep, drain or empty within one hundred feet (100') of the preservation zone of protected trees.
6. Snow fencing shall be temporarily installed at the periphery of the tree's preservation zone.
7. The critical root zone of tree trunks and branches shall be protected when construction must occur within a tree preservation zone with an approved method identified in the preservation plan.

8. No grade changes shall be allowed under preservation zone of any trees designated for preservation.
9. No ropes, signs, wires, unprotected electrical installation or other device or material shall be secured or fastened around or through a protected tree.
10. To improve the survival rate of tree, root pruning and/or tree thinning should be performed in accordance with the Arboricultural Specifications Manual.
11. In the event that underground utility lines are proposed within five feet (5') of the trunk of a tree, then auguring of the utility line should be considered and may be required by the Village.

C. **TREE REPLACEMENT REQUIRED.** Any tree intended to be removed or unintentionally removed or damaged during construction on the lot shall be replaced in the manner herein prescribed. There are two options to choose from to determine the number of replacement trees; the applicant may choose either option. (See Section 12A.02(C)(8) for replacement options).

- I. **Option 1:** For every tree designated for removal that is greater than six (6) inches in caliper one (1) replacement tree shall be required per tree removed.

Option 2: If no tree survey is completed trees shall be replaced based on a sliding scale base on the number of acres of the project based on the schedule below.

Tree Replacement Schedule

Size of Property in Acres	Number of Replacement Trees Required Per Acre
0-50 Ac	2
51-100 Ac	1.5
101+ Ac	0.75

Tree Replacement Example

Size of Property in Acres	Number of Replacement Trees Required
Example 1: 25 Ac	50 (25 x 2)
Example 2: 75 Ac	138 ((50 x 2)+(25 x 1.5))
Example 3: 150 Ac	163 ((50 x 2)+(50 x 1.5)+(50 x 0.75))

A replacement tree is not required if the designated tree for removal is one of the following or the tree is dead or dying:

Common Name	Scientific Name
Black locust	<i>Robina pseudoacacia</i>
Box elder	<i>Acer negundo</i>
Buckthorn	<i>Rhamnus cathartica</i>
Chokecherry	<i>Prunus virginiana</i>
Cottonwood	<i>(Populus deltoides)</i>
Laurel willow	<i>Salix pentandra</i>
Mulberry	<i>Morus spp.</i>
Osage orange	<i>Maclura pomifera</i>

Russian olive	<i>Elaeagnus angustifolia</i>
Siberian elm	<i>Ulmus pumila</i>
Tree of heaven	<i>Ailanthus altissima</i>
Weeping willow	<i>Salix baylonica</i>

Additional species may be determined by Village arborist.

2. In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree shall be replaced with one new tree.
3. All replacement trees shall have a minimum caliper of two and one half inches (2.5”).
4. Replacement trees shall consist of the following species:

Common Name	Scientific Name
Alder*	<i>Alnus spp.</i>
Bald cypress*	<i>Taxodium distichum</i>
Beech	<i>Fagus spp.</i>
Bitternut hickory	<i>Carya cordiformis</i>
Butternut	<i>Juglans cinerea</i>
Chanticleer pear	<i>Pyrus calleryana</i>
Elm	<i>Ulmus spp.</i>
Gingko	<i>Gingko biloba</i> (male only)
Hackberry	<i>Celtis spp.</i>
Hawthorn	<i>Crataegus spp.</i>
Horse chestnut	<i>Aesculus hippocastanum</i>
Kentucky coffeetree	<i>Gymnocladus dioica</i>
Linden	<i>Gleditsia spp.</i>
Maple	<i>Acer spp.</i>
Oak	<i>Quercus spp.</i>
Ohio buckeye	<i>Aesculus glabra</i>
Sycamore	<i>Platanus occidentalis</i>
Thornless honeylocust	<i>Gleditsia triacanthos</i>
Tulip tree	<i>Liriodendron tulipifera</i>
Walnut	<i>Juglans spp.</i>

- * These trees are best suited along the edges of wetlands, stream banks, and detention ponds.

Additionally, the following Elm cultivars are considered disease and insect resistant: ‘Frontier’, ‘Pioneer’, ‘New Horizon’, ‘Morton’, ‘Accolade’, ‘Homestead’, ‘Regal’, ‘Morton Glossy’ and ‘Prospector’ or others as approved by the Director of Community Development.

5. The landscape plan shall identify each replacement tree as a replacement tree and indicate its location, species, and size. No replacement trees shall be used to satisfy the requirements for tree planting in public right-of-way, in parking lot landscape islands, or lot perimeter requirements.

6. Removal of trees designated for preservation shall be allowed only by amending the Landscape Plan and complying with section 12A.02(C)(2).
 7. Tree preservation and replacement required by this Section shall be a condition to the issuance of a Certificate of Occupancy for any improvements constructed on a zoning lot in the Village.
 8. All practical efforts shall be made to plant the replacement trees on said zoning lot. If the replacement trees are not planted on said zoning lot the Village shall require the Owner to plant said tree(s) at its discretion on other public property or provide a fee-in-lieu based on current tree and installation cost estimates. In the case of fee-in-lieu, the Owner shall contribute 100 percent (100%) of the cost of said replacement trees to the Village. The Owner shall submit a cost estimate to be provided to be reviewed, and approved or amended by the Director of Community Development. The fee-in-lieu shall be deposited in a Village account for the sole purpose of providing landscaping needs at locations determined by the Village. If the trees for removal are determined to be dead or dying, no replacement trees shall be required as approved by the Director of Community Development.
- D. GUIDELINES FOR REVIEWING TREE REMOVAL PLANS. The Village of Montgomery shall approve removal of a tree if one (1) or more of the following conditions is present excluding trees that are apart of an approved landscape plan on file with the Village of Montgomery the removal of a tree shall be required to be replaced in kind or as approved by the Director of Community Development:
1. It is necessary to remove a tree that poses a safety hazard to pedestrian or vehicular traffic or threatens to cause disruption of public safety.
 2. It is necessary to remove a tree, which poses a safety hazard to structures.
 3. It is necessary to remove a tree, which is diseased or has been weakened by age, storm, fire or other injury.
 4. It is necessary to observe good forestry practice, i.e., the number of healthy trees a given parcel of land will support.
 5. It is necessary for the development of improvements on the zoning lot otherwise authorized by this ordinance.
- E. TREE REMOVAL PERMIT. When tree removal is occasioned by any development or land use requiring the submission of a Landscape Plan, Tree Preservation and Removal Plan, Site Plan, or Subdivision Plan, said plan shall, upon approval by the Village, constitute a tree removal permit.
- F. FAILURE TO COMPLY. If, in the opinion of the Director of Community Development, the necessary precautions as specified in the tree preservation and removal plan were not undertaken before or maintained during construction, the land development permit for the parcel shall not be issued or, if previously issued, shall be revoked until such time as these precautions have been satisfied.

12A.03 LANDSCAPING AND SCREENING REGULATIONS.

A landscape plan prepared in accordance with the standards set forth in this Section shall be required for any land development requiring a Site Plan Review or a Special Use for a Planned Unit Development. Landscaping and screening required by this Section shall be a condition to the issuance of a Certificate of Occupancy and Zoning Occupancy for any improvements built on a zoning lot in the Village or when a new use or owner occupies an existing improved lot or building.

A. LANDSCAPE PLAN REQUIRED. A Landscape Plan shall be completed by a qualified landscape architect. Applicants may elect to prepare a landscape plan in two phases: a preliminary landscape plan, and a final plan, otherwise a Final Landscape Plan shall be required. Requests for relief or revisions to these requirements of this Title may be submitted to the Village for consideration.

B. CONTENT OF LANDSCAPE PLAN

1. *PRELIMINARY LANDSCAPE PLAN.* All preliminary landscape plans shall include the following information:

- a. The name, address and phone number of the qualified landscape architect who prepared the plan; scale (minimum 1" = 30'), north arrow, date of preparation, and identification of the plans as a Preliminary Landscape Plan. Plans should be submitted in a 24" x 36" format and not to exceed 36" x 48" format.
- b. The proposed location of existing and proposed improvements; including, but not limited to, buildings, with entry and exit points identified; parking lots and driveways, roadways and right-of-way, sidewalks, bicycle paths, signs, fences, refuse disposal areas, free standing electrical equipment, setbacks, easements, walls, utilities, existing and proposed plant material and other free-standing structure or features as determined by the Director of Community Development.
- c. An indication of the character of suggested plant materials to be used, i.e. shade trees, ornamental trees, shrubs, evergreen trees, ground cover, and perennials etc.
- d. A *Tree Preservation and Removal Plan* (see separate list of requirements or Section 12A.02 of the Zoning Ordinance).
- e. The location of existing natural site features, including, but not limited to, large boulders, rock outcroppings, wetlands and streams.
- f. Existing and proposed contours, including proposed berms, at one foot contour intervals.
- g. A stormwater basin planting plan following the Village's Naturalized Stormwater Basin Guidelines.

2. *FINAL LANDSCAPE PLAN.* All final landscape plans shall include the following information:

- a. The name, address and phone number of the qualified landscape architect who prepared the plan; scale (minimum 1" = 20'), north arrow, date of preparation, and identification of the plan as a Final Landscape Plan. Plans should be submitted in a 24" x 36" format and not to exceed 36" x 48" format.
- b. The location of existing and proposed improvements; including, but not limited to, buildings, with entry and exit points identified; all utilities, lighting, walls, and fences, parking areas (spaces delineated, including handicapped spaces, curbs); spot elevations and contours; existing and proposed berms; existing (four inch (4") caliper and larger with preservation zone) and proposed plant material; paved surfaces; sign locations; public rights-of-way and easements, including street widths; refuse disposal areas; property lines; and, other exterior landscape amenities, such as bike paths, plazas, architectural paving, flag poles, foundations, benches, and bicycle racks.
- c. The plant materials list including scientific names, common names, form, caliper, height and/or spread at installation and caliper, height and/or spread at maturity, and quantity of all proposed plant material and standard installation details;
- d. The proposed treatment of all ground surfaces as a detail on the landscape plan, see exhibit for example (pea gravel, ground covers, sod, seed and/or prairie).
- e. Other drawings and information as required; such as irrigation plan, if appropriate, grading and drainage plan, showing spot elevations and/or cross section, or methods to be used to protect plants and planted areas, e.g. curbs, ties, walls.
- f. A *Tree Preservation and Removal Plan* (see separate list of requirements or Section 12A.02 of the Zoning Ordinance).
- g. Provide elevations, cross sections, samples (if requested) and/or photographs to indicate; texture of exposed surfaces, landscape material, scale, color of exposed surfaces, planting in relation to buildings, if requested by the Village.
- h. Provide technical information, samples, details, and/or photographs of materials to be used for light standards, benches, fences, walls, signage, safety lighting, and other site details specified on the Final Landscape Plan.
- i. A stormwater basin planting plan following the Village's Naturalized Stormwater Management Facility Design, Planting and Management Plan Guidelines, with latest revision date of January 2010 which is incorporated herein as [Exhibit 12A.1](#).
- j. A cost estimate shall be provided and approved by the Village. A Letter of Credit at a rate of 110% of the landscape improvements shall be deposited with the Village and shall be reduced upon final landscape inspection and approval.

C. GENERAL DESIGN CRITERIA

- I. *Scale and Nature of Landscape Materials*. The scale and nature of landscape material shall be appropriate to the site and the structures thereon.

2. *Selection of Plant Material.*

- a. Planting materials used in conformance with the provisions of this Section shall be:
 1. Of good quality and of a species normally grown in northeastern Illinois.
 2. Capable of withstanding the extremes of individual site microclimates.
 3. Selected for interest in its structure, texture, and color for its ultimate growth.
 4. Harmonious to the design, and of good appearance.
 5. In conformance with the latest edition of ANSI Z60.1, American Standard for Nursery Stock, by the American Nursery & Landscape Association.
 6. All plant material shall be subject to approval by the Village Board or Director of Community Development and may require additional variety to promote diversity in large plantings and along all public R.O.W's.
- b. The use of evergreen trees shall be encouraged into the landscape treatment of a site, particularly in those areas screening parking lots from dedicated public rights-of-way or property zoned for residential use.
- c. Minimum sizes for plant materials at time of installation for all landscape areas shall be as follows:

Plant Material	Size
Deciduous Tree	2.5" Caliper
Evergreen Tree	6' Tall
Ornamental Tree	6' Tall or 2" Caliper
Shrubs	
Deciduous	24" Tall
Evergreen	24" Tall
Dwarf Varieties	24" Spread
Ground Cover	2-3" Pots

- d. PROHIBITED TREES. The following trees shall not be used to satisfy the requirements of this Section:

Common Name	Scientific Name
Ash	<i>Fraxinus spp.</i>
Black locust	<i>Robinia psuedoacacia</i>
Black walunt	<i>Juglans nigra</i>
Box elder	<i>Acer negundo</i>
Catalpa	<i>Catalpa spp.</i>
Chokecherry	<i>Prunus virginiana</i>
Cottonwood	<i>Populus deltoids</i>
Gingko (Female)	<i>Gingko biloba (female)</i>

Katsura	<i>Cercidiphyllum japonicum</i>
Mulberry	<i>Morus spp.</i>
Osage orange	<i>Maclura pomifera</i>
Poplar	<i>Populus spp.</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Siberian elm	<i>Ulmus pumila</i>
Silver maple	<i>Acer saccharinum</i>
Tree of heaven	<i>Ailanthus altissima</i>
Willow species	<i>Salix spp.</i>
White birch	<i>Betula pendula</i> and <i>Betula papyrifera</i>

3. *Installation of Plant Materials.* Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the Illinois Landscape Contractors Association, including the provisions for guarantee and replacement. An onsite pre-planting meeting is recommended between the developer and Village prior to installation of the plant material. The approved plant material shall be on site for inspection by the Village to determine the quantity and size requirements have been met. A post planting inspection shall be completed and approved prior to issuance of full occupancy.
4. *Maintenance of Plant Material.* The Owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, walls, fences, and other amenities, as may be required by the provisions of this Section. A means of irrigating plant material shall be provided for establishment of plantings. Installation of an automatic underground sprinkling system is recommended. If plant material is dead or dying or missing, it shall be replaced as per the approved landscape plan for the site. If there is no approved landscape plan on file with the Village, the plant material shall still be required to be replaced. Tree replacement shall follow the tree replacement requirements above.
5. *Planting Beds.* Planting beds shall be mulched in their entirety with shredded bark or other similar organic material a minimum of three inches (3”) deep. Lava rock or large diameter (1 ½” diameter or larger) bark chips (“chunk bark”) are prohibited. Gravel and stone mulches are prohibited. Mulch beds at time of planting shall extend a minimum of two feet (2)’ beyond the center of a shrub.
6. *Walls and Fences.* Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.
7. *Detention/Retention Basins and Ponds.* Residential (for example Arbor Ridge, Blackberry Crossing etc) and non-residential (for example Blackberry Creek Retail, Ogden Hill etc) multiple lot subdivision development detention/retention basins and ponds shall adhere to the Village’s *Naturalized Stormwater Management Facility Design, Planting and Management Plan Guidelines*, with latest revision dated January 2010. Non-residential detention/retention basins and ponds for individual site development projects (for example a single lot development project that builds one building not part of a larger subdivision/development) are not required to follow these guidelines; only the Kane County Stormwater Ordinance is required to be adhered to. There is a recommended Conservation Seed Mix in the planting guidelines for individual site development projects which will provide lower maintenance costs. The Kane County Stormwater Ordinance

does require the use of Best Management Practices (MBP's) in the design of stormwater facilities. Therefore, it is up to the developer's discretion which type of BMP is used. The County does have a Technical Manual that offers different BMP options. If the developer does choose to use naturalized wetland and prairie plants as a BMP option they shall follow the Village's guidelines. Additional plantings, such as trees and shrubs, are prohibited if prairie grasses/flowers are used on the basin slopes. Trees and shrubs are in conflict with the use of prairie grasses/flowers. Some species of trees may be allowed in limited quantity but on a case by case basis at the discretion of the Village. Plants must be able to tolerate wet conditions if planted within the basin.

8. *ENERGY CONSERVATION*

- a. Wherever possible, deciduous trees, shrubs and vines should be planted along the south and west sides of buildings and plaza areas to provide shade during the summer and limited shade during winter.
- b. Wherever possible, evergreens and other plant materials should be concentrated on the north side of buildings in a manner which dissipates the effect of winter winds.

9. *BERMS.* Earthen berms and existing topography shall, wherever practical, be incorporated into the landscape treatment of a site. Berms shall not exceed a maximum slope of three horizontal units to one vertical unit (3:1), except in parking islands, where the maximum slope shall not exceed two horizontal units to one vertical unit (2:1).

10. *TOPOGRAPHY.* Where natural, existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved and developed. Modification of topography may be allowed where it contributes to the aesthetic quality of the site.

11. *PROTECTION OF PLANT MATERIAL AND/OR PEOPLE.* In locations where plant materials may be susceptible to injury or cause personal injury, appropriate curbs, tree guards, or other devices shall be provided.

12. *AREAS WHERE PLANT MATERIAL WILL NOT PROSPER.* In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, and cobbles shall be used. Carefully selected plant material shall be combined with such materials where possible.

13. *EXTERIOR LANDSCAPE LIGHTING.* Lighting standards and fixtures when used to enhance the building design and the adjoining landscape shall be of a size and design compatible with the building and adjacent areas. Lighting shall be restrained in design, and excessive brightness and brilliant colors shall be avoided. Electrical service shall be underground.

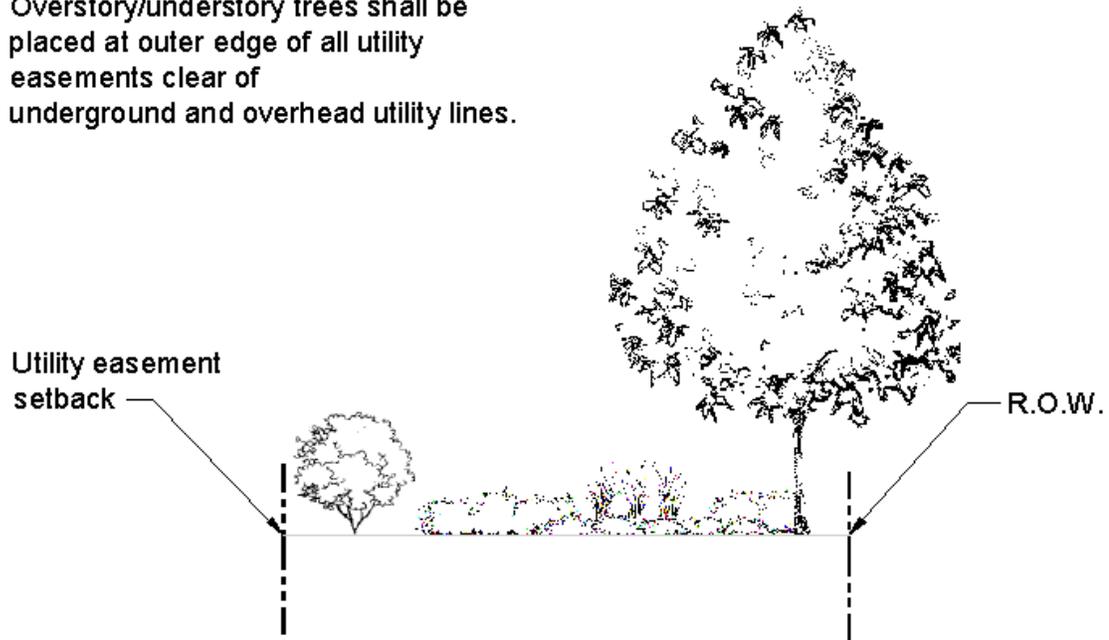
14. *AMENITIES.* In business, office and industrial districts seating areas, paved areas, plant enclosures, benches, waste receptacles, lights, and other amenities shall be provided where appropriate.

15. *SERVICE YARD SCREENING.* Service yards, loading docks and other places that tend to be unsightly shall be screened from view. Screening shall be equally effective at all times of the year.

- a. Trash dumpsters and other waste receptacles or equipment shall be screened on three (3) sides with a solid masonry wall at least six feet (6') in height or to the extent where the wall screens the dumpster from view with material that matches the building material, and an opaque single or double access gate on the fourth side. A detail of the masonry enclosure is required on the plan. Landscaping shall be provided around the perimeter of the three solid walls consisting of deciduous or evergreen shrubs at 50 percent coverage.
 - b. All utility equipment (meters, transformers, etc.) shall be screened with appropriate plantings if located on the ground or false walls or parapets if located on the roof. False walls or parapets are not required for buildings located in a manufacturing zoning district.
 - c. When located across a street from residential zoned property, all garage doors and loading areas on non-residential property shall be concealed from view (at grade) from adjoining residential zoned property with a combination of landscaping and/or hardscape screening such as solid gates or walls.
 - d. When authorized by this ordinance all outdoor storage of raw materials and finished products shall not exceed ten feet (10') in height and, shall be effectively screened and enclosed by a solid wall or fence on three (3) sides and a solid single or double access gate on the fourth side in order to fully screen the material from view and landscaping shall be provided around the perimeter of the three walls consisting of deciduous or evergreen shrubs at 50 percent coverage.
16. *INTERSECTION VISIBILITY.* Landscaping must be designed and installed to minimize potential obstruction of critical sight lines. Landscape planting shall be so designed as to avoid obstruction of a motorist's vision at the intersection of parking aisles, driveways, or public or private streets and alleys. Unobstructed visibility between two and one-half feet (2.5') and eight feet (8') above the height of the pavement must be maintained at all intersections. To maintain this visibility, no berms, shrubs or other landscape material that will reach a mature height greater than two and one-half feet (2.5') shall be permitted within a sight triangle formed by a line connecting two points fifteen feet (15') from the corner of the intersecting lot lines. Trees are allowed in sight triangles provided the lowest branching begins not less than eight feet (8') feet above the pavement.
17. *EDGING.* Edging is recommended to separate grass areas from shrubs, ground cover and mulch and shall be maintained as required by this section.
18. *ARTIFICIAL PLANTS.* No artificial plants of any type shall be used to satisfy any requirements of this Section, nor are they permitted unless specifically approved by the Village Board.
19. *GROUND COVER.* All drainage swales and slopes having a slope of three vertical units to one horizontal unit (3:1) or greater shall be planted with appropriate groundcover. All other ground areas not covered by buildings, parking, sidewalks or other impervious surfaces, or occupied by planting beds shall be graded smooth with a minimum of six inches (6") of black dirt after compacting and removing stumps, rocks and other debris, and shall be sodded or seeded to prevent soil erosion and sedimentation of public drainage systems, creeks, streams, rivers and wetlands.

20. *WATER CONSERVATION.* Wherever possible landscape designs and plant material that is indigenous and/or drought tolerant should be used to reduce the need for irrigation.
21. *FLOWERBEDS.* Flowerbeds are encouraged and shall be planted in masses in acceptable areas to create color, texture and visual interest.
22. *EASEMENTS.* The following requirements shall apply to landscaping within easements:
- a. Landscape material is permitted within easements. However, shade trees are not permitted under overhead utilities.

Overstory/understory trees shall be placed at outer edge of all utility easements clear of underground and overhead utility lines.



- b. Shade trees must be located as far away as possible from all underground utilities.
- c. All landscape material is prohibited within gas easements.
- d. In the event it is not practical to locate trees away from utilities, the property owner is responsible for replacing any trees and landscaping that may be destroyed or removed during necessary utility repairs. If trees are located under overhead wires, the property owner will be responsible for maintaining the trees in such a manner that will not interfere with said overhead wires.
- e. The Village Director of Community Development may, on a case by case basis, release property owners from recorded easement provisions, prior to April 23, 2007, prohibiting placement of trees in easements as well as any easement provisions that may be recorded after April 23, 2007 prohibiting placement of trees in easements where the requirements of this section are otherwise met without prohibiting trees in such locations.

D. RIGHT-OF-WAY LANDSCAPING REQUIREMENTS. The following requirements shall apply to landscaping in rights-of-way.

1. *SCOPE.* Where a zoning lot abuts a dedicated public right-of-way, trees shall be provided in accordance with the provisions of this Section.
2. *STREET TREES.* Street trees (parkway/shade trees) shall be planted in all parkways having a width of five feet (5') or more. The Village shall have the discretion to require trees be planted outside of the right-of-way if the parkway is less than five feet (5') wide or overhead or buried utilities may conflict with the growth of street trees. Street trees shall be planted not more than forty feet (40') apart whenever possible, and shall have a minimum trunk diameter of two and one half inches (2.5") measured six inches (6") above ground level. See the Village of Montgomery Subdivision Ordinance Section 11.11 for more requirements.
3. *Road Median Plantings.* When a median is planned for a road way, shade trees shall be planted not more than forty feet (40') apart whenever possible and shall have a minimum trunk diameter of two and one half inches (2.5") measured six inches (6") above ground level. Additional landscaping shall be provided to provide fifty percent (50%) coverage within the median to include ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials arranged in natural clusters at a minimum of seven (7) plantings between the required shade trees at appropriate locations.
4. *Jurisdictional Control.* If a public right-of-way is not controlled by the Village and is a county or state road, county and state landscaping regulations shall apply. If the county or state does not permit landscaping in its right-of-way the required parkway trees shall be located on the zoning lot in addition to the required landscaping indicated below. All appropriate efforts shall be made to provide for the required parkway trees on the zoning lot. If the required trees are not able to be located on site then section 12A.02(C)(8) shall apply.

E. LOT PERIMETER LANDSCAPING REQUIREMENTS. The following requirements shall apply to lot perimeter landscaping.

1. All non-residential development shall provide perimeter landscaping as prescribed. If the Village determines a tree(s) is not able to be located as prescribed below, then the tree(s) shall be located elsewhere on site; if the tree is not able to be relocated on site then section 12A.02(C)(8) shall apply.
2. *NON-RESIDENTIAL ZONED PROPERTY.*
 - a. *Front and Corner Side Yards (See Figure 3):* Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage. Such trees shall be planted within the perimeter yard and may be clustered. Additional landscaping shall be provided to provide seventy-five percent (75%) coverage along the frontage to include berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials arranged in natural clusters at a minimum of seven (7) plantings within the required yard setback. The plantings should have a natural appearance. The Village shall have the discretion to require more or less of any proposed plant material.

- b. Rear and Side Yards Abutting Non-Residential Property (See Figure 4): Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage for Commercially Zoned Properties (Business Districts) and seventy-five feet (75') for Manufacturing Zoned Properties (Manufacturing Districts). Such trees shall be planted within the perimeter yard and may be clustered. Additional landscaping shall be provided to provide fifty percent (50%) coverage along the frontage to include berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials in natural clusters at a minimum of seven (7) plantings for Commercially Zoned Properties and a minimum of five (5) plantings for Manufacturing Zoned Properties within the required yard setback. The plantings should have a natural appearance. The Village shall have the discretion to require more or less of any proposed plant material. Manufacturing zoned properties shall only be required to provide side perimeter landscaping along the side perimeter yard to where the proposed building, parking lot or other structures are built/installed; undeveloped/unimproved land and stormwater basins shall not require perimeter landscaping (See Figure 9). Rear Yard Landscaping is not required. Landscaping in the side and rear yard area of manufacturing zoned properties may be required as part of a Special Use or additional Village imposed requirements through special zoning requests.
 - c. Rear and Side Yards Abutting a Residential Use **or** Residential Zoned Property (See Figure 5): A solid eight foot (8') high opaque fence shall be required along the abutting property line. All supporting posts shall be exposed to the lot interior. Solid board on board fences shall be used (fence material is at the discretion of the applicant). Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage between the fence and abutting residential use/residential zoned property line. Such trees shall not be planted more than forty feet (40') apart spaced linearly. In addition to the required fence and shade trees other landscaping materials, including berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials shall be provided in natural clusters at a minimum of seven (7) plantings between the required shade trees necessary to provide fifty percent (50%) coverage between the fence and abutting residential/residential zoned property line. The plantings should have a natural appearance. The Village shall have the discretion to require more or less of any proposed plant material.
3. *RESIDENTIAL ZONED PROPERTY.* When a use other than a single family or duplex residence resides on a residential zoned lot landscaping shall be provided as follows:
- a. Front and Corner Side Yards (See Figure 6): Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage. Such trees shall be planted within the perimeter yard and may be clustered. Additional landscaping shall be provided to provide seventy-five percent (75%) coverage along the frontage to include berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials in clusters at a minimum of seven (7) plantings within the required yard setback. The plantings should have a natural appearance. The Village shall have the discretion to require more or less of any proposed plant material.

- b. Rear and Side Yards Abutting Non-Residential Property (See Figure 7): Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage. Such trees shall be planted within the perimeter yard and may be clustered. Additional landscaping shall be provided to provide fifty percent (50%) coverage along the frontage to include berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials in clusters at a minimum of seven (7) plantings within the required yard setback. The plantings should have a natural appearance. The Village shall have the discretion to require more or less of any proposed plant material.

- c. Rear and Side Yards Abutting Residential Property (See Figure 8): A solid eight foot (8') high opaque fence shall be required along the abutting property line. All supporting posts shall be exposed to the lot interior. Solid board on board fences shall be used (fence material is at the discretion of the applicant). Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage between the fence and abutting residential/residentially zoned property line. Such trees shall not be planted more than forty feet (40') apart spaced linearly. In addition to the required fence and shade trees other landscaping materials, including berms, ornamental trees, evergreen trees, shrubs, hedges, groundcovers and perennials shall be provided in natural clusters at a minimum of seven (7) plantings between the required shade trees necessary to provide fifty percent (50%) coverage between the fence and abutting residential property line. The Village shall have the discretion to require more or less of any proposed plant material.

Figures 3-5: Non-Residential Perimeter Landscaping

Figure 3: Front Yard and Corner Side Yard

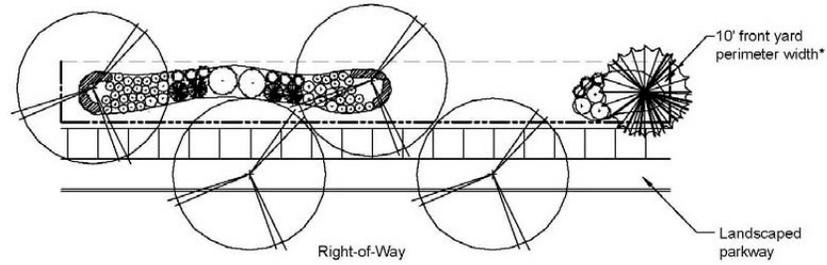


Figure 4: Side/Rear Yard Adjacent to Non-Residential

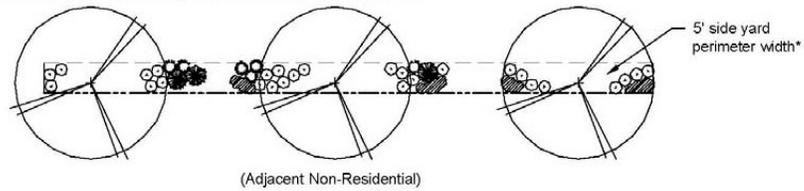
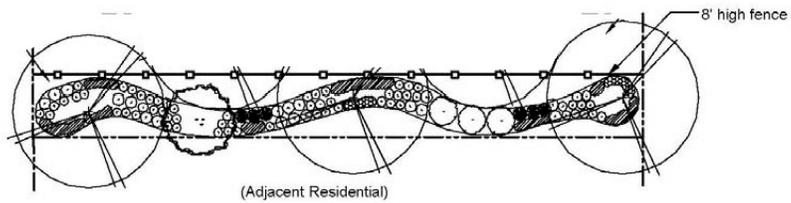


Figure 5: Side/Rear Yard Adjacent to Residential



***Perimeter yard widths to vary according to zoning district.**

Figures 6-8: Residential Perimeter Landscaping

Figure 6: Front Yard and Corner Side Yard

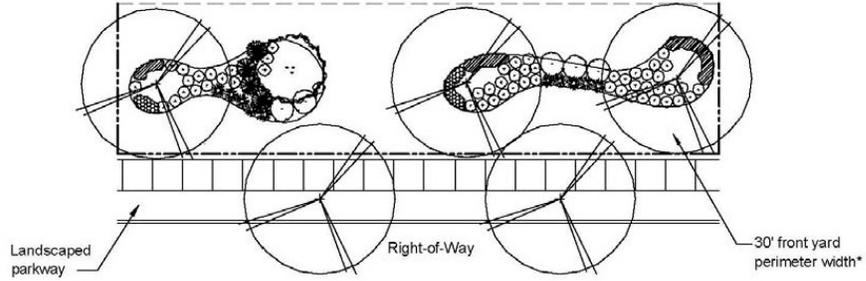


Figure 7: Side/Rear Yard Adjacent to Non-Residential

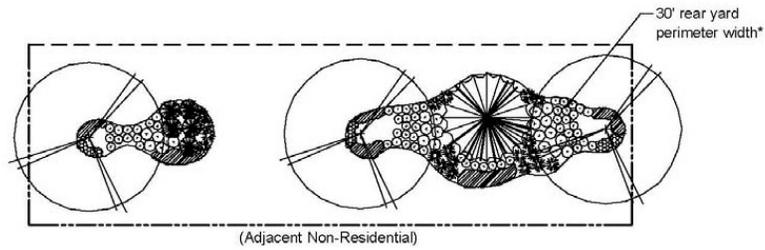
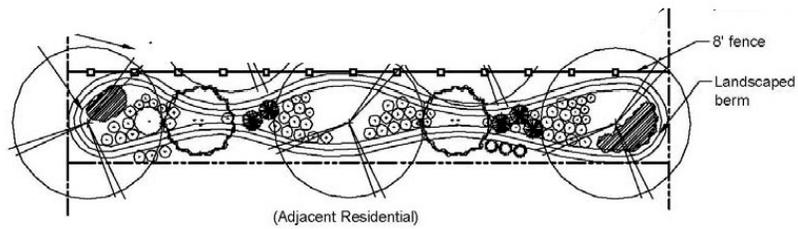
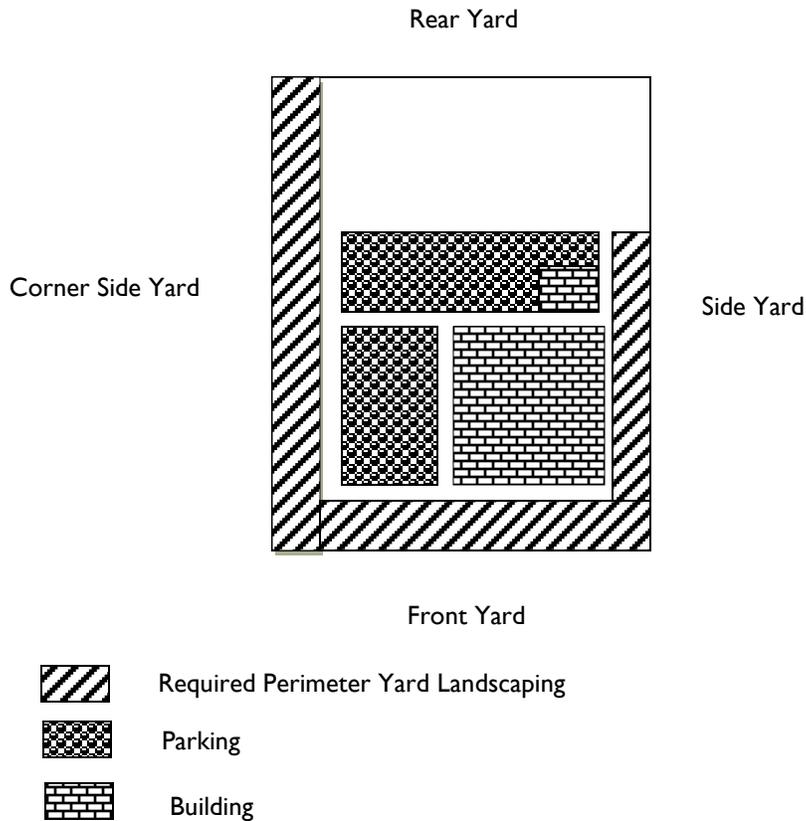


Figure 8: Side/Rear Yard Adjacent to Residential



*Perimeter yard widths to vary according to zoning district.

Figure 9



F. FOUNDATION LANDSCAPING AND SIDEWALK REQUIREMENTS. The following requirements shall apply to foundation landscaping:

1. All non-residential and multiple family development shall provide building foundation landscaping and sidewalks as prescribed herein.
2. **SETBACK.** A landscaped area with a minimum width of five-to-ten feet (5'-10') is required around the perimeter of all buildings, except where impractical, i.e. loading dock areas, entryways, etc. and is subject to Village approval. A five (5') sidewalk is required between the building and foundation landscaping leading to the public entry ways, as approved by the Village.
3. **COVERAGE.** Required foundation landscaping areas shall remain open and free of all paving except where walks to buildings and other similar paving are required but can include decorative pavers but not more than 25 percent (25%) of the area.
4. **LANDSCAPING MATERIALS.** Foundation landscaping consists of shade and ornamental trees, evergreens, shrubbery, hedges, and ornamental grasses and perennials. Particular attention shall be paid toward screening mechanical equipment, bicycle parking areas, and loading docks; softening large expanses of building walls; and accenting entrances and architectural features of the building(s).

G. PARKING LOT LANDSCAPING REQUIREMENTS. The following requirements shall apply to landscaping parking lots.

1. *SCOPE.* All parking lots designed for four (4) or more parking spaces shall be landscaped in accordance with the provisions of this Section. If the Village determines a tree(s) is not able to be located as prescribed below, then the tree(s) shall be located elsewhere on site; if the tree is not able to be relocated on site then section 12A.02(C)(8) shall apply.
2. *INTERIOR PARKING LOT LANDSCAPING.* To define circulation within a parking lot and to visually and physically break-up long rows of parking spaces, landscape islands are required to be provided within parking lot areas, as follows:
 - a. *End Parking Aisle Landscape Islands (See Figure 10).* A landscaped island shall be provided at the end of each parking row. The island shall be protected by a continuous concrete barrier curb and shall have a minimum width of seven feet (7'), measured back-of-curb to back-of-curb, and shall have a depth equal to the adjoining parking space. Each single depth parking aisle landscape island shall contain one (1) shade tree; each double depth parking aisle landscape island shall contain two (2) shade trees. In addition, each landscape island required herein shall be landscaped with deciduous or evergreen shrubs or a combination of the two, perennial flowers, groundcovers, ornamental grasses and mulched to gain seventy-five percent (75%) coverage of the area. Shrubs planted in a parking lot landscape island shall not exceed a mature height of thirty inches (30") above the adjoining pavement. No tree planted in a parking lot landscape island shall have branches maintained at a height less than six (6) feet above the adjoining pavement.



Figure 10. Parking Aisle Landscape Island

- b. Intermediate Parking Aisle Landscape Islands. In addition to end parking aisle landscape islands, intermediate parking aisle landscape islands are required every fifteen (15) spaces and shall comply with the construction and design elements identified in section 12A.03(G)(2)(a) in the preceding paragraph.
- c. Continuous Parking Row Landscape Island (See Figure 11). A continuous landscape island protected by a continuous concrete barrier curb and having a minimum depth of seven (7) feet, measured back-of-curb to back-of-curb, may be required as approved by the Village on a case-by-case basis in order to separate the main access aisle(s) from parking or long expanses of entry drive aisles not adjacent to parking or buildings. Shade trees shall be provided at the equivalent of one for each forty feet (40'), or fraction thereof, of frontage. Such trees shall be planted no more than forty feet (40') feet apart and shall be spaced linearly. Said landscape island shall comply with the construction and design elements identified in section 12A.03(G)(2)(a).

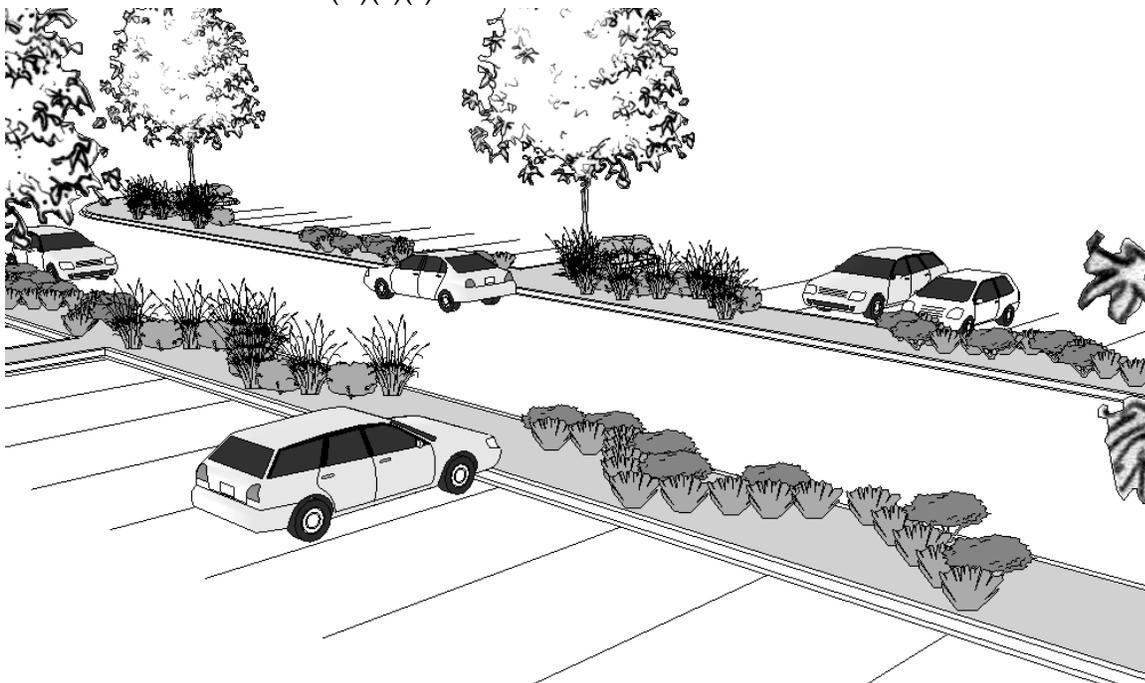


Figure 11. Continuous Parking Row Landscape Island

- 3. *PARKING LOT PERIMETER LANDSCAPING.* When a parking lot does not abut a required perimeter yard setback where perimeter landscaping has been provided or a building where foundation landscaping has been provided one (1) shade tree shall be provided for every fifty linear feet (50') of parking lot frontage spaced evenly every forty feet (40') along the perimeter of the parking lot frontage. Additional landscaping shall be required along the perimeter of the parking lot at appropriate locations or as approved by the Village or Director of Community Development such as evergreen trees, evergreen and deciduous shrubs, ornamental trees and grasses, and perennials to gain twenty-five percent (25%) coverage of the perimeter and shall be provided in clusters at a minimum of seven (7) plantings.

- H. **BEST MANAGEMENT PRACTICES.** The Village recommends and encourages the use of Best Management Practices (BMP's). BMP's should be used where appropriate and planned for when

larger developments approach the Village. Typical BMP's include permeable pavers, rain gardens, bioswales, and depressed landscape islands to name a few.

I. ADDITIONAL LANDSCAPE SETBACK REQUIREMENTS

- I. For the purpose of improving the safety, appearance and environment along the major transportation arterials and collector streets of the Village, landscaped setbacks shall be provided and maintained on all properties except those used for single-family dwellings as follows:

Street Name	Minimum Depth of Landscaped Setback
Ashland Avenue	10 feet
Aucutt Road	20 feet
Dickson Road	30 feet
Douglas Road	20 feet
Galena Road	50 feet
Hill Avenue	20 Feet
Illinois Route 25	30 feet
Illinois Route 31	30 feet
Jericho Road	35 feet
Montgomery Road	10 feet
Orchard Road	35 feet
U.S. Route 30 (east of Orchard)	30 feet
U.S. Route 30 (west of Orchard)	50 feet
U.S. Route 34	30 feet
Newly Designated Collectors	20 feet

The above setbacks also meet the requirements of Kane & Kendall counties for setbacks from county and state roadways. Wherever a greater county setback is required that setback shall apply.

2. Wherever a greater setback is required by the zoning district regulations, the greater setback requirement shall apply. The landscape setback shall comply with the following:
 - a. No parking or structures, including all accessory buildings, and fences over four feet (4') in height shall be permitted within the landscaped setback area.
 - b. The setback shall be devoted entirely too landscaped areas except for signs, sidewalks and necessary paving of driveways to reach the building and parking areas, provided such driveways are generally perpendicular to the front lot line.
 - c. The landscaped area shall consist of at least seventy-five percent (75%) live landscaping consisting of shade trees, evergreen trees, ornamental trees, shrubs, ornamental grasses, perennials and live ground covers, and natural stone outcrops where appropriate.

- J. LIGHTING REQUIREMENTS: Lights shall be provided for all non-residential uses and multi-family uses on site, except as otherwise approved by the Village. Lights shall be provided at appropriate locations throughout the site in order to provide adequate lighting for the entire site for the safety of its patrons and employees at a minimum of 1.0 foot-candle. Light poles

shall not exceed a maximum height of twenty feet (20') in order to promote a pedestrian scale lighting system. Building wall lights shall not exceed a maximum height of ten feet (10'). All light shall be down cast and shielded from horizontal light spillage and directed at the ground; overspill of light shall be allowed on properties occupied by non-residential uses and streets. Lighting details shall be provided and approved by the Village.

K. ADMINISTRATION OF LANDSCAPING AND TREE PRESERVATION REGULATIONS.

1. *APPROVAL OF PLANS* The Director of Community Development shall be responsible for approval of all plans required by this section. Any appeal from an order of the Director of Community Development shall be made to the Zoning Board of Appeals in accordance with the appeals section in Section 14 of the Zoning Ordinance.
2. *VARIATIONS FROM REQUIREMENTS OF THIS SECTION.* The Village recognizes that, because of the wide variety of types of developments and the relationships between them, some flexibility in applying standards set forth in Sections 12A.02 and 12A.03 are appropriate as long as the intent of specified requirements are met. Whenever the Village allows or requires deviation from the requirements set forth in this Section, such deviation should be included on the landscape plan, including the reasons for allowing or requiring deviation from the requirements of this Section. Any requested deviations from the standards specified herein, must be recommended by the Plan Commission and approved by the Village Board. If in the opinion of the Village the deviation does not meet the intent of this Section, then a request for variation shall be filed per the requirements of the Variation Section located in Section 14.00 of the Zoning Ordinance.
3. *CERTIFICATE OF OCCUPANCY.* All required landscaping shall be installed prior to the issuance of a certificate of occupancy. If weather conditions or other circumstances beyond the developer's control prevent installation of all or portions of the landscape materials and all other requirements for the issuance of a certificate of occupancy have been met, a letter of credit or a performance bond approved by the Village Attorney to insure completion of approved landscaping shall be filed with the Village. The amount of the performance guarantee and the required completion data shall be recommended by the Director of Community Development based on current costs and set by the Village. If such a letter of credit or performance bond has already been submitted for the proposed landscape improvements, the Village may permit the developer to extend the performance guarantee for an additional specified period of time.

L. GUIDELINES FOR REVIEWING LANDSCAPE PLANS. A landscape plan shall be approved if the conditions of Section 12A.00 are satisfied and the general intent is met.

Section 13.00 – OFF-STREET PARKING AND LOADING

13.01 PURPOSE

The purpose of this section is to alleviate or prevent congestion of the public streets and so promote the safety and welfare of the public, by establishing minimum requirements for all off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

13.02 GENERAL PROVISIONS – PARKING AND LOADING

1. **PROCEDURE.** An application for a building permit for a new or enlarged building, structure or use, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of these standards.
2. **SCOPE OF REGULATIONS.** The off-street parking and loading provisions herein shall apply as follows.
 - a. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per seat), or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

However, no owner of a building or structure lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking or loading facilities unless and until the uses established increase the parking requirements existing on the effective date of this ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.

- b. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.
3. **EXISTING PARKING AND LOADING FACILITIES.** Accessory off-street parking or loading facilities that are located on the same lot as the building or use served, and that were in existence on the effective date of this ordinance or were provided voluntarily after such effective date shall not thereafter be reduced below; or if already less than, shall not further be reduced below the requirements of this ordinance for a similar new building use.
4. **PERMISSIVE PARKING AND LOADING FACILITIES.** Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
5. **DAMAGE AND DESTRUCTION.** For any conforming or legally nonconforming building or use which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established

or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

6. **CONTROL OF OFF-STREET PARKING FACILITIES.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and has heard the applicant and has made findings that the common ownership or possession of the zoning lot and that the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building, a covenant to this effect shall be recorded with the Kane or Kendall County Recorder.
7. **PROHIBITED PARKING LOCATIONS AND SURFACES.** All vehicles, equipment and outdoor storage which shall include, but not be limited to, automobiles, trucks, vans, motorcycles, semi-tractor trailers, trailers, construction equipment, watercrafts, aircrafts and outdoor storage shall be prohibited from parking and maneuvering and being parked and/or stored on and/or in the following surfaces/areas: storm water basin facilities, wetlands, designated prairie grass areas (as established in the Montgomery Code of Ordinance), floodplain and required landscaped areas of trees, shrubs, ornamentals, ground cover and mulch.

13.03 ADDITIONAL REGULATIONS - PARKING

1. **USE OF PARKING FACILITIES.** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles and not more than one (1) truck of not more than one and one-quarter (1-1/4) tons capacity used by occupants of the dwelling structures to which such facilities are accessory. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments. No motor vehicle repair work or sale of gasoline and motor oil of any kind shall be permitted in parking lots.
2. **JOINT PARKING FACILITIES.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each.
3. **ACCESS.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. A site plan shall be submitted to the Plan Commission for its approval when the required off-street parking exceeds the requirements under the Staff Level Site Plan Review of Section 4.14(3) of this ordinance.

4. DESIGN AND MAINTENANCE.

- a. *Size.* All parking stalls and aisle dimensions shall have the minimum dimensions, as set forth in Appendix A-1. Parking lots not open to the sky shall have a minimum vertical clearance of seven (7) feet six (6) inches to any obstruction.
- b. *Measurement of Space.* When determination of the number of required off- street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be interpreted as one (1) parking space.
- c. *Open and Enclosed Spaces.* Parking area may be enclosed (in a garage) or open to the sky, as described in this section.
- d. *Signs.* No sign shall be displayed in any parking area within residential district, except such as may be necessary for the orderly use of the parking facilities.
- e. *Wheel Guards.* Parking spaces shall be provided with wheel guards or bumper guards where necessary so that no part of parked vehicles will extend beyond the property line or encroach on an adjacent sidewalk.
- f. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from the residential properties in such a way as not to create a nuisance.
- g. *Curbs and Gutters.* Combination concrete curb and gutter or concrete barrier curb is required around the perimeter of all parking lots with greater than five (5) spaces and around all islands. Where alternatives to concrete curb and gutter are demonstrated to be more appropriate and recommended by the Village Engineer, said alternatives may be approved by the Director of Community Development.
- h. *Striping.* Striping of the pavement surface to define each parking space is required and shall be a minimum of four (4) inches in width for the length of each space. Striping for each parking space shall be painted in yellow or white. Thermoplastic pavement markings are an acceptable alternative. All areas designated as fire lanes shall be marked by posting signs and/or yellow markings, provided that signs shall be used wherever feasible.
- i. *Maintenance.* Upon completion, all parking areas shall be properly maintained at all times, without potholes, broken curbing or other irregularities.
- j. *Required Setbacks.* No parking space nor portion thereof established on the same zoning lot shall be located within a required front or corner side yard setback, nor within a required landscape buffer; these areas shall be landscaped according to landscape section of the ordinance. Parking is permitted within the side and rear yard setbacks; however, the side and rear yards must meet the landscape requirements of this ordinance.

It is the goal of the Village to reduce the amount of parking along street frontages and near front yards. It is strongly recommended that buildings be brought toward the street as much as possible in order to create a more pedestrian friendly environment and reduce the amount of parking visible from the street. This is a guideline but will be used in review of

developments. Developers should work with staff and the Village to accomplish this goal. Examples have been provided as to how this can be accomplished; see Site Development Exhibit at the end of this section. A development should accommodate both the automobile and the pedestrian.

- k. *Surfacing.* All open off-street parking areas and drive/access aisles shall be improved with a compacted stone base not less than ten (10) inches thick, IDOT CA-6 gradation, and surfaced with three (3) inches minimum bituminous asphaltic concrete material. All surfaces used for vehicular parking, access or storage shall be improved to the above standards.
 - l. Any detached garage built as an accessory to an apartment or condominium, as required in this section, shall be required to build in accordance with the following:
 - i. Garage exteriors must be designed of a minimum of thirty percent (30%) masonry (i.e. brick, stone, etc.) building materials;
 - ii. Garage exterior building materials must reflect the character of those used on the primary building or structure; and
 - iii. Garages must have a varied roofline, examples include, but are not limited to, dormers, cupolas, gables, etc.
 - m. *Accessibility.* All parking lots shall adhere to the most current Illinois Accessibility Code.
5. **BICYCLE PARKING.** All nonresidential uses shall provide bicycle parking facilities at the rate of three (3) bicycle parking spaces for the first thirty (30) automobile parking spaces provided and one (1) additional bicycle parking space for each ten (10) additional automobile parking spaces provided, up to a maximum of thirty (30) bicycle parking spaces. A minimum of three (3) bicycle parking spaces are required per building within the Mill District. Bicycle racks shall be installed to support the frame of the bicycle and not just the wheel and shall be permanently anchored and shall not interfere with pedestrian movement. These requirements can be varied by the Plan Commission or at the discretion of the Director of Community Development; some uses may not warrant multiple bicycle parking facilities. All uses shall provide a minimum of three (3) bicycle parking spaces.

13.04 LOCATION OF PARKING FACILITIES

- l. **Extent of Control.** Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve; in no instance shall off-street parking or loading facilities, when in use, extend into a public right-of-way in which said vehicle is extended any way except parallel to the public right-of-way abutting a curb in which said vehicle would otherwise block vehicular or pedestrian traffic:
 - a. For one and two-family dwellings, on the same lot with the building they are required to serve.
 - b. For three and four-family dwellings not over two (2) stories in height, on the same lot or parcel of land as the building they are required to serve. For the purpose of these suggested standards, a group of such uses constructed and maintained under single ownership or management shall be assumed to be on a single lot or parcel of land.

- c. For apartment houses containing four (4) or more dwelling units, on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the principal building being served provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.
- d. For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for the other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the principal building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.
- e. For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the principal building being served, or on a separate lot or parcel of land not over one thousand (1,000) feet from the entrance to the principal building, measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.
- f. Properties that are zoned MD-Mill District shall not be required to provide off-street parking. The intent is to create a pedestrian friendly environment and encourage the use of alternative forms of transportation and promote the most efficient use of land for non-residential uses. On-street parking shall be provided in the form of angled or parallel parking in order to maximize the number of parking spaces allowed based on roadway widths and conditions.

13.05 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

I. RESIDENTIAL USES AS FOLLOWS:

The table below indicates the total number of spaces required, whether in a garage or in a driveway. Additionally, a portion of those spaces shall be enclosed as defined in this ordinance, and as listed below. Parking shall be required for each dwelling unit, by unit type as follows:

Dwelling Type	Total Spaces Required	Enclosed Spaces Required	Garage Type Permitted	Maximum Enclosed Spaces Permitted
<i>Single Family</i>	4	2	attached or detached (max 800 square feet for detached)	4
<i>Two Family (duplex)</i>	2	1	attached or detached (max 800 square feet for detached)	4
<i>Townhome, Rowhouse (attached single-family)</i>	2**	1	attached	4
<i>Three (or more) bedroom attached multi-family units</i>	2.25	50% of the total unit count	attached or detached*	--
<i>Two bedroom attached multi-family units</i>	2	50% of the total unit count	attached or detached*	--
<i>Efficiency & 1 bedroom attached multi-family units</i>	1.5	50% of the total unit count	attached or detached*	--

*See additional requirement for detached garages **Section 13.03**.

**In addition to the two required parking spaces, off-street parking shall be provided at a rate of .5 parking spaces for every townhome unit.

- b. *Motels*. One (1) parking space shall be provided for each guest or sleeping room or suite, plus one (1) space for the manager and two (2) additional spaces for each three (3) employees.
- c. *Hotels*. One (1) parking space for each room and one (1) parking space for each employee shall be provided.
- d. *Lodging, Rooming and Boarding Houses*. One (1) parking space shall be provided for each lodging room, plus one (1) space for each employee.
- e. *Private Clubs and Lodges (with Sleeping Facilities for Guest)*. One (1) parking space shall be provided for each lodging room plus parking spaces equal in number to seventy-five percent (75%) of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.

- f. *Mobile Home Parks*. Two (2) parking spaces shall be provided for each mobile home space.
 - g. *Bed and Breakfast Guest Homes*: A minimum of two (2) parking spaces, plus one (1) parking space for each lodging room.
2. RETAIL AND SERVICE USES AS FOLLOWS: See Section 13.03(5) for Bicycle Parking Requirements.
- a. *Retail Stores and Banks*. One (1) parking space shall be provided for each two hundred (200) square feet of floor area for retail stores 49,999 square feet and under and one (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area for retail stores 50,000 square feet and above. Drive-in banks or similar drive-in establishments shall provide six (6) stacking spaces per teller or customer service window.
 - b. *Automobile Service Stations*. One (1) parking space shall be provided for each employee, plus three (3) spaces for each service stall.
 - c. *Automobile Laundry*. Ten (10) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each employee.
 - d. *Bowling Alleys*. Five (5) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses, bars, restaurant, and the like.
 - e. *Establishments Dispensing Food or Beverages for Consumption on the Premises*. One (1) parking space shall be provided for each one hundred (100) square feet of floor area.
 - f. *Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops*. One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
 - g. *Gas Stations*. One (1) parking space shall be provided for each employee plus additional parking spaces for any retail or restaurants associated with the gas station according to the requirements above.
 - h. *Theaters (Indoor)*. One (1) parking space shall be provided for each two (2) seats.
 - i. *Undertaking Establishment, Funeral Parlors*. Fifteen (15) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.
 - j. *Unified Shopping Centers*. One (1) parking space shall be provided for each two hundred (200) square feet of gross leasable space.
3. OFFICE-BUSINESS PROFESSIONAL AND GOVERNMENTAL. One (1) parking space shall be provided for each three hundred (300) square feet of floor area. See Section 13.03(5) for Bicycle Parking Requirements.
4. MEDICAL OR DENTAL CLINIC. One (1) parking space shall be provided for each two hundred (200) square feet of floor area. See Section 13.03(5) for Bicycle Parking Requirements.

5. WHOLESALE ESTABLISHMENTS (BUT NOT INCLUDING WAREHOUSES AND STORAGE BUILDINGS OTHER THAN ACCESSORY). One (1) parking space shall be provided for each one thousand (1000) square feet of floor area. See Section 13.03(5) for Bicycle Parking Requirements.
6. MANUFACTURING USES OR ANY ESTABLISHMENTS IN PRODUCTION PROCESSING CLEANING SERVICING TESTING OR REPAIR OF MATERIALS GOODS OR PRODUCTS. One (1) parking space shall be provided for each employee as related to the working period when the maximum number of employees are employed on the premises, plus one (1) parking space for each vehicle used in the conduct of the enterprise, appropriately sized (i.e. semi tractor trailers, delivery vans etc). In no case shall less than one (1) parking space per eight hundred (800) square feet of floor area used in any manufacturing process and one (1) space for every three hundred (300) square feet of floor area of office space be provided. See Section 13.03(5) for Bicycle Parking Requirements.
7. WAREHOUSES, STORAGE AND DISTRIBUTION FACILITIES. One (1) parking space shall be provided for each one thousand (1000) square feet of floor area of warehouse, storage or distribution space and one (1) space for every three hundred (300) square feet of floor area of office space, plus one (1) space for each vehicle used in the conduct of the enterprise, appropriately sized (i.e. semi tractor trailers, delivery vans etc). See Section 13.03(5) for Bicycle Parking Requirements.
8. COMMUNITY SERVICE USES AS FOLLOWS: See Section 13.03(5) for Bicycle Parking Requirements.
 - a. *Church, School, College and Other Institutional Auditoriums.* One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
 - b. *Colleges, Universities and Business, Professional and Trade Schools.* One (1) parking space shall be provided for each employee and one (1) parking space shall be provided for each student based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.
 - c. *Health Center, Government Operated.* One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
 - d. *Hospitals.* One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff
 - e. *Libraries, Art Galleries and Museums - Public.* One (1) parking space shall be provided for each five hundred (500) square feet of gross floor area.
 - f. *Municipal or Privately Owned Recreation Buildings or Community Centers.* One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission to serve the visiting public.
 - g. *Public Utility and Public Service Uses.* One (1) parking space shall be provided for each employee, plus spaces adequate in number as determined by the Plan Commission to serve the public, plus one (1) space for each service vehicle.

- h. *Schools - Nursery, Elementary, Middle and Junior High.* One and one half (1.5) parking space shall be provided for each classroom.
 - i. *High School.* One (1) parking space shall be provided for each classroom and one (1) space for each five (5) students.
9. PLACES OF ASSEMBLY AS FOLLOWS: See Section 13.03(5) for Bicycle Parking Requirements.
- a. *Stadiums, Arenas, Auditoriums, (other than church, college or institutional school), Convention Halls, Dance Halls, Exhibition Halls, Skating Rinks, and Other Similar Places of Assembly.* Parking spaces equal in number to one (1) for every two (2) persons shall be provided.
10. MISCELLANEOUS USES AS FOLLOWS: See Section 13.03(5) for Bicycle Parking Requirements.
- a. *Fraternities, Sororities and Dormitories.* One (1) parking space shall be provided for each three (3) active resident members, plus one (1) parking space for the manager thereof
 - b. *Institutions for the Care of the Mentally Ill.* One (1) parking space shall be provided for each staff doctor, plus spaces adequate in number, as determined by the Plan Commission, to serve the visiting public.
 - c. *Private Clubs and Lodges (Without Sleeping Facilities for Guests)* Parking spaces equal in number to forty percent (40%) of the capacity in persons shall be provided.
 - d. *Rest Homes and Nursing Homes.* One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each doctor assigned to the staff.
 - e. *Sanitariums, Convalescent Homes or Institutions for the Aged or for Children.* One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each employee (including staff doctors).
 - f. *Theaters - Automobile Drive-In.* Reservoir parking space equal to ten percent (10%) of the vehicle capacity of such theaters shall be provided.
 - g. For the following uses, parking spaces shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises as well as the visiting public:
 - Airports, aircraft landing fields and heliports.
 - Convents and monasteries.
 - Crematories or mausoleums.
 - Implement dealer, machinery and automobile sales.
 - Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
 - Penal and correctional institutions.
 - Rectories and parish houses.
 - Swimming pools.

11. MIXED USES. When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. See Section 13.03(5) for Bicycle Parking Requirements.
12. MILL DISTRICT USES. For uses located in the Mill District shall provide one half (0.5) spaces for every residential unit; non-residential uses shall not be required to provide off-street parking on the same zoning lot if adequate parking facilities are already provided (i.e. on-street parking, parking garage or other accessory parking facility or area). The intent is to create a pedestrian friendly environment and encourage the use of alternative forms of transportation and promote the most efficient use of land for non-residential uses. On-street parking shall be provided in the form of angled or parallel parking in order to maximize the number of parking spaces allowed based on roadway widths and conditions. See Section 13.03(5) for Bicycle Parking Requirements.
13. OTHER USES. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Plan Commission.

13.06 ADDITIONAL REGULATIONS – OFF-STREET LOADING

1. LOCATION. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be located adjacent to a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall and landscaped with evergreens at a rate of 100% opacity, not less than six (6) feet in height. No permitted or required loading berth shall be located in any required front or side yard. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.
2. SIZE. Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
3. ACCESS. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
4. SURFACING. All open off-street loading berths shall be improved with a compacted stone base not less than ten (10) inches thick, IDOT CA-6 gradation, and surfaced with three (3) inches minimum bituminous asphaltic concrete material or six (6) inches of portland cement concrete with pavement mesh on a compacted subgrade or equal. All surfaces used for vehicular parking, access or storage shall be improved to the above standards.
5. REPAIR AND SERVICE. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.
6. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
7. For uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the Community Development Director, shall be provided.

8. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

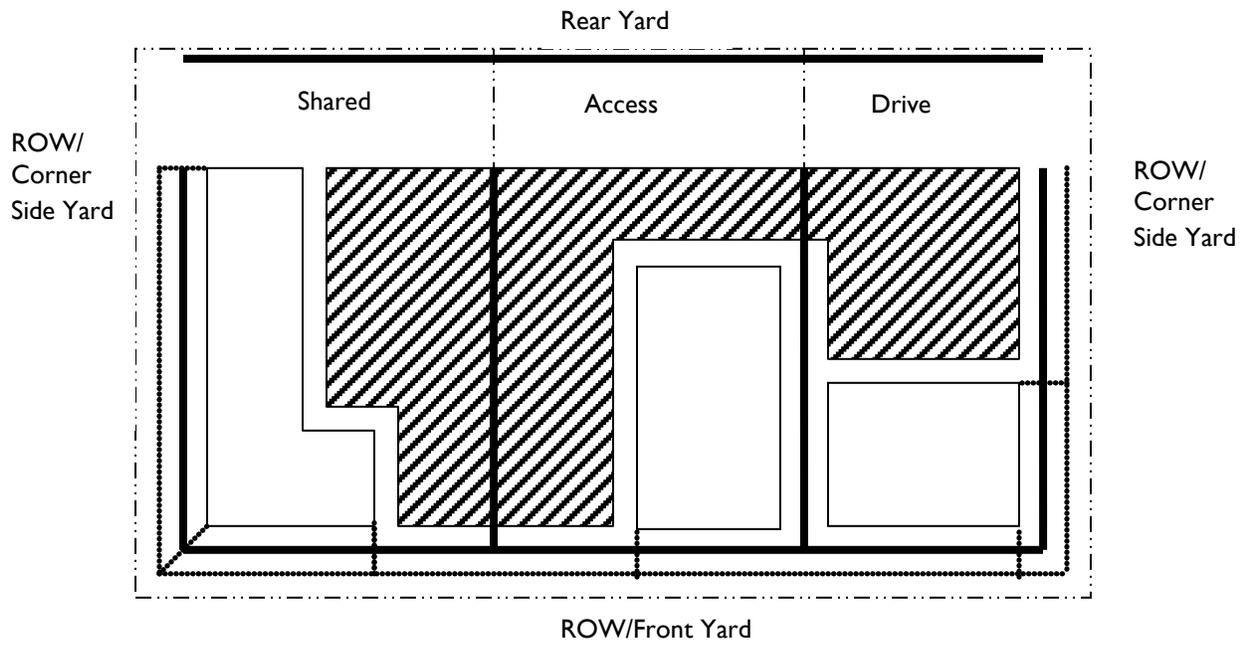
13.07 SCHEDULE OF LOADING REQUIREMENTS

For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein:

SCHEDULE OF LOADING REQUIREMENTS

Use	Number of Loading Berths Required Based Upon Gross Floor Area	Minimum Horizontal Dimensions of Loading Berths
A. Hospitals, sanitariums & other institutional uses.	One (1) plus one (1) additional berth for each 100,000 square feet	10 ft. x 25 ft.
B. Hotels, motels, clubs & lodges.	One (1) for each structure 15,000 - 100,000 sq. ft. plus one (1) berth for each additional 100,000 sq. ft. or fraction thereof.	10 ft. x 50 ft
C. Retail stores & establishments dispensing food or beverages for consumption on the premises.	One (1) for each structure plus one (1) berth for each additional 20,000 sq. ft. over 100,000 sq. ft.	10 ft. x 25 ft.
D. Motor vehicle & machinery sales.	One (1) plus one (1) additional berth for each 25,000 sq. ft.	10 ft. x 50 ft
E. Wholesale establishments (but not including warehouse & storage building other than accessory)	Three (3) for each structure 40,000 to 100,000 sq. of gross floor area plus one (1) berth for each additional 100,000 sq. ft.	10 ft. x 50 ft
F. Auditoriums, convention halls, sports arenas, stadiums, halls, bowling alleys.	One (1) plus one (1) additional berth for each 100,000 sq. ft.	10 ft. x 50 ft
G. Banks & Offices - business, professional & governmental.	One (1) for each structure 10,000 to 100,000 sq. ft. plus one (1) berth for each additional 100,000 sq. ft. or fraction thereof	10 ft. x 25 ft.
H. Manufacturing uses of any establishments engaged production, processing, cleaning, servicing, testing or repair of goods, materials or products, warehouses & storage buildings.	One (1) for each structure plus one (1) for each 60,000 sq. ft. over 40,000 sq. ft.	10 ft. x 50 ft
I. Theaters.	One (1) for each structure 8,000 to 25,000 sq. ft. plus one (1) for each additional 50,000 sq. ft. or fraction thereof	10 ft. x 25 ft.
J. Undertaking establishments and funeral parlors.	One (1) for each structure 8,000 to 100,000 sq. ft. plus one (1) for each additional 100,000 sq. ft. or fraction thereof	10 ft. x 50 ft

Site Development Exhibit (not to scale, for reference purposes only)



- Property Line - - - - -
- Landscaping —————
- Building [Building Outline]
- Parking Area [Hatched Area]
- Pedestrian Linkage [Dotted Line]

Section 14.00 – ADMINISTRATION

14.05 ZONING OFFICER

The Zoning Officer shall be in charge of the administration and enforcement of this ordinance.

- I. *Duties:* the Zoning Officer shall or shall direct someone to:
 - a. Receive applications required, issue permits and furnish certificates, all in his judgment and discretion as authorized.
 - b. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.
 - c. When requested by the President of the Board of Trustees, or when the interest of the Village so requires, make investigations and render written reports.
 - d. Issue such notices or orders as may be necessary.
 - e. Adopt rules and procedures consistent with this ordinance.
 - f. Keep careful and comprehensive records of applicants, permits, certificates, inspections, reports, notices, orders and all localized actions of the Board of Trustees and shall file the same permanently by street address.
 - g. Keep all such records open to public inspection, at reasonable hours, but not for removal from his office.
 - h. Report to the President of the Board of Trustees at least once each month as to permits and certificates issued, and orders promulgated.
 - I. Request and receive the assistance and cooperation of the Police Department, the Village Attorney, and of other Village officials.
 - j. Inform the Village Attorney of all violations and all other matters requiring prosecution of legal action.
 - k. Be entitled to rely upon any opinion of the Village Attorney as to the interpretation of this ordinance, or the legal application of this ordinance to any factual situation.
 - l. Discharge such other duties as may be placed upon him by this ordinance.

14.02 ZONING AND OCCUPANCY INSPECTION AND CERTIFICATION

- I. **OCCUPANCY & ZONING CERTIFICATE REQUIRED:** A new occupancy & zoning permit is required under the following circumstances: 1) A new building is constructed; 2) A building addition is constructed; 3) A new use is established in or on an existing building or parcel; or 4) Upon new ownership (non-residential uses only). No building or building addition, constructed after the effective date of this ordinance, shall be occupied, and no land vacant on the effective date of this ordinance shall be used for any purpose, until an occupancy and

zoning certificate have been issued by the Director of Building and Director of Community Development. No change in use in any district shall be made until an occupancy & zoning certificate has been issued by the Village of Montgomery. Every occupancy and/or zoning certificate shall state that the use or occupancy complies with all the provisions of this ordinance.

2. APPLICATION REQUIRED: Every application for a building permit (construction) shall also be deemed to be an application for an occupancy certificate and shall be submitted to the Director of Building. Every application for an occupancy certificate for a new or changed use of land or building where no building permit is required shall be made to the Director of Community Development.
3. INSPECTIONS DUE TO CONSTRUCTION:
 - a. An occupancy certificate for a building or building addition, constructed after the effective date of this ordinance shall be issued only after construction has been completed and the premises have been inspected and certified by the Village Staff to be in full and complete compliance with the plans and specifications upon which the building permit was based.
 - b. No addition to a previously existing building shall be occupied and used for a new use until the premises have been inspected and certified by the Village Staff to be in full compliance with all the applicable standards of the zoning district in which it is located.
 - c. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Director of Building is notified in writing that the building or premises is ready for occupancy.
4. INSPECTIONS DUE TO CHANGE IN USE OR OWNERSHIP:
 - a. Prior to any proposed change in use or upon new ownership, the premises shall be inspected to determine compliance with existing zoning and building codes for the Village of Montgomery. If after inspection it is determined that said use and building compliances with all applicable ordinances and codes of the Village, the inspector shall inform the Director of Community Development of the same.
 - b. If after inspection, it is determined that said building or other structure does not comply with applicable ordinances and codes, the owner or other responsible party of said building shall remedy any said defects in accordance with the applicable codes.
5. TRI-YEARLY INSPECTIONS OF NON-RESIDENTIAL PROPERTY: Once every three years, all non-residential premises shall be inspected to determine compliance with existing zoning and building codes for the Village of Montgomery.
 - a. If after inspection it is determined that said use and building compliances with all applicable ordinances and codes of the Village, the inspector shall inform the Director of Building of the same.
 - b. If after inspection, it is determined that said building or other structure does not comply with applicable ordinances and codes, the owner or other responsible party of said building shall remedy any said defects in accordance with the applicable codes.
 - c. If consent to inspection is not obtained from the property owner or other responsible party, the Village may petition the circuit court for a warrant to conduct said inspection.

Said warrant shall be based upon the passage of time, the nature of the building, or the condition of the entire area.

- d. The Village shall design an inspection routine to insure that one-third of all such properties are inspected each year. Failure to so inspect the desired one-third of properties each year shall not act as a waiver of the Villages right to inspect all such properties in a reasonable timeframe beyond said tri-yearly period. The tri-yearly inspection is a stated goal of said inspections, but not a requirement of this ordinance.
6. NON-RESIDENTIAL PROPERTY – RECORDS OF OWNERSHIP, OCCUPANCY AND USE: All non-residential property shall submit, upon request by the Village (but not more than once per calendar year), sufficient information to verify that the current use of the property is valid under said zoning district.
- a. Said information shall include but not be limited to the following items: Name of owner, name of occupant (if different), trade name or name of business (if applicable), current use of property, and such additional items as the Village staff requests.
 - b. Upon receipt, the Village may request such additional documentation as may be necessary to verify compliance with the Village codes. If such submitted information reveals facts indicating a violation of the permitted or special uses of said district, the Village may use said information to justify conducting a further inspection of the property. If consent to inspection is not obtained from the property owner or other responsible party, the Village may petition the circuit court for a warrant to conduct said inspection. Said warrant shall be based upon the facts in said records requested hereunder or the passage of time, the nature of the building, or the condition of the entire area.

14.03 ZONING BOARD OF APPEALS

1. COMPOSITION. The Zoning Board of Appeals shall consist of seven (7) members appointed by the President and with the consent of the board. The Zoning Board of Appeals shall elect from its members a Chairman to serve until his or her term ends or until the Zoning Board of Appeals shall elect a new Chairman. Of the seven (7) members, one shall serve for a period of one year, one for a period of two (2) years, one for a period of three (3) years, one for a period of four (4) years, one for a period of five (5) years one for a period of six (6) years and one for a period of seven (7) years. Thereafter, such members shall serve for a period of five (5) years. Vacancies shall be filled by appointments for unexpired terms only.
2. MEETINGS. All meetings of the Zoning Board of Appeals shall be held at the call of the chairman or at such times as the Zoning Board of Appeals may determine. All testimony by witnesses at any hearing provided for in this ordinance in shall be given under oath. The chairman, or in his or her absence, a temporary Chairman elected from those members present, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member about every question or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.
3. PUBLIC HEARINGS. The Zoning Board of Appeals shall decide matters as authorized by this ordinance in a specific case and after public hearing where required by law.
4. JURISDICTION AND AUTHORITY. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

To hear and decide an appeal from an administrative order, requirement, decision or determination made by the Zoning Officer under this ordinance.

To hear and decide all other matters referred to it upon which is required to decide under this ordinance.

The concurring vote of four members of the board shall be necessary to reverse any order requirement, decision or determination of the Zoning Officer or to decide in favor of the applicant in any manner upon which it is required to pass under this ordinance.

To hear all applications for variations and thereafter submit reports of findings and recommendations thereon to the Village Board in the manner prescribed in this section for variations.

14.04 APPEALS

1. **AUTHORITY.** The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement or determination under this ordinance, made by the Zoning Officer.
2. **INITIATION AND PROCESSING.** An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision, or determination under this ordinance.

The appeal shall be made within forty-five (45) days of the action complained of by filing with the Village Clerk and with the Board of Appeals, a notice of appeal, specifying the grounds thereof such appeal shall be taken upon forms provided by the Zoning Board of Appeals. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Appeals, after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

3. **DECISIONS.** All decisions of the Zoning Board of Appeals from an administrative order, requirement, decision, or determination of the Zoning Officer shall, in all instances, be final.

14.05A DEVELOPMENT REVIEW TEAM

1. ESTABLISHMENT. The Development Review Team and Full Development Review Team are hereby authorized and established. The Development Review Team shall consist of the Community Development Department Staff, Director of Building and the Village Engineer. Full Development Review Team shall consist of the Village Manager, each Village Department Head, or designee thereof, the Village Attorney, the Village Engineer, and such other individuals as determined by the Village Manager.
2. DUTIES OF THE DEVELOPMENT REVIEW TEAM. The Development Review Team shall review development applications as required by this Ordinance for completeness. Further, the Development Review Team shall review and make recommendations to the Plan Commission.

14.05B PLANNING COUNCIL

1. ESTABLISHMENT. The Planning Council is hereby authorized and established. The Planning Council shall consist of the Village Manager, Village staff and consultants, representatives of the various districts within the Village (i.e. school, fire, etc.) and such other individuals as determined by the Development Review Team to be necessary for project review on a case by case basis.
2. DUTIES OF THE PLANNING COUNCIL. The Planning Council shall review development applications and make recommendations to the Development Review Team as they review a development application.

14.06 PLAN COMMISSION

1. JURISDICTION. The Plan Commission of the Village of Montgomery, which has been duly established, is the Plan Commission referred to in this ordinance, and shall have the following duties under this ordinance:
 - a. To hear all applications for amendments, special uses and Level II site plan approvals and thereafter the Community Development Department shall submit reports of the Plan Commission's findings and recommendations thereon to the Village Board in the manner prescribed in this section for amendments and special uses;
 - b. To initiate, direct and review, from time to time, studies of the provisions of this ordinance, and to make reports of its recommendations to the Village Board not less frequently than once each year; and
 - c. To hear and decide all matters upon which it is required to pass under this ordinance.
2. MEETINGS AND RULES. All meetings of the Plan Commission shall be held at the call of the Chairman, and at such times as the Plan Commission may determine. All hearings conducted by said Plan Commission under this ordinance shall be in accordance with Illinois statutes. In all proceedings of the Plan Commission provided for in this ordinance, the Chairman, and in his absence the Acting Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this ordinance shall be give under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the Plan

Commission under this ordinance shall be filed in the office of the Village Clerk and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable Illinois statutes.

14.07 AMENDMENTS

1. **AUTHORITY.** The Village Board of Trustees may, from time to time, in the manner set forth in this section, amend by ordinance the regulations imposed (general amendment) or district boundary lines created (map amendment) under this ordinance, in accordance with applicable statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board of Trustees only after public hearing before the Plan Commission and report of its findings and recommendations has been submitted to the Village Board of Trustees.
2. **INITIATION OF AMENDMENT.** General amendments may be proposed by the Village Board, by the Plan Commission, by the Village Staff or by any resident of or owner of property in the Village. Map amendments may be proposed by the Village Board, by the Plan Commission or by the owner of the property.
3. **NOTICE TO OTHER PROPERTY OWNERS.** Notification by the petitioner to all property owners within two hundred fifty (250) feet of the subject site shall be made by registered mail at the time the application for amendment is submitted.
4. **APPLICATION.** An application for an amendment shall be on an application provided by the Community Development Department and shall contain all information required or such form including the following:
 - a. Legal description of the property;
 - b. Plat of survey;
 - c. Statement of the requested amendment.
5. **PROCESSING.** All documents shall be filed at least thirty (30) days before any regularly scheduled Plan Commission meeting. An application for amendment shall be filed with the Village Board and thereafter introduced into the Village Board of Trustees. Such application shall be forwarded from the Village Board to the Plan Commission, with a request to hold public hearing. Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one (1) or more newspapers with a general circulation within Montgomery.
6. **PROTESTS.** Any proposed amendment which fails to receive the favorable vote of a majority of the Plan Commission members and is so reported, shall not be passed by the Village Board except by a favorable vote of two-thirds (2/3) of all trustees of the Village Board. In case of written protest against any proposed 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 therefrom, 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 trustees of the Village Board. A copy of the written protest shall be served by the protestor(s) on the applicant for the proposed amendment and a copy upon

the applicant's attorney, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

7. RECOMMENDATIONS OF THE PLAN COMMISSION. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall consider the following matters among others:
 - a. Existing uses of the property within the general area of the property in question;
 - b. The zoning classification of the property within the general area of the property in question;
 - c. The suitability of the property in question to the uses permitted under the existing zoning classification;
 - d. The trend of development, if any, in the general area of the property in question;
 - e. Projected use of the property, as indicated in the Comprehensive Plan.

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

8. DECISIONS. The Village Board, upon report of the Plan Commission, and without further public hearing, may make, grant, or deny any proposed amendment in accordance with applicable statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.

14.08 VARIATIONS

1. AUTHORITY. Variations shall be authorized or denied by the Village Board (or the Hearing Officer for those petitions covered by Section 14.08(6)) in accordance with the provisions of this ordinance applicable to amendments of this ordinance and the regulations and conditions set forth in this ordinance for variations. No application for a variation shall be acted upon by the Village Board (or the Hearing Officer) until after:
 - a. A written report is prepared by the Community Development Department and forwarded to the Village Board by the Zoning Board of Appeals (or the Hearing Officer for those petitions covered by Section 14.08(6)) in a manner prescribed herein for amendments to this ordinance; and
 - b. A public hearing has been held by the Zoning Board of Appeals (or the Hearing Officer) after due notice by publication as prescribed herein, for amendments, and, in the case of petitions not covered by Section 14.08(6), the findings and recommendations of the Zoning Board of Appeals have been reported to the Village Board by the Community Development Department.
2. INITIATION. An application for a variation may be made by any person, firm, or corporation, or by any office, department, board, bureau, or commission requesting or intending to request application for a building permit, or occupancy certificate.

3. **STANDARDS.** The Zoning Board of Appeals (or the Hearing Officer) shall recommend approval of a variation from the provisions of this ordinance as authorized in this section only if the evidence, in the judgment of the Zoning Board of Appeals (or the Hearing Officer), sustains each of the following conditions:

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;

That the plight of the owner is due to unique circumstances;

That the variation, if granted, will not alter the essential character of the locality;

That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification;

That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property;

That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; and

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

4. **CONDITIONS AND RESTRICTIONS.** The Zoning Board of Appeals (or the Hearing Officer) may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variation upon other property in the neighborhood and to implement the general purpose and intent of this ordinance.

5. **APPLICATION.** An application for a variation shall be on an application provided by the Community Development Department and shall contain all information required in order for the Zoning Board of Appeals (or the Hearing Officer) to evaluate the application including, but not limited to, the following:

- a. Legal description of property for which a variation is requested;
- b. The requested variation;
- c. The reasons which applicant relies upon as justifying the requested variation;
- d. A site plan showing existing conditions and proposed changes including, but not limited to, the applicable dimensions relating to the variance request.

6. HEARING OFFICER. Pursuant to 65 ILCS 5/11-13-5 and 65 ILCS 5/11-13-14.1, The Hearing Officer shall be the Director of Community Development. The Hearing Officer shall perform the following duties in lieu of the Zoning Board of Appeals (and the Village Board):
 - a. The Hearing Officer shall consider, conduct public hearings and make final decisions on requests for variations on building yard setbacks (e.g. 8.02(5)(a)) of up to five (5) percent of the front and rear yard setbacks and ten (10) percent of the side yard setbacks. The Village Board pursuant to 65 ILCS 5/11-13-5 hereby delegates final decision making power for the above items to the Hearing Officer. Variations in excess of said percentages shall be considered and processed through the Zoning Board of Appeals and Village Board.
7. PROCESSING. An application for variation shall be filed with the Director of Community Development. The Director of Community Development shall forward such application to the Zoning Board of Appeals (or the Hearing Officer) for processing in accordance with applicable statutes of the State of Illinois and the provisions of this ordinance.
8. NOTICE. All variations shall be reviewed by the Zoning Board of Appeals (or the Hearing Officer) after a public hearing before the Zoning Board of Appeals (or the Hearing Officer), of which there shall be a notice of time and place of the hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one (1) or more newspapers with a general circulation within the Village of Montgomery, and a written notice is served at least fifteen (15) days and not more than thirty (30) days before the hearing on the owners of the properties located adjacent to the location for which the variation is requested.
9. DECISIONS. On the basis of evidence presented, the Zoning Board of Appeals (or the Hearing Officer) shall record their findings of fact, their decision, the vote of the members (or the Hearing Officer) and the reasons for recommending approval or denial of the variation.

For petitions governed by Section 14.08(6), the decision of the Hearing Officer shall be final.

For petitions not governed by Section 14.08(6), the Village Board upon report of the Zoning Board of Appeals(or the Hearing Officer) and without further public hearing may grant or deny any proposed variation in accordance with applicable statutes of the State of Illinois or may refer it back to the Zoning Board of Appeals (or the Hearing Officer) for further consideration.

The Village Board (or the Hearing Officer) may require such conditions reasonably necessary to meet the standards set forth in this ordinance including, but not limited to, upon the establishment, location, construction, maintenance, and operation of the variation as it deems necessary for the protection of the public interest. Any variation not completed within 24 months shall expire.

14.09 SPECIAL USES

- I. PURPOSE. The development and execution of the zoning ordinance is based upon the division of the Village into zoning districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, 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 neighboring lands and upon the public need for the particular use of the particular location. Such special uses fall into two categories;

- a. Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.
 - b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. AUTHORITY. Special uses shall be authorized or denied by the Village Board in accordance with the provisions of this ordinance applicable to amendments of this ordinance and the regulations and conditions set forth in this ordinance for special uses. No application for a special use shall be acted upon by the Village Board until after:
 - a. A written report is prepared by the Community Development Department and forwarded to the Village Board by the Plan Commission in a manner prescribed herein for amendments to this ordinance; and
 - b. A public hearing has been held by the Plan Commission after due notice by publication as prescribed herein, for amendments, and the findings and recommendations of the Plan Commission have been reported to the Village Board.
3. INITIATION. An application for a special use may be made by the Village Board, the Plan Commission or the owner of the property.
4. NOTICE TO OTHER PROPERTY OWNERS. The notice provisions for variation shall apply to all applications for special uses.
5. APPLICATION. An application for special use shall be on an application provided by the Community Development Department and shall contain all information required on such form, including the following:
 - a. Legal description of the property;
 - b. Plat of survey;
 - c. Statement along with evidence showing that the proposed special use will conform to the standards set forth in this section.
6. PROCESSING. All documents shall be filed at least thirty (30) days before any regularly scheduled Plan Commission meeting. An application for a special use shall be filed with the Community Development Department and the Village Clerk, and therefore processed in the manner prescribed heretofore for amendments.

The Plan Commission shall hold the public hearing and forward its recommendations in the form of a written report, to the Village Board within thirty (30) days following the date of public hearing on each application, unless it is withdrawn by the petitioners.

7. RECOMMENDATIONS OF THE PLAN COMMISSION. No special use shall be recommended by the Plan Commission unless the Commission shall find that the following standards have been satisfied:

- a. That the establishment, maintenance or operation of the special use will not be detrimental to endanger the public health, safety, comfort or general welfare;
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish or impair property values within the neighborhood;
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;
 - e. That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets; and
 - f. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Plan Commission.
8. **PROTESTS.** Any proposed special use which fails to receive the favorable vote of a majority of the Plan Commission members and is so reported, shall not be passed by the Village Board except by a favorable vote of two-thirds (2/3) of all trustees of the Village Board.

In case of a written protest against any proposed special use, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered or by the owners to twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, 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 proposed special use shall not be passed except by a favorable vote of two-thirds (2/3) of the trustees of the Village Board. A copy of the written protest shall be served by the protester(s) 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 for the proposed amendment.

9. **DECISIONS.** The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed special use in accordance with applicable statutes of the State of Illinois or may refer it back to the Plan Commission for further consideration. The Village Board may require such conditions reasonably necessary to meet the standards set forth in this ordinance including, but not limited to, upon the establishment, location, construction, maintenance, and operation of the special use as it deemed necessary for the protection of the public interest. Any special use not completed within 24 months shall expire.

14.10 PLANNED UNIT DEVELOPMENT

- I. **PURPOSE.** To encourage the orderly development of properties through advance planning and thus assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; assure adequate open space; protect residential areas from undue traffic congestion; protect residential areas from the intrusion of business, industrial and other land uses that may create an adverse effect upon the living

environment; and to encourage the most imaginative and best possible design of building forms and site planning for tracts of land where such designs would best adapt to topographic and other natural features of such sites. Planned Unit Developments are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Plan Commission and the action of the Village Board, and to guard against the use of Planned Unit Development solely as a means of intensifying the use of the land. Some specific objectives of the Planned Unit Development procedure are:

- a. To permit a maximum choice in the type of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this title;
 - b. To promote a creative approach to the use of land and related physical facilities that results in better design and development with the inclusion of aesthetic amenities;
 - c. To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different relationships with the mixing of different urban uses in an innovative design;
 - d. To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features;
 - e. To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development;
 - f. To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;
 - g. To promote the economical use of land and installation and maintenance of utilities, street improvements, structures and other facilities;
 - h. To encourage a land use which promotes the public health, safety, comfort, morals, and welfare;
 - i. To create a method for the permanent preservation of architectural and/or historic landmarks;
 - j. To provide amenities not otherwise required by law.
2. PROVISIONS. The basic provisions and requirements concerning Planned Unit Development are as follows: The subdivision, development and use of land as an integral unit, combining more than one primary land use and which may provide for single-family residential, multiple-family residential, education, business, commercial, industrial, recreational, park and common use areas may be described as a Planned Unit Development.
- a. In its establishment and authorization as a special use, in addition to the foregoing provisions, the following procedures, requirements, restrictions, standards and conditions shall be observed.

- b. The Planned Unit Development may be excluded from the provisions of the subdivision regulations and of the Zoning Ordinance of the Village of Montgomery to the extent specified in the final authorization of the Planned Unit Development.
3. The petitioner shall prepare and submit plans and documents in conformance with Section 14.09, below.
 - a. Pre-application
 - b. Concept Plan
 - c. Preliminary Plan and Special Use Permit
 - d. Final Development Plan
4. PRE-APPLICATION CONFERENCE.
 - a. *Purpose.* The purpose of the pre-application conference is to make advice and assistance available to the applicant before preparation of the Concept Plan, so that the applicant may determine:
 - i. Whether the proposed Planned Unit Development appears in general to be in compliance with the provisions of the zoning ordinance and other applicable ordinances;
 - ii. Whether any zoning amendment, variation or special use is required in connection with the proposed Planned Unit Development;
 - iii. Whether the proposed Planned Unit Development will be in conformity with the Comprehensive Plan and the goals and policies of the Village.
 - b. *Procedure.*
 - i. *Development Review Team.* A pre-application conference shall be held with the Development Review Team. The applicant shall provide information as to the location of the proposed planned development, the uses, and approximate area of use for each use category; a list of any and all exceptions to the subdivision regulations and zoning ordinance of Montgomery, and any other information necessary to clearly explain the planned development to the Staff. The Development Review Team shall review and consider the proposed plan as to its compatibility with the Comprehensive Plan and the goals and policies for planning and advise the applicant on the information, documents, exhibits, drawings, and any limitations on the proposed plan that should be included in the application.
 - ii *Planning Council.* The Petitioner shall submit and present a Concept Plan to the Planning Council (inter-agency) for review and recommendations to the Plan Commission. The Petitioner shall revise plans according to recommendations from Development Review Team and Planning Council.
 - c. *Required Information*
 - i. A written "Letter of Intent" from the petitioner describing his intention for developing the site;
 - ii. A topographic survey and location map;
 - iii. Conceptual plans describing proposed land use, dwelling type and density, street and lot arrangement, building floor area, and tentative lot sizes;
 - iv. An aerial photograph of the site and surrounding property at a scale not less than one (1) inch equals four hundred (400) feet (to show relationship with existing off-site improvements);
 - v. Tentative plans for water supply, sewage disposal and surface drainage; and

- vi. Other material the applicant may wish to bring.

5. CONCEPT PLAN

- a. *Purpose.* The purpose of the Concept Plan is to enable the applicant to obtain the opinions and recommendations of the Plan Commission and Village Board prior to spending considerable time and expense in the preparation of detailed Preliminary Plans and architectural drawings. The purpose of the Concept Plan is also to determine whether the proposed Planned Unit Development meets the following criteria:
 - i. Compatibility with its surroundings;
 - ii. Appropriateness of uses in this location;
 - iii. Timeliness of the proposal;
 - iv. Reasonableness of the proposal;
 - v. Feasibility of the proposal; and
 - vi. Impacts upon nearby properties.
- b. *Procedure*
 - i. A Concept Plan for a Planned Unit Development shall be filed with the Community Development Department thirty (30) days prior to the Plan Commission meeting. The Development Review Team shall determine whether the submittal is complete and if it is, it shall be forwarded to the Plan Commission. If it is not a complete submittal, a written notice shall inform the Petitioner of additional requirements and the case shall be postponed to the next regularly scheduled Plan Commission meeting.
 - ii. *Plan Commission Recommendation.* The Plan Commission shall review the Concept Plan and make a recommendation based on the above criteria, which shall be forwarded to the Village Board.
 - iii. *Village Board Action.* Following staff review and a recommendation from the Plan Commission, the Village Board shall either approve, approve with conditions, or disapprove the Concept Plan.
- c. *Required Information*
 - i. A Land Development Application as provided by the Community Development Department;
 - ii. Cover letter listing all items submitted, including a description of the plan objectives;
 - iii. Ownership: A statement of present and proposed ownership of all land within the project;
 - iv. List of exceptions or variations to the zoning or subdivision requirements being requested as part of the Planned Unit Development application;
 - v. Utilities: Preliminary information on existing and proposed sanitary sewer, storm sewer, water, and other utilities necessary to service the development;
 - vi. An Architectural Concept: illustrated renderings depicting the architectural style and concept for buildings in the proposed development;
 - vii. Site Analysis: A site analysis of the property in question, which shall show the following information:
 - 1. Existing land uses both on the site and immediately adjacent to it;
 - 2. Scenic views;
 - 3. Wooded areas;
 - 4. Portions of the site in any flood plain and/or flood plain fringe area;
 - 5. Streams, drainage ditches, culverts and standing water;
 - 6. Isolated preserveable trees four (4) inches or more in diameter at one (1) foot above the ground level; and

7. General directions of the storm water run-off across the property.
- viii. A drawing of the Planned Unit Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The plan shall indicate the overall land use pattern general circulation system, open space or park system, and major features of the development. This section does not require a detailed site plan of buildings, roads, walks, etc. The plan should include:
 1. Boundary lines: approximate distances;
 2. Streets on and adjacent to the tract - circulation system, including right-of-way alignments, widths;
 3. Land uses proposed;
 4. Map data: Name of development, name of site planner, name of applicant, north point, scale, date of preparation, and acreage of site;
 5. Aerial photograph of site and surrounding property at a scale not less than one (1) inch equals four hundred (400) feet;
 6. Topographic map: At least ten (10) foot contour intervals at a minimum scale of one (1) inch equals four hundred (400) feet;
 7. Site data: A written explanation of the graphic elements of the plan, including:
 - a. Description and quantity of land uses;
 - b. Description of residential units by type;
 - c. Number of dwelling units;
 - d. Estimated population;
 - e. Description of the development standards and design criteria;
 - f. Floor area ratio.
- ix. Any other information that may be requested by the Development Review Team.

6. PRELIMINARY PLAN AND SPECIAL USE APPLICATION

- a. *Purpose.* The purpose of the Preliminary Plan submission is to obtain tentative approval and/or commitments from the Village that the plans, design, and program that the applicant intends to build and follow are acceptable, and that the applicant can reasonably proceed into final detailed architecture, engineering surveying, and landscape architecture in anticipation of final plat approval and subsequent construction. Approval of the Preliminary Plan shall not constitute authority to proceed with construction of any improvements, but rather an approval of the general features of the plan as a basis for preparing the Final Development Plans.
- b. *Procedures.* Applications for approval of a Preliminary Plan and a Special Use as a Planned Unit Development shall be filed simultaneously with the Community Development Department at least thirty (30) days prior to a regularly scheduled Plan Commission meeting.
 - i. The Community Development Department shall refer the Preliminary Plan to the Montgomery Plan Commission. The Director of Community Development shall instruct the appropriate Village Departments, agencies, districts and consultants to collaborate with the Plan Commission in reviewing the Preliminary Plan for the Planned Unit Development for its compliance with these regulations and other ordinances of the Village of Montgomery.
 - ii. The Director of Community Development shall notify the applicant as to the time and place of the public hearing at which the applicant shall present his Preliminary Plan. The Director of Community Development shall cause notice

- of such public hearing to be published in a manner approved by the Plan Commission for all special use permits and as required by statute.
- iii. The Plan Commission and the Village Board may utilize the services of the professional Village Consultants in arriving at recommendations or decisions. The applicant shall pay the Village the reasonable cost incurred for the services rendered by its Consultants in accordance with Ordinance 868.
 - iv. The Plan Commission shall proceed as quickly as possible in its review of the Preliminary Plan. Within no more than thirty (30) days after the final adjournment of the public hearing the Plan Commission shall: Approve or disapprove the Preliminary Plan and shall submit its written recommendation, which may include the recommendations of the Village Staff, Village Engineer, and/or Village Attorney, to the Board of Trustees, with a copy being sent to the applicant; or Advise the applicant in writing if the Plan Commission finds that changes, additions, or corrections are required in the Preliminary Plan. The applicant shall re-submit the revised Preliminary Plan for consideration of the Plan Commission at a continuation of or a new public hearing. The applicant shall do so without paying an additional filing fee. The Plan Commission shall submit its recommendations in writing to the Village Board, which may also include the recommendations of the Director of Community Development, Village Engineer, and/or Village Attorney, with a copy also being sent to the applicant.
 - v. The Village Board of Trustees shall accept or reject the Preliminary Plan within thirty (30) days after its next regular meeting following the receipt of the written recommendations of the Plan Commission. The applicant and the Village Board of Trustees may mutually agree to extend the thirty (30) day period.
 - vi. If the Preliminary Plan is disapproved, the Village Board may state in writing the reasons for the disapproval, and such writing, if prepared, shall be filed with the Village Clerk, and a copy shall be sent to the applicant.
 - vii. If the Preliminary Plan is approved, the Village Board shall authorize applicant to submit a Final Development Plan for the Planned Unit Development.
 - viii. Within one (1) year following the approval of the Preliminary Development Plan, the applicant shall file with the Plan Commission, a Final Development Plan completing in final form all information required as noted in this Section. If this requirement is not met, any prior plan approvals shall be considered null and void. At the discretion of the Village Board and staff review of the project and plans, the applicant may be permitted to file Final Development Plans after the one year deadline and in accordance with the requirements of this section.

7. REQUIRED INFORMATION. The petitioner shall organize the following materials into a Planned Development Document. The special use petition and Preliminary Plan shall include at least the following information:

- a. Application for special use as a Planned Unit Development as required in Section 14.08, on the Land Development application provided by the Community Development Department.
- b. The written statement which shall be included as part of the application for approval of the Preliminary Plan shall contain the following information:
 - ii. A statistical tabulation of the acreage amounts of all of the land uses proposed in the Preliminary Plan.
 - iii. The type and number of dwelling units for any proposed residential land uses.
 - iv. The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end.

- c. Architectural Plans and Elevations of all proposed buildings, structures, monuments and signs proposed. For residential development, model information and an anti-monotony code is required.
- d. The plan or plans which shall be included as part of the application shall be drawn at a scale of one hundred feet to the inch (1" = 100'), or if the area of the site is more than two hundred (200) acres, two hundred feet to the inch (1" = 200'). The following information shall be shown:
 - v. Boundary Survey: A boundary line survey of the subject site which shall be prepared and certified by a registered land surveyor.
 - vi. Topography: The existing topographic character of the land with contours shown at intervals no greater than five (5) feet. Topographic date shall refer to the U.S.G.S. North American Datum - Mean Sea Level Elevation.
 - vii. Site Analysis: A detailed site analysis of the property in question, which shall show the following information:
 - 1. Existing land uses both on the site and immediately adjacent to it;
 - 2. Scenic views;
 - 3. Wooded areas;
 - 4. Soil problem areas based upon a soil survey of the site to include a report from the Soil Conservation Service. Additional soil information may be requested by the Plan Commission and/or the Village Engineer.
 - 5. Flood plain and/or flood plain fringe boundaries;
 - 6. Streams, drainage ditches, culverts and standing water;
 - 7. Isolated trees four (4) inches or more in diameter at one (1) foot above the ground level; and
 - 8. Directions of the storm water run-off across the property.
 - viii. Public utilities information: Which shall show the location and size of any existing sanitary sewers, storm sewers, and water lines both on the site and in easements and right-of-way immediately adjacent to the site - gas, electric, and telephone.
 - ix. Other information: Existing county and/or municipal zoning on all parts of the site; municipal corporate boundaries across and adjacent to the subject site; school district boundaries across and adjacent to subject site; utility easements across and adjacent to the subject site.
 - x. Land Use Plan: A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:
 - 1. Identification and description;
 - 2. Name of the Planned Unit Development;
 - 3. Location of the subject site by section, town, and range or by other;
 - 4. Approved legal description;
 - 5. Name and address of the site planner and/or engineer;
 - 6. Name and address of the owner and/or Trust Beneficiary or developer;
 - 7. Scale, north arrow and date.
 - xi. Design features information, which shall show:
 - 1. Right-of-way alignments, widths, and names of all streets. Such street names shall not duplicate the name of any street heretofore used in the Village or its environs unless such street is an extension of or is in line with an already named street in which event that name shall be used.
 - 2. The location of all multi-family or single-family attached buildings and structures.
 - 3. Off-street parking and service areas.

4. All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.
5. The pedestrian circulation system, bike paths, and any parkway belt system.
- xii. All other information necessary to clearly show the proposed elements of the Planned Unit Development.
- xiii. A Preliminary Landscape Plan, in accordance with Section 12A.0.
- xiv. Utility Plan: A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show an appropriate location and dimensions of all sanitary sewer, storm sewer, and water lines for all proposed land uses, drainage ditches, culverts and water retention areas, as well as any utility easements. The Utility Plan shall be accompanied by a statement from the Fox Metro Water Reclamation District attesting to the capability of existing sewer systems to service the proposed development.
- e. Other information may be requested if the Plan Commission finds that the Planned Unit Development may create special problems for traffic, parking, landscaping, and/or economic feasibility. Such information may include, but not be limited to any of the following:
 - xv. An off-street parking and loading plan.
 - xvi. A traffic study indicating the volume of traffic to be generated by the Planned Unit Development or this phase of it and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through, and around the Planned Unit Development or this phase of it.
 - xvii. Economic Impact: A tax impact study detailing the impact which the Planned Unit Development or this phase of it will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified.

8. FINAL DEVELOPMENT PLAN.

- a. *Procedures.* The Final Development Plan, or if the development is to be phased, the first unit Final Plan shall be filed with the Community Development Department within one (1) year of the approval of the Preliminary Plan. The Final Plan and, if the development is to be phased, all phased Final Plans shall conform substantially to the Preliminary Plan as approved.

The Plan Commission shall review the Final Development Plan within thirty-five (35) days of its submission and shall recommend approval if it is in substantial compliance with the Preliminary Development Plan. The Plan Commission shall certify to the Board of Trustees that the Final Development Plan is in conformity with the previously filed Preliminary Development Plan.

If the Final Plan is substantially changed from the approved Preliminary Plan, the Plan Commission shall recommend to the Village Board that a new public hearing be held in conformance with the procedures for approval of the Preliminary Plan.

The Village Board, after receipt of the recommendations of the Plan Commission, shall approve or deny the Final Plan. If the Final Development Plan is held not to be in conformity with the Preliminary Development Plan, the Village Board shall inform the applicant with regard to the specific areas found to be not in compliance.

The final plat shall be filed with the appropriate recorder of deeds and all recording costs shall be paid by the applicant. No permit allowing construction of a building or any other improvement shall be issued until the final plat is recorded. No final plat shall be recorded until the final engineering plans have been approved by the Village Engineer and the required land improvements have been completed or the required collateral for the improvements has been posted by the developer as set forth in this section.

b. *Required Information.* The Final Development Plan shall contain in final form the information required in the Preliminary Plan *and* the following:

- i. A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the Final Development Plan is to designate the land subdivided into lots as well as the division of other lands not so treated, into common open areas and building areas and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.
 - ii. An accurate legal description of the entire area under immediate development within the planned development.
 - iii. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, to the extent that compliance with the subdivision regulation of the Village shall be required.
 - iv. An accurate legal description of each separate unsubdivided use area, including common open space.
 - v. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 - vi. Certificates, seals and signatures required for the dedication of land, and recording the document.
 - vii. Tabulations of each separate unsubdivided area, including land area and number of dwelling units per gross acre.
 - viii. Landscaping plan.
 - ix. Utilities and drainage plan.
 - x. Final agreements, by-laws, provisions or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open area or other common facilities.
 - xi. Final development and construction schedule.
 - xii. Final architectural plans.
 - xiii. Final engineering drawings in accordance with the requirements for engineering plans in the Subdivision Ordinance of the Village.
9. CHANGES AND MODIFICATIONS OF THE PLANNED UNIT DEVELOPMENT AFTER APPROVAL OF THE FINAL PLAN. After the approval of the Final Plan the use of land and construction, modification; or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved Final Plan, rather than by any other provisions of the Zoning Ordinance of the Village.

No changes may be made in the approved Final Plan except upon application to the appropriate agency according to the following procedures:

- a. During the construction of the Planned Unit Development, the procedure shall be as follows:
 - 1) Minor changes in the location, siting, and height of buildings and structures, and in the location of open space, may be authorized by the Plan Commission as required by engineering or other circumstances not foreseen at the time that the final plat was approved.
 - 2) All changes in land uses, any re-arrangement of lots, block, and building tracts, any major changes in the provisions for common open space and all other changes in the approved Final Plan must be made by the Village Board of Trustees, under the procedures authorized by the Zoning Ordinance for the amendment to the zoning map.
 - 3) Any changes which are approved for the Final Plat must be recorded as amendments to the recorded copy of the Final Plat. If changes are allowed in a final site plan, a new site plan reflecting such changes shall be filed with the Village.
 - b. After the completion of the construction of the Planned Unit Development, the procedure shall be as follows:
 - 1) Any minor extension, alterations, or modifications of existing buildings or structures may be authorized by the Zoning Board of Appeals if they are consistent with the purpose and intent of the Final Plat.
 - 2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Plat unless an amendment to the Final Plat is approved following the procedures for the amendment of zoning map.
 - 3) All other changes in the Final Plan must be made by the Village Board of Trustees, under the procedure authorized by the Zoning Ordinance for the amendment of the zoning map. No changes may be made in the Final Plan unless they are required for the continued successful functioning of the Planned Unit Development, or unless they are required by changes in conditions that have occurred since the Final Plan was approved or by changes in the development policy of the Village.
10. CONSTRUCTION OF IMPROVEMENTS. The petitioner shall construct and install the required improvements and must post with the Village a sum in cash, or negotiable securities, or a surety bond running to the Village in an amount sufficient to cover the full cost, including engineering and inspection fees and costs, plus ten percent (10%) of such total, to assure the satisfactory installation of such improvements; the amount of such deposit or bond shall be based upon the confirmed estimate of cost hereinafter provided for; if a surety bond is submitted, it shall have good and sufficient surety thereupon and shall not be accepted until approved by the President and Board of Trustees.

If the Planned Unit Development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in the amount based upon the confirmed estimated cost of installation of improvements in the respective stage or phase as approved by the Village Engineer.

Construction of all required improvements must be completed within the time schedule approved by the Village Board or within two (2) years from the date of final plat approval unless good cause can be shown to the Village Board for granting an extension of time. During the course of construction, the applicant shall provide for inspection of the work in order to insure compliance with the approved plans and specifications and according to good engineering and construction practices. Inspection of the work may also be done by the Village.

11. STREET CLASSIFICATIONS. Street classifications, definitions and specifications shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations of the Village of Montgomery, as may be amended from time to time.

12. STANDARDS. No Planned Unit development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:

a. *General.*

- 1) The uses permitted by such exception as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- 2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- 3) Wherever the applicant proposed to provide and set out, by platting, deed, dedication, restriction, or covenant, any land or space separate from single- family or multi-family residential districts to be used for parks, playgrounds, commons, greenways, or open areas, the Plan Commission may consider and recommend to the Village Board and the Village Board may vary the applicable minimum requirements of the subdivision regulations and the zoning ordinance which may include but not necessarily be limited to the following:

Rear yard	Street width
Side yard	Sidewalks
Lot area	Public utilities
Bulk	Off-street parking
Intensity of use	

- 4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Unit Development shall be subject to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in the ordinance granting and establishing a Planned Unit Development.
- 5) When private streets and common driveways are made a part of the Planned Unit or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Village Board.

b. *Residential.*

- 1) Residential density for a Planned Unit Development shall not be greater than the recommended density, as shown on the Land Use Plan of the Comprehensive Plan for the Village, nor shall any lot to be used for residential purposes be less in area or dimension than that required by the district regulations applicable to the district in which the Planned Unit Development is located, except that the Plan Commission may recommend and the Village Board may grant a reduction in such lot area and dimension, but not more than fifteen percent (15%) when the Planned Unit Development provides common open space equal to not less than ten percent (10%) of the Planned Unit Development.
- 2) Business uses may be included as part of a planned residential development when the Plan Commission finds that such business uses are beneficial to the overall Planned Unit Development and will not be injurious to adjacent or neighboring properties. Such business uses shall not be greater than ten percent (10%) of the Planned Unit Development.
- 3) The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the Planned Unit Development for use only by the residents of the planned development.
- 4) The Plan Commission may recommend and the Village Board may approve, access to a dwelling by a driveway or pedestrian walk easement; however, off-street parking facilities for such dwellings shall be located not more than two hundred (200) feet from the dwelling served; yards of lesser widths or depths than required for permitted uses in the district regulations applicable to the district in which the planned development is located, provided:
 - a. That protective covenants are recorded with perpetual access easements and off-street parking spaces for use by the residents of the dwellings served;
 - b. That spacing between buildings shall be consistent with the application of recognized site planning principles for securing a unified development and due consideration is given to the openness normally afforded by intervening streets and alleys;
 - c. The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the planned development is located; and the plan is developed to afford adequate protection to neighboring properties as recommended by the Plan Commission and approved by the Village Board of Trustees.
- 5) In any single-family cluster subdivision, the Plan Commission may recommend and the Village Board may authorize the following exceptions to the regulations of the district in which the cluster subdivision is permitted as a special use:
 - a. A reduction of the lot area by not more than five percent (5%) and in no case shall the lot area be less than eight thousand six hundred and fifty (8,650) square feet;
 - b. A reduction of the lot width to: Seventy (70) feet in the R-I District.

- c. In the part of the planned development containing only residential uses, the minimum lot area per dwelling unit may be not more than five percent (5%) less than that required for permitted uses in the district regulations applicable to the district in which the planned development is located;

Reduction of such lot area shall be recommended by the Plan Commission and approved by the Village Board only where there is contained within the planned development permanent open area, the area and location of which shall meet with the approval of the Commission, and that such open space shall not be less than that which would pertain if developed on individual lots;

Such open areas shall be preserved over the life of the planned development, for use only by residents of the planned development or dedicated to the Village of Montgomery for school, park, playground or other public uses;

- 6) *Business*. In a planned business development, the following additional requirements are hereby specified:
 - a. All buildings shall be set back not less than fifty (50) feet from all streets bounding the site;
 - b. Required off-street parking space shall be provided in accordance with Section 13.00; however, in the case of a unified shopping center, parking may be provided in the ratio of not less than five and one-half (5-1/2) parking spaces for every one thousand (1,000) square feet of gross leasable area (GLA).
 - c. All walks within the planned development shall be paved with a hard surfaced material meeting the specifications of the Village Engineer;
 - d. Any part of the planned development not used for buildings, loading and access ways, shall be attractively landscaped with grass, trees, shrubs or pedestrian walkways, according to a landscape plan, as approved by the Plan Commission;
 - e. Permitted business uses shall be as prescribed in the ordinance granting the planned development.
 - f. At least ten percent (10%) of the lot shall be provided for landscape and open space purposes.
 - g. The buildings in the planned development shall be planned and designed as a unified and single project.
 - h. Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches, or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.
 - i. Signs shall comply with the regulations of B-1 business uses permitted in this ordinance.

- 7) *Industrial.*
- a. The standards for industrial areas in a Planned Unit Development shall conform to the applicable standards in the zoning ordinance of the Village of industrial areas.
 - b. At least twenty percent (20%) of the industrial land use areas shall be reserved for landscape and open space purposes.
- 8) *Conditions and Guarantees.* Prior to granting any special uses, the Plan Commission may recommend, and the Village Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection and requirements specified herein or as may be from time to time required. In all cases in which special uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- 9) *Effect of Denial of a Special Use.* After a public hearing, no application for a special use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and the Village Board.
- 10) *Termination of Special Use Permit.* If work on the proposed development has not begun within eighteen (18) months from the date of the authorization order of the Village Board, the authorization shall become null and void and all rights thereunder shall lapse.

14.11 FEES

The Village Board shall establish a schedule of fees, charges and expenses for occupancy certificates, appeals, applications for amendments or special use, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Village Clerk and may be altered or amended only by the Village Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

14.12 SEPARABILITY

Each section, clause, and provision of this ordinance shall be considered as separable, and the invalidity of one or more shall not have any effect upon the validity of other section, clauses, or provisions of this ordinance.

14.13 VIOLATION, PENALTY, ENFORCEMENT

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall upon conviction be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense."

14.14 REPEAL OF CONFLICTING ORDINANCES

Any and all other ordinances, or parts of ordinances, in conflict herewith are repealed.

14.15 WHEN EFFECTIVE

This ordinance shall be in full force and effect immediately after passage, approval and publication in book form according to law.

Adopted by the Village Board of Trustees of the Village of Montgomery, Illinois, on the 22nd day of August, 1988.

Approved by me as President of the Village Board of Trustees of the Village of Montgomery, Illinois, this 22nd day of August, 1988.

\s\ Raymond C. Kozloski
President, Village Board of Trustees

ATTEST:

\s\ Nan G. Cobb
Village Clerk

This book has been revised and codified effective July 24, 2001.

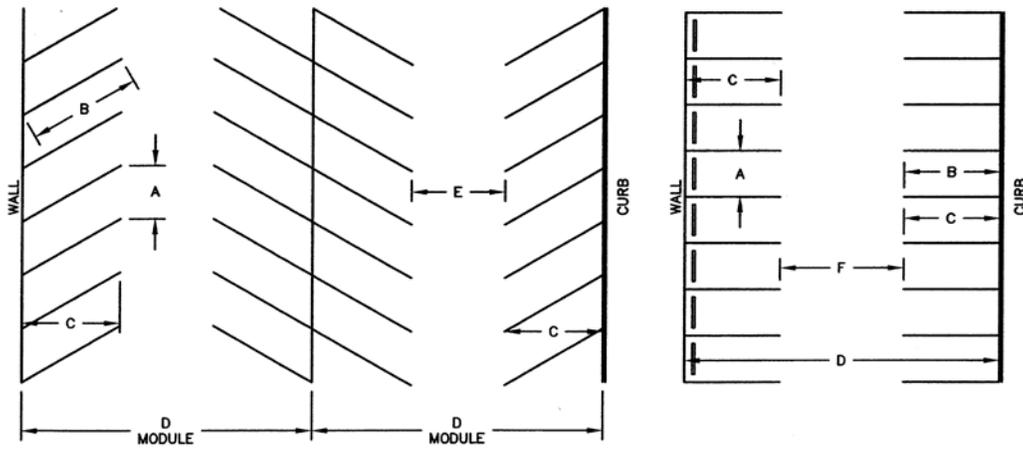
Appendix A – Illustrations
Appendix B – Resolutions & Ordinance

Appendix A – Illustrations

APPENDIX A-1

DIMENSIONS OF OFF STREET PARKING SPACES (FEET)

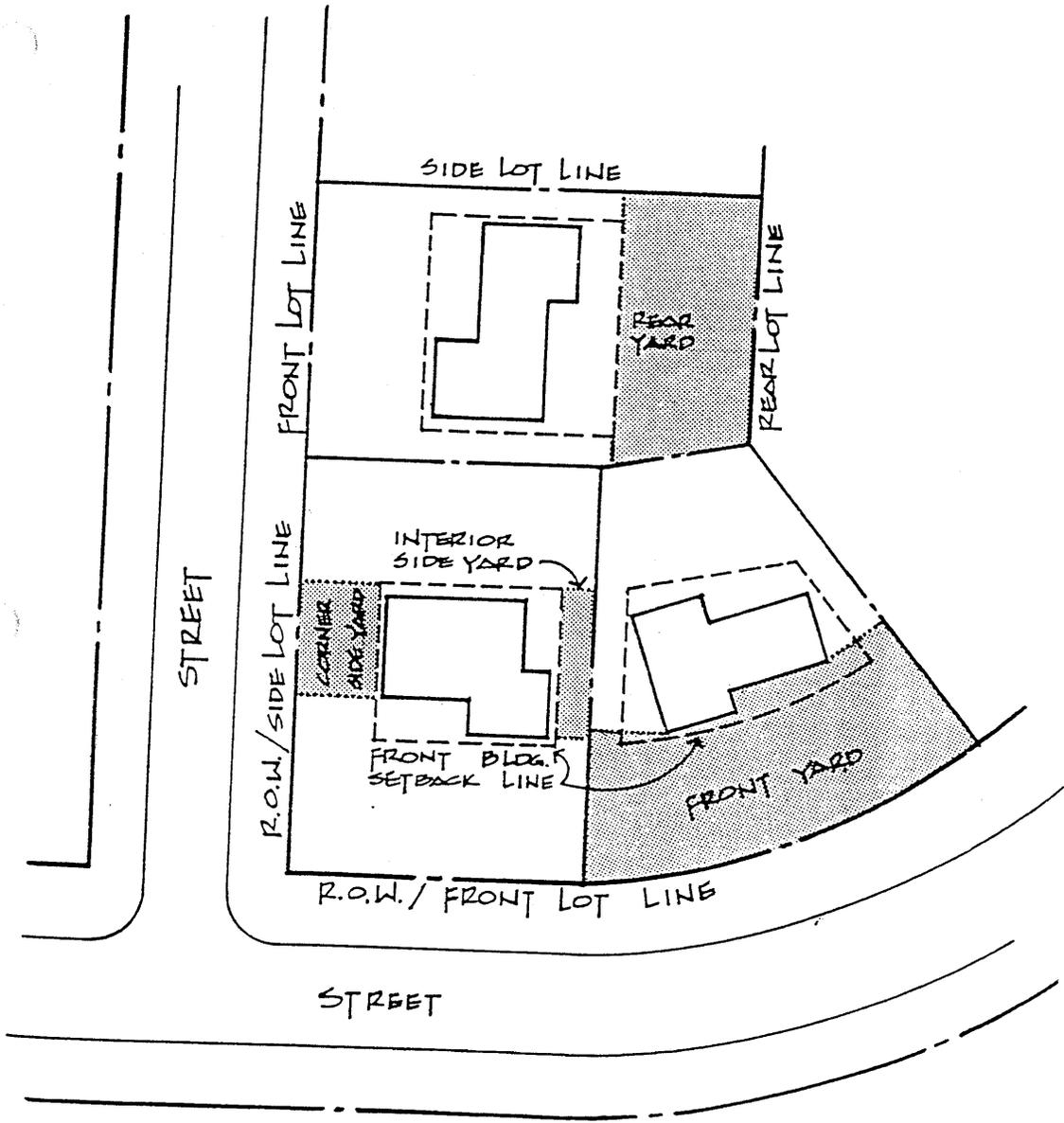
9 FOOT SPACE	DIMENSION	30°	45°	60°	90°
STALL WIDTH PARALLEL TO AISLE	A	18.0	12.7	10.4	9.0
STALL LINE LENGTH	B	34.1	25.0	22.0	18.5
STALL DEPTH TO WALL	C	17.0	17.5	19.0	18.5
MODULE	D	46.0	48.0	56.0	61.0
ONE-WAY AISLE	E	12.0	13.0	18.0	24.0
TWO-WAY AISLE	F	24.0	24.0	24.0	24.0
PARALLEL PARKING	8 FOOT WIDTH X 22 FOOT LENGTH				



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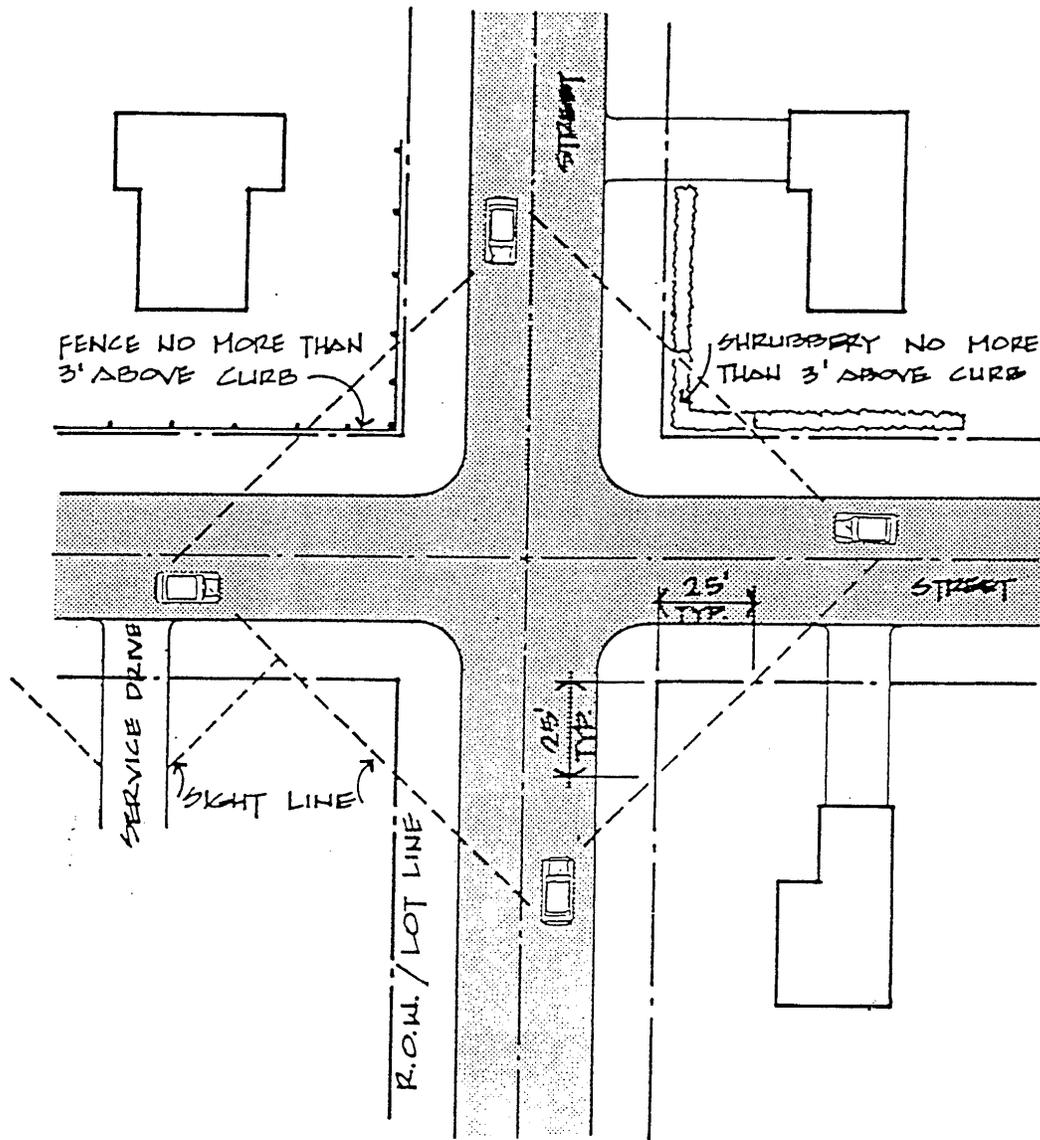
COPYRIGHT © 2006 ENGINEERING ENTERPRISES, INC.

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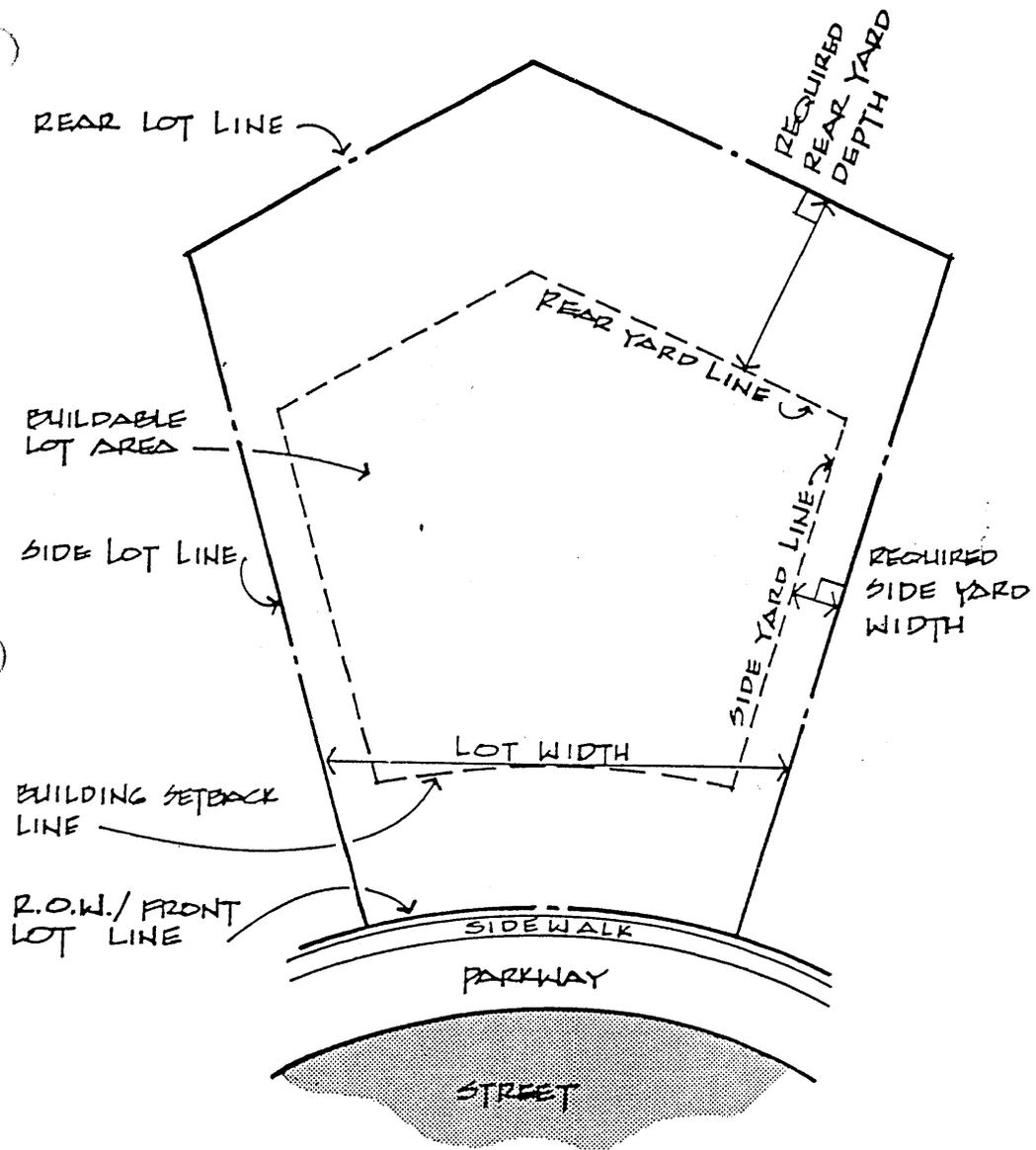
YARD REQUIREMENT DIAGRAM

A-3



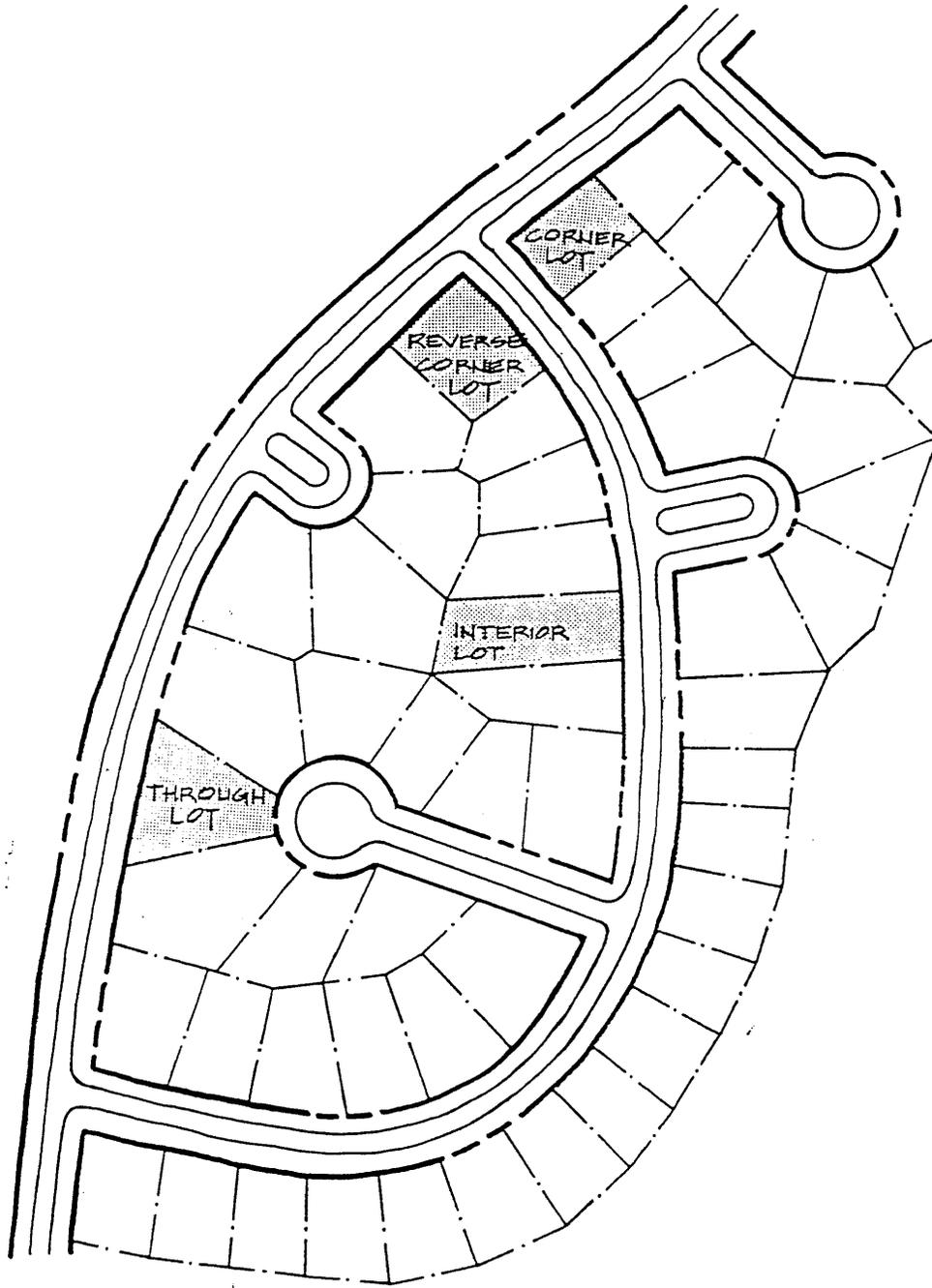
SIGHT DISTANCE TRIANGLE

A-4



**INTERIOR LOT WIDTH,
YARD LINES & BUILDABLE AREA**

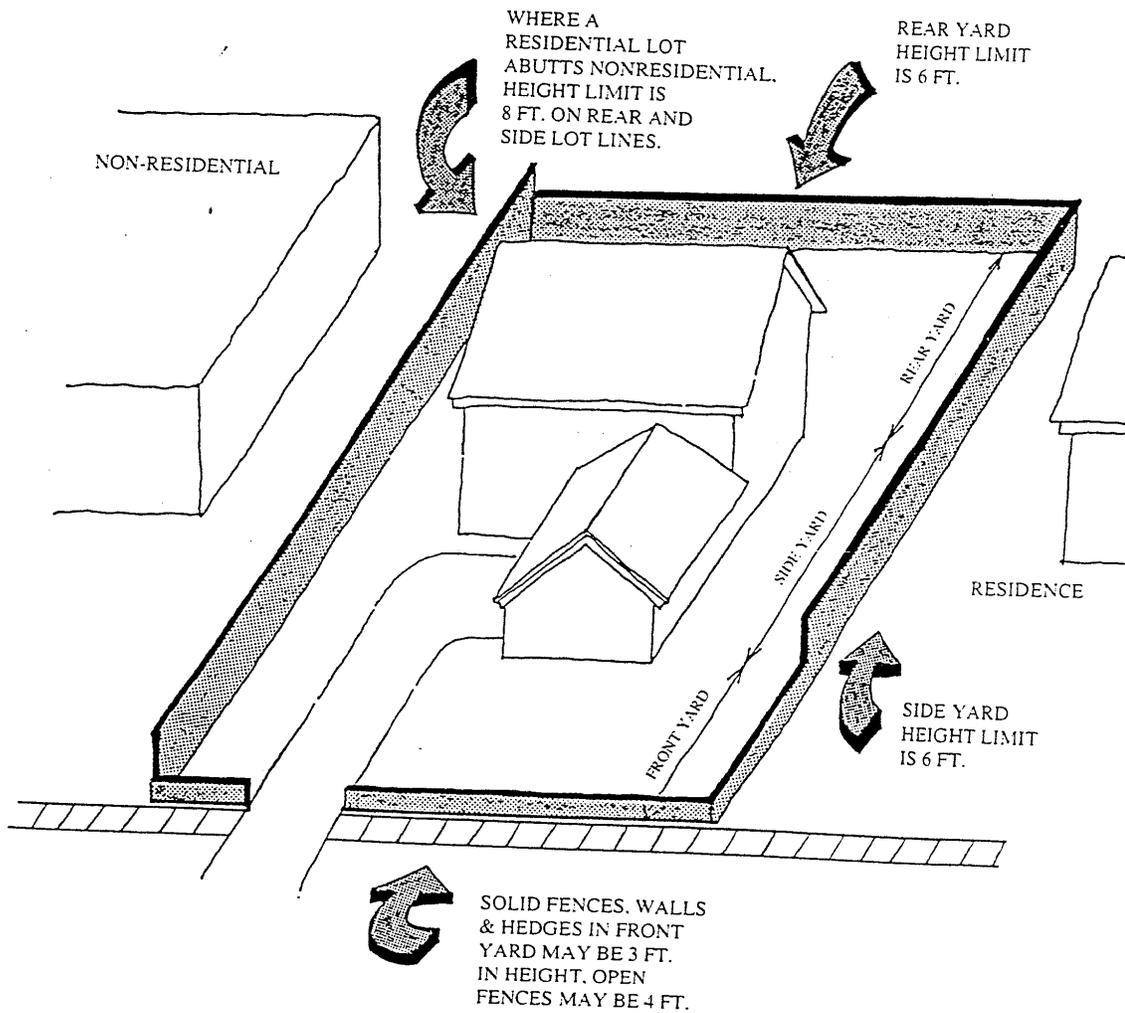
A-5



LOT TYPES

A-6

HEIGHT LIMITATIONS FOR FENCES, WALLS & OTHER STRUCTURES FOR RESIDENTIAL PROPERTY



A-7

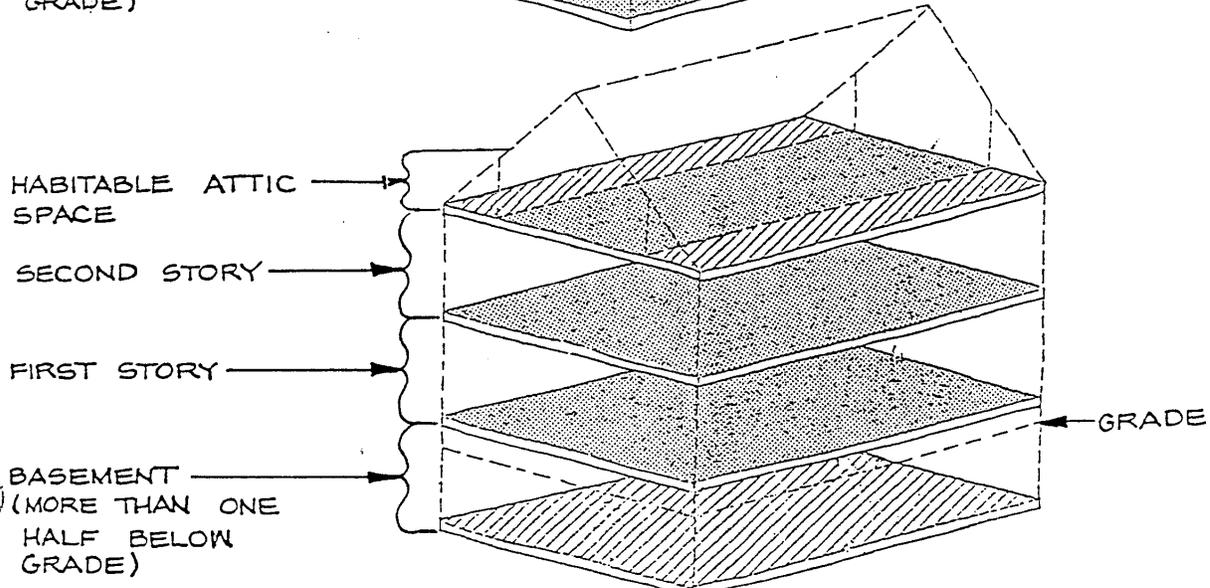
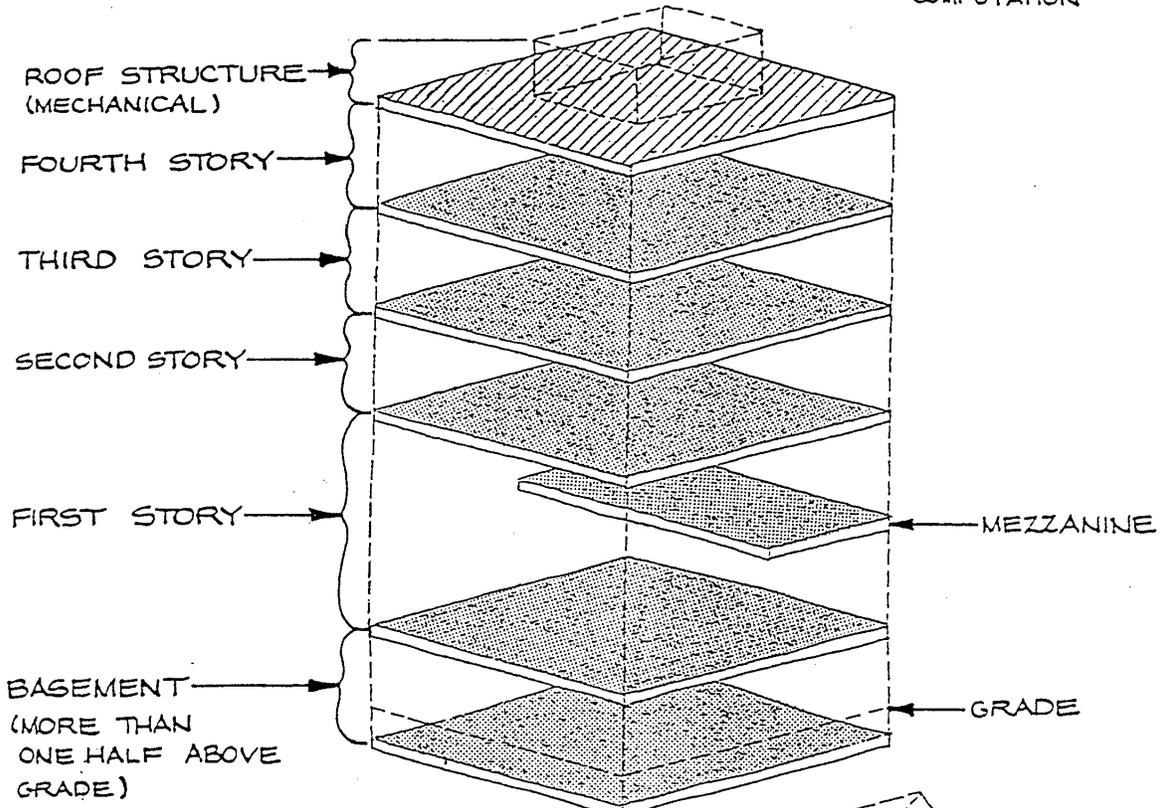
FLOOR AREA MEASUREMENT (FOR CALCULATING FLOOR AREA RATIO)



FLOOR AREA TO BE INCLUDED IN F.A.R. COMPUTATION



FLOOR AREA NOT INCLUDED IN F.A.R. COMPUTATION

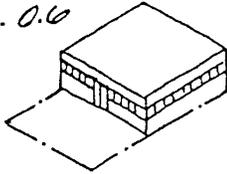


A-8

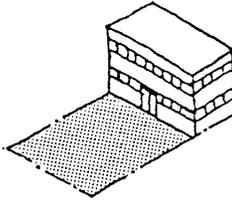
FLOOR AREA RATIO ILLUSTRATED

(NOTE: NOT EVERY ALLOWABLE F.A.R. IS SHOWN)

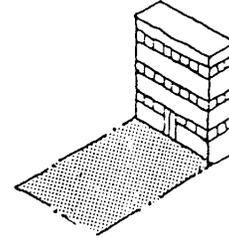
F.A.R. 0.6



60% LOT AREA
1 STORY

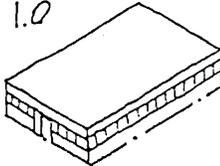


30% LOT AREA
2 STORIES

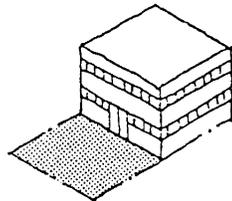


15% LOT AREA
3 STORIES

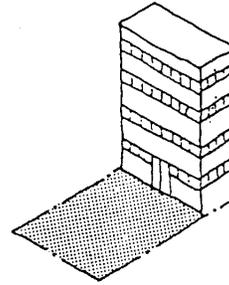
F.A.R. 1.0



ENTIRE LOT AREA
1 STORY

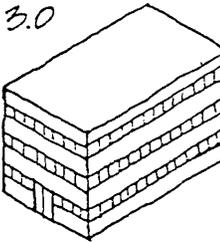


50% LOT AREA
2 STORIES

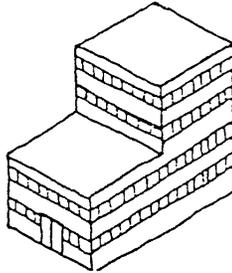


25% LOT AREA
4 STORIES

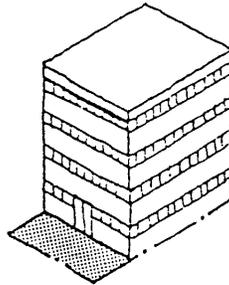
F.A.R. 3.0



ENTIRE LOT AREA
5 STORIES



50% LOT AREA
2 STORIES,
50% LOT AREA
4 STORIES



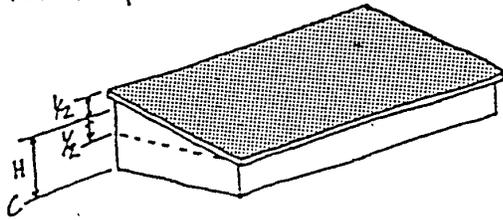
75% LOT AREA
4 STORIES

FORMULA TO DETERMINE MAXIMUM ALLOWABLE TOTAL FLOOR AREA
ON A LOT: $F.A.R. \times LOT\ AREA = TOTAL\ FLOOR\ AREA$

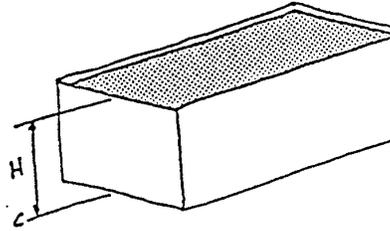
NOTE: THESE ILLUSTRATIONS DO NOT TAKE INTO ACCOUNT BUILDING SETBACK LINES, MAX. BLD'G HEIGHTS AND/OR MAX. LOT COVERAGE REFER TO APPROPRIATE SECTIONS OF ORDINANCE FOR APPLICABLE REQUIREMENTS.

BUILDING HEIGHT MEASUREMENT

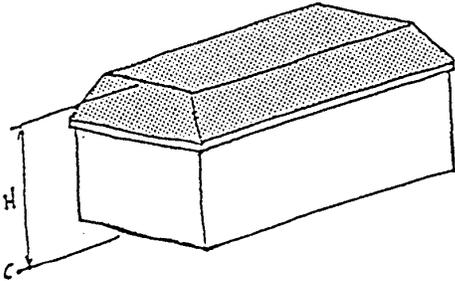
HED ROOF



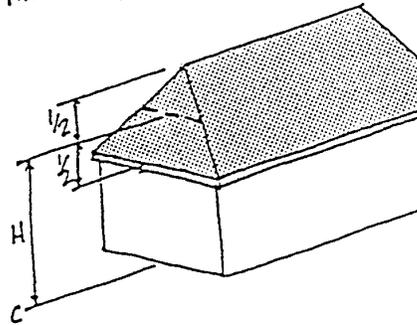
FLAT ROOF



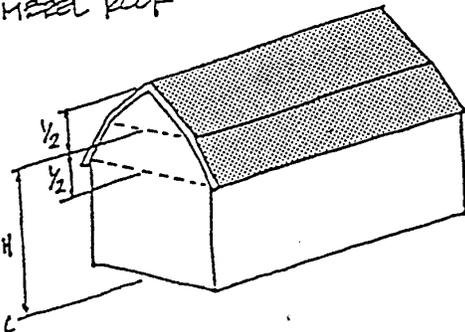
MANSARD ROOF



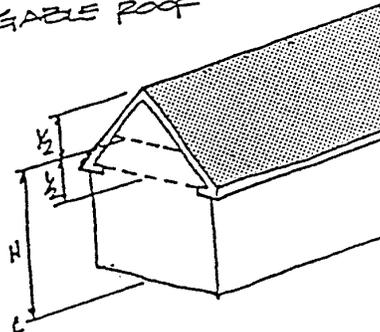
HIP ROOF



GAMBREL ROOF



GABLE ROOF



H = HEIGHT OF BUILDING
 C = CURB LEVEL OR TENTATIVE CURB LEVEL GRADE
 A 10

Appendix B – Resolutions & Ordinances

- Ordinance No. 1176. 4/25/2005 Section 4. Two Level Site Plan Review – Created a staff level site plan review process.
- Ordinance No. 1177. 4/25/2005 Section 12A. County Road Setbacks – Updated Landscape Setbacks along major roadways in the Village.
- Ordinance No. 1180. 6/27/2005 Section 9. Removal of Zoning Duplicates and Dwelling Units above existing businesses in the B-2 & B-3 Districts.
- Ordinance No. 1214. 11/14/2005 Section 8. Periodic Church Use.
- Ordinance No. 1258. 4/24/2006 Section 14. Updated Administration Section.
- Ordinance No. 1286. 10/23/2006 Section 10 & 11. Deleted Section 10 Office Research. Updated Section 11 Manufacturing District.
- Ordinance No. 1272. 11/27/2006 Section 12 Signs.
- Ordinance No. 1298. 1/8/2007 Section 4 General Provisions and Section 13 Off-Street Parking and Loading.
- Ordinance No. 1320. 4/23/2007 Section 12A Tree Preservation and Landscaping Requirements.
- Ordinance No. 1254. 5/29/07 Manufacturing Section 11.03(2) – Waste Transfer Station as SU.
- Ordinance No. 1327. 8/27/07 Sub Section 3.02 – Indoor Sports Facilities as a SU.
- Ordinance No. 1333. 11/26/07 Amending Subsection 4.15 of the Zoning Ordinance Regarding Portable Outdoor Storage Containers.
- Ordinance No. 1335. 11/26/07 Amending Subsection 4.14 of the Zoning Ordinance to Create a Time Limit on Site Plan Approvals.
- Ordinance No. 1352. 2/25/08 Amending Section 4.06(7) regarding chain link fences.
- Ordinance No. 1371. 6/23/08 Amending Section 4.06 Allowing decorative non-functioning windmills.
- Ordinance No. 1372. 7/28/08 Amending Section 14.08 creating Administrative Variances.
- Ordinance No. 1364. 1/26/09 Sections 9 & 13 – created new business zoning district and updated section format.
- Ordinance No. 1399. 1/20/09 Amending Sections 3, 4, 5, 8, 8A & 11 regarding Large Active Parks.
- Ordinance No. 1403. 4/13/09 Amending Section 12 Signs: A-Frame, Electronic Reader Board, Menu Boards.
- Ordinance No. 1404. 4/13/09 Amending Section 13.02(7) regarding prohibited parking surfaces.
- Ordinance No. 1437. 10/12/09 Amending Section 11.02 & 11.03
- Ordinance No. 1441. 12/14/09 Amending Section 12.11 regarding non-conforming signs.
- Ordinance No. 1443. 12/14/09 Amending Section 4.15 regarding mobile and stationary food vendors.
- Ordinance No. 1448. 1/11/2010 Amending Section 4.14 regarding staff level site plans.
- Ordinance No. 1463. 2/22/2010 Amending Section 3.02 & 12 regarding signs.
- Ordinance No. 1464. 5/24/2010 Amending Section 12A.00 Landscaping and Basin Planting Guidelines.
- Ordinance No. 1470. 6/28/2010 Amending Sections 9 & 11 regarding slaughterhouses/tattoo parlors.
- Ordinance No. 1476. 9/27/2010 Amending Section 12 regarding A-Frame Signs.
- Ordinance No. 1478. 11/22/2010 Amending Section 12 regarding A-Frame & T-Frame Signs.
- Ordinance No. 1481. 12/13/2010 Amending Section 4.06(10) regarding Wind Energy Turbines.
- Ordinance No. 1486. 1/24/2011 Amending Section 12.08(l)(h) regarding Political Signs.
- Ordinance No. 1498. 4/25/2011 Amending Sections 3.02, 4.05(7) and 4.06(1)-(7) regarding Accessory Uses and Bulk Regulations.
- Ordinance No. 1507. 10/24/2011 Amending Section 12.09(A)(1) regarding Awning Signs.
- Ordinance No. 1509. 10/24/2011 Amending Section 4.06 (11) regarding Solar Energy.
- Ordinance No. 1512. 11/28/2011 Amending Section 11 regarding Distribution Uses.
- Ordinance No. 1515. 1/9/2012 Amending Section 12 regarding Temporary Signs.
- Ordinance No. 1519. 1/23/2012 Amending Section 11 regarding Outdoor Uses as Principle Use.
- Ordinance No. 1541. 8/27/2012 Amending Section 12 regarding Wall Signs.

- Ordinance No. 1549 1/28/2013 Section 12.11 regarding the deletion of the Amortization Section of the Non-Conforming Sign section.
- Ordinance No. 1566 5/27/2013 Section 12.06 (2)(a) regarding the Residential Development Marketing Signs (On-Site & Off-Site).
- Ordinance No. 1571 6/24/2013 Sections 3.02, 9.05 and 11.02 regarding Adult Business Uses.
- Ordinance No. 1572 6/24/2013 Sections 3.02, 9.05 and 11.02 regarding Pawnbroker Uses.
- Ordinance No. 1584 9/23/2013 Sections 11.02 regarding Manufacturing Building Heights.
- Ordinance No. 1612 3/24/2014 Section 4.06 regarding the addition of Residential Community Library Kiosks to the Accessory Buildings and Uses Table.
- Ordinance No. 1613 3/24/2014 Section 3.02 regarding the addition of two definitions.
- Ordinance No. 1614 3/24/2014 Section 12.06 Updating the temporary sign ordinance for Community Events.
- Ordinance No. 1629 10/13/2014 Sections 4.05, 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, and 8.08 Updating lot coverage and area in residential districts.
- Ordinance No. 1634 10/28/2014 Sections 11.02 Regarding off-premises/billboard signs.
- Ordinance No. 1647 12/16/2014 Sections 9.05, 9.06, 11.02, and 11.03 Regarding recreation, commercial land use in business districts and manufacturing districts.
- Ordinance No. 1650 1/26/2015 Sections 9.05 Regarding outdoor cafés in the B-3 district.
- Ordinance No. 1653 2/9/2015 Sections 3.02, 11.02, 11.03 and 13.03 Regarding alternative surfaces definition and permitting alternative surfaces as a special use.
- Ordinance No. 1662 3/23/2015 Sections 11.02 Updating the allowable building height in the manufacturing districts.
- Ordinance No. 1666 4/27/2015 Sections 12.1(A)(2) and 12.11(A)(5)(D) Updating the ground sign ordinance and the non-conforming sign ordinance.

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